

ORDER REPEALING A PERMANENT RULE

Office of the Commissioner of Insurance – Agency 145

The Office of the Commissioner of Insurance issues an order to repeal ss. Ins 8.01 to 8.09, Wis. Adm. Code, relating to employee welfare funds.

The petition to repeal a rule on an expedited basis was submitted by the Commissioner on December 7, 2018, published in No. 756A3 on December 17, 2018. The Joint Committee for Review of Administrative Rule approved the petition on June 12, 2019.

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

Statutes interpreted:

Subch. III of ch. 227, 601.41 (3), Stats. and 2003 Wis. Act 261

Statutory authority:

Sections 601.41 (3), 601.42 (1g), Stats., and by 2003 Wis. Act 261.

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

Section 601.41 (3) (a), Stats., grants the Commissioner "rule-making authority under s. 227.11 (2), Stats." Further, prior to 2003 Wisconsin Act 261, the chapter required the commissioner to establish rules implementing the chapter as it related to requirements for employee welfare funds.

Related statutes or rules:

Sections 601.42 (1g), and 601.44, Stats., and s. Ins 6.62, Wis. Adm. Code.

The plain language analysis and summary of the proposed rule:

The proposed rule repeals ss. Ins 8.01 to 8.09, Wis. Adm. Code, relating to Wisconsin employee welfare plans. The sections contain definitions and requirements for employee welfare plans including the following: availability of information, annual statement and notice requirements, registration cancellation criteria, and record preservation requirements.

These requirements and definitions were authorized pursuant to ch. 641, Stats., that was created by Chapter 339, laws of 1977 and repealed by 2003 Wis. Act 261. Therefore, OCI has determined that ss. Ins 8.01 to 8.09, Wis. Adm. Code, should be repealed as they are unauthorized rules under s. 227.26 (4), Stats.

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The proposed rule changes are:

SECTION I. Ins 8.01 to 8.09 are repealed.

SECTION 2. EFFECTIVE DATE. This rule is effective on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register in accordance with s. 227.22 (2) (intro.), Stats.