

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0995/P1dn
PJK:jld:jf

November 16, 2000

I drafted this request using the language of the administrative rule (s. Ins 4.01 (2) (e), Wis. Adm. Code) that was found by the Wisconsin supreme Court in the *Seider* case to be invalid because it exceeded the statutory authority of OCI. The reason I drafted it this way is because, if the word "solely" is inserted in front of "as a dwelling" in s. 632.05 (2), there will be a question, which might result in further litigation, about whether the statute applies to someone who incidentally carries on some form of commercial activity in his or her home, such as teaching piano lessons. As drafted, the statute would apply to such a person. If this is not your intention, however, I will redraft the request in a much more limited manner.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us