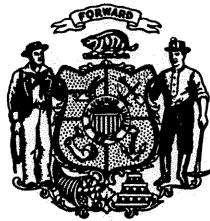


WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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Madison, WI 53701-2536
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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-040

AN ORDER to create Ins 6.59 (4) (av), relating to the exemption of attorneys seeking licensure for title insurance from certain testing requirements.

Submitted by **OFFICE OF THE COMMISSIONER OF INSURANCE**

02-15-00 RECEIVED BY LEGISLATIVE COUNCIL.

03-14-00 REPORT SENT TO AGENCY.

RNS:PS;jal;tlu

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

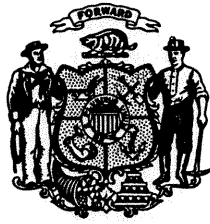
Comment Attached YES NO

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CLEARINGHOUSE RULE 00-040

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

In the introductory clause and in the text of the rule, "Ins" should replace "INS."

4. Adequacy of References to Related Statutes, Rules and Forms

Section Ins 6.59 (4) (av) refers to "form OCI 11-41 Atty (rev.)." The note following s. Ins 6.59 should be amended to include a reference to sub. (4) (av), so that readers will be informed of how to obtain the form.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In SECTION 1, the word "and" should be inserted after the "(rev.)" on line 4. On line 10, the comma should be changed to a semicolon. On line 12, a semicolon should be inserted after the word "fees."

b. In SECTION 2, the second occurrence of the word "first" should be deleted.

★ ★ ★ NOTICE OF RULEMAKING HEARING ★ ★ ★

NOTICE IS HEREBY GIVEN that pursuant to the authority granted under s. 601.41(3), Stats., and the procedure set forth in under s. 227.18, Stats., OCI will hold a public hearing to consider the adoption of the attached proposed rulemaking order affecting Section Ins 6.59, Wis. Adm. Code, relating to the exemption of attorneys seeking licensure for title insurance from certain testing requirements.

HEARING INFORMATION

Date: March 22, 2000
Time: 10:00 a.m., or as soon thereafter as the matter may be reached
Place: Room 6, OCI, 121 East Wilson Street, Madison, WI

Written comments on the proposed rule will be accepted into the record and receive the same consideration as testimony presented at the hearing if they are received at OCI within 14 days following the date of the hearing. Written comments should be addressed to: Robert Luck, OCI, PO Box 7873, Madison WI 53707

SUMMARY OF PROPOSED RULE & FISCAL ESTIMATE

For a summary of the rule see the analysis contained in the attached proposed rulemaking order. There will be no state or local government fiscal effect. The full text of the proposed changes and the fiscal estimate are attached to this Notice of Hearing.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

This rule does not impose any additional requirements on small businesses.

CONTACT PERSON

A copy of the full text of the proposed rule changes and fiscal estimate may be obtained from the OCI internet WEB site at <http://www.state.wi.us/agencies/oci/ocirules.htm> or by contacting Tammi Kuhl, Services Section, Office of the Commissioner of Insurance, at (608) 266-0110 or at 121 East Wilson Street, PO Box 7873, Madison WI 53707-7873.

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

To create INS 6.59(4)(av), Wis. Adm. Code, relating to the exemption of attorneys seeking licensure for title insurance from certain testing requirements.

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

Statutory authority: ss. 600.01(2), 601.41(3), 601.42, 628.04, Stats.

Statutes interpreted: ss. 600.01, 628.04, Stats.

This revision would exempt licensed attorneys who have taken continuing legal education dealing with title insurance within the previous year from having to take the limited line test for title insurance prior to applying for a limited line title insurance license. All other licensing requirements would apply.

