

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3620/P1dn
PJK:jld:rs

December 6, 2013

1. I did not fully understand proposed s. 617.215. Proposed sub. (1) of that section gave the commissioner authority to participate in a supervisory college for a domestic insurer that is part of an insurance holding company system with international operations in order to determine the insurer's compliance with ch. 617, but the subsection began with "with respect to any insurer registered under s. 617.21." Are these two different types of insurers? As far as I can tell, there is no registration under s. 617.21, so I'm not sure what the "with respect to" clause is intended to do.

Proposed sub. (3) of that new section gave the commissioner authority to participate in a supervisory college in order to do a number of things with respect to individuals insurers. Is this something different and additional to what the commissioner may do under sub. (1)? Is the commissioner's participation in a supervisory college for different purposes depending on the type of insurer involved? What types of insurers are involved? The only type I'm sure of is a domestic insurer that is part of an insurance holding company system with international operations. Basically, I'm not sure what the difference between proposed subs. (1) and (3) are.

2. Rather than creating a whole new chapter (ch. 622), which is a little out of place there, would it be possible to have ch. 622 be a subchapter in ch. 619? Both new ch. 622 and current ch. 619 (which would also become a subchapter in ch. 619) relate to risk. If so, I would need a title for the new chapter that ties both subchapters together. Additionally, if new ch. 622 became a subchapter in ch. 619, would any of the cross-references to ch. 619 in any of the following sections cause a problem: ss. 165.55 (14), 610.01 (intro.), 611.23 (3), and 614.05 (1). The cross-references to ch. 619 in ss. 631.36 (7) (a) and 646.01 (1) (a) 2. k. would be amended to subch. I of ch. 619 (currently ch. 619).

3. I removed purpose statements and legislative intent statements from new ch. 622 since we do not include them, except under certain extreme circumstances, such as for provisions that might be considered unconstitutional.

4. I did not include a severability clause in new ch. 622 since we have s. 990.001 (11).

5. I did not include the penalty provision in new ch. 622 because all of the penalties in s. 601.64, as appropriate, would apply. Was it your intention to limit the penalties?

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