

Clearinghouse Rule 18-090

**STATE OF WISCONSIN
OFFICE OF THE COMMISSIONER OF INSURANCE**

**PROPOSED ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE
REPEALING A RULE**

The Office of the Commissioner of Insurance is petitioning the Joint Committee for Review of Administrative Rules to repeal rules the office has determined to be an unauthorized rule using the process under s. 227.26(4), Stats.

PROPOSED ORDER

An order of the Office of the Commissioner of Insurance to repeal s. Ins 11.01, Wis. Adm. Code, relating to the insurance security fund board.

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE (OCI)

Statutes interpreted:

ss. 227.10 (2), and 227.26 (4), Stats.

Statutory authority:

s. 227.26 (4), Stats.

Explanation of OCI's authority to promulgate the proposed rule under these statutes:

Pursuant to s. 227.26 (4), Stats., OCI may petition for repeal of an unauthorized rule. An unauthorized rule is one that "an agency lacks the authority to promulgate due to the repeal or amendment of the law that previously authorized its promulgation." Pursuant to s. 227.10 (2), Stats., no agency may promulgate a rule which conflicts with state law.

The plain language analysis and summary of the proposed rule:

The proposed rule repeals s. Ins 11.01, Wis. Adm. Code, relating to the insurance security fund board. Wisconsin employee welfare plans. The section sets the board membership, term, and chair. This rule was originally promulgated in 1972 and last modified in 1991.

Subsequently, 2007 Act 170, removed the authority to set board membership by rule, and instead established board membership in s. 646.12, Stats. Therefore, OCI has determined that s. Ins. 11.01, Wis. Adm. Code, is superseded by 2007 Act 170 and should be repealed as it is an unauthorized rule under s. 227.26(4), Stats.

Agency contact person:

Karyn Culver, Paralegal, at:

Phone: (608) 267-9586
Email: karyn.culver@wisconsin.gov
Address: 125 South Webster St – 2nd Floor, Madison WI 53703-3474
Mail: PO Box 7873, Madison, WI 53707-7873

The proposed rule changes are:

SECTION 1. Ins 11.01 is repealed.

SECTION 2. EFFECTIVE DATE. The rule repealed in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