(ic. of ins. agents)

SECTION 1. Section Ins 6.59(4)(av) is created to read:

avail. : S
~~INS~~ 6.59(4)(av) Application for a title insurance limited license by Wisconsin licensed attorneys. Application for a permanent resident agent title insurance limited license or an enlargement of authority to include title insurance limited license shall be made on form OCI 11-41Atty(rev.) filed with the office of the commissioner of insurance. A completed application consists of a completed OCI 11-041Atty(rev.) giving the current address for the residence of the applicant; an original certificate signed by the provider showing completion of at least 6 hours of continuing legal education approved by the Wisconsin Board of Bar Examiners dealing solely with title insurance and completed within 1 year of the application date, a copy of the applicant's current State Bar of Wisconsin membership card, an original Form DJ-LE-250 provided from the Wisconsin department of justice crime information bureau dated not more than 180 days prior to the application date; payment of the fees; and any documentation required in answer to questions on the application. *1*

206

X

X

SECTION 2. These changes will take effect on the first day of the first month after publication, as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin, this 14th day of February, 2000.

Randy Blumer
Deputy Commissioner of Insurance



JUN 15 2000

State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Tommy G. Thompson
Governor

Connie L. O'Connell
Commissioner

June 15, 2000

121 East Wilson Street • P.O. Box 7873
Madison, Wisconsin 53707-7873
Phone: (608) 266-3585 • Fax: (608) 266-9935
E-Mail: Information@oci.state.wi.us
http://badger.state.wi.us/agencies/oci/oci_home.htm

HONORABLE JUDITH ROBSON
SENATE CO-CHAIRPERSON
JOINT COMM FOR REVIEW OF ADM RULES
15 SOUTH STATE CAPITOL
MADISON WI 53702

Re: Section Ins 6.59(4)(av) and 6.59 (note), Wis. Adm. Code, relating to the exemption of attorneys seeking licensure for title insurance from certain testing requirements

Clearinghouse Rule No. 00-040

Dear Senator Robson:

I am enclosing a copy of this proposed rule which has been submitted to the presiding officers of the legislative houses under s. 227.19 (2), Wis. Stat. A copy of the report required under s. 227.19 (3), Wis. Stat., is also enclosed.

Sincerely,

Randy Blucher
Deputy Commissioner of Insurance

RB:RL

Attachment: 1 copy rule & legislative report

**PROPOSED ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE CREATING AND
AMENDING A RULE**

To create Ins 6.59(4)(av), to amend Ins 6.59 (note), Wis. Adm. Code, relating to the exemption of attorneys seeking licensure for title insurance from certain testing requirements.

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

Statutory authority: ss. 600.01(2), 601.41(3), 601.42, 628.04, Stats.

Statutes interpreted: ss. 600.01, 628.04, Stats.

This revision would exempt licensed attorneys who have taken continuing legal education dealing with title insurance within the previous year from having to take the limited line test for title insurance prior to applying for a limited line title insurance license. All other licensing requirements would apply.

SECTION 1. Section Ins 6.59(4)(av) is created to read:

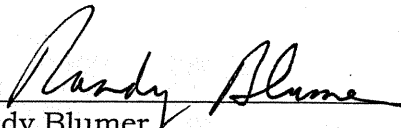
INS 6.59(4)(av) *Application for a title insurance limited license by Wisconsin licensed attorneys.* Application for a permanent resident agent title insurance limited license or an enlargement of authority to include title insurance limited license shall be made on form OCI 11-41Atty(rev.) and filed with the office of the commissioner of insurance. A completed application consists of a completed OCI 11-041Atty(rev.) giving the current address for the residence of the applicant; an original certificate signed by the provider showing completion of at least 6 hours of continuing legal education approved by the Wisconsin Board of Bar Examiners dealing solely with title insurance and completed within 1 year of the application date, a copy of the applicant's current State Bar of Wisconsin membership card; an original Form DJ-LE-250 provided from the Wisconsin department of justice crime information bureau dated not more than 180 days prior to the application date; payment of the fees; and any documentation required in answer to questions on the application.

SECTION 2. Section Ins 6.59 (Note) is amended to read:

6.59 (Note) Note: A copy of the forms referenced in subs. (4) (a), (am), (as), (av) and (5) (b), may be obtained from the office of the commissioner of insurance, P.O. Box 7872, Madison, WI 53707-7872.

SECTION 3. These changes will take effect on the first day of the month after publication, as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin, this 15th day of June, 2000.



Randy Blumer
Deputy Commissioner of Insurance

FISCAL ESTIMATE WORKSHEET

1999 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R06/99)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB Number	Amendment No. if Applicable
Bill Number	Administrative Rule Number INS 6.59

Subject

the exemption of attorneys seeking insurance licensure for title insurance from certain testing

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
None


II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
CTION INS 6.59, WIS. ADM. CODE, RELATING TO THE EXEMPTION OF ATTORNEYS SEEKING LICENSURE FOR TITLE INSURANCE FROM CERTAIN TESTING REQUIREMENTS.	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ 0-

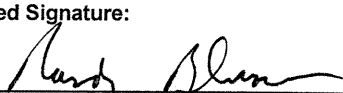
NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS \$ _____ 0 \$ _____ 0
NET CHANGE IN REVENUES \$ _____ 0 \$ _____ 0

Prepared by: Robert Luck	Telephone No. 266-0082	Agency Insurance
Authorized Signature: 	Telephone No. 267-1233	Date 2/14/2000

1999 Session		LRB Number
FISCAL ESTIMATE		Bill Number
DOA-2048 N(R06/99)	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> CORRECTED	<input type="checkbox"/> UPDATED <input type="checkbox"/> SUPPLEMENTAL
Subject the exemption of attorneys seeking insurance licensure for title insurance from certain testing requirements		Amendment No. if Applicable
		Administrative Rule Number INS 6.59
Fiscal Effect State: <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
Local: <input checked="" type="checkbox"/> No local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		Affected Chapter 20 Appropriations
Assumptions Used in Arriving at Fiscal Estimate		
Long-Range Fiscal Implications None		
Prepared by: Robert Luck	Telephone No. 266-0082	Agency Insurance
Authorized Signature: 	Telephone No. 267-1233	Date 2/14/2000



State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Tommy G. Thompson
Governor

Connie L. O'Connell
Commissioner

121 East Wilson Street • P.O. Box 7873
Madison, Wisconsin 53707-7873
Phone: (608) 266-3585 • Fax: (608) 266-9935
E-Mail: Information@oci.state.wi.us
http://badger.state.wi.us/agencies/oci/oci_home.htm

REPORT ON Section Ins 6.59(4)(av), Wis. Adm. Code,
relating to the exemption of attorneys seeking licensure for
title insurance from certain testing requirements

Clearinghouse Rule No 00-040
Submitted Under s. 227.19 (3), Stats.
The proposed rule-making order is attached.

(a) Statement of need for the proposed rule

This rule would allow attorneys who wish to market title insurance to obtain the title license without testing for the title line but instead taking a day of Continuing Legal Education dealing with title insurance.

(b) Modifications made in proposed rule based on testimony at public hearing:

None

(c) Persons who appeared or registered regarding the proposed rule:

Appearances For:

Douglas Kammer	Kammer Law Office
Walter Stewart	Stewart Law Office
Richard Morzinski	Radosevich Mozinski & Cashman, LLP
James E Powers	Attorneys' Title Guaranty Fund, Inc.

Appearances Against:

Peter Christianson	Wisconsin Land Title Association
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Appearances For Information: None

Registrations For: None

Registrations Against: None

Registrations Neither for nor against: None

Letters received:

Jerome Mercer	Cross, Jenks, Mercer and Maffei
Louis J. Andrew, Jr.	Andrew Law Offices, SC
Ronald Antoine	Wisconsin Land Title Association

(d) Response to Legislative Council staff recommendations

All comments were complied with and corrected

(e) Regulatory flexibility analysis

1. None of the methods specified under s. 227.14 (2), Stats., for reducing the rule's impact on small businesses were included because all must be treated equally and thus it is not possible to have different rules for one segment of the population.
2. No issues were raised by small businesses during the hearing on the proposed rule.
3. The proposed rule does not impose any additional reporting requirements on small businesses.
4. The proposed rule does not require any additional measures or investments by small businesses.
5. No methods specified under s. 227.114 (2), Stats., are included in the proposed rule.
6. No methods specified under s. 227.114 (2), Stats., are included in the proposed rule.

(f) Fiscal Effect

See fiscal estimate attached to proposed rule.

Attachment: Legislative Council Staff Recommendations
June 15, 2000