

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 97-143

### 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 October 1994.]**

#### 2. Form, Style and Placement in Administrative Code

a. Section 40.03 (2) (ig), Stats., provides that the Secretary of the Department of Employee Trust Funds (DETF) must, with the approval of the Group Insurance Board, promulgate rules required for the administration of long-term care plans. A reference should be included regarding the approval of the Group Insurance Board.

b. The analysis should include a statement of the statutes interpreted by the rule as well as a statement of the statutes authorizing the rule’s promulgation.

c. SECTION 1 of the rule states “Repeal ETF 41.02 (4).” This should be written as “ETF 41.02 (4) is repealed.” [See examples in ss. 1.04 to 1.06, Manual.] A similar comment applies to each of the SECTIONS of the rule. Also, the phrase “as follows” should be deleted in the introductory language of SECTIONS 3 and 4.

d. SECTION 2 of the rule should be rewritten as follows: “ETF 41.02 (5) (intro.), (a), (b) and (c) are renumbered ETF 41.02 (5) (a) 1., 2. and 3.” The text of the rule should not be included as it is not amended.

e. In s. ETF 41.02 (5) (a) 4., the two references to “five percent” should be changed to “5%.” Also in s. ETF 41.02 (5) (b), the three references to the number “three” should be written as numerals. [See s. 1.01 (5), Manual.]

f. In s. ETF 41.02 (5) (b), the reference to “subd. 4.” should be changed to “par. (a) 4.” [See s. 1.07 (2), Manual.]

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

a. Section ETF 41.02 (5) (a) 4. states that there must be a guarantee of the right to periodically increase daily and remaining lifetime maximum benefit levels by an amount “not less than the difference between the annually compounded five percent and an inflation index as specified in the policy and approved by the department.” If the inflation index were, for example, 7%, then the difference between the two numbers would be 2%. If the inflation index were, for example, 3%, then the difference between the two numbers would also be 2%.

If that is not the intended result, then the provision should be clarified, for example, by specifying that it is an amount not less than the amount by which the inflation index specified in the policy and approved by DETF exceeds the annually compounded 5%.

b. Section ETF 41.02 (5) (b) twice refers to “additional coverage” and then refers to an insurer’s offering the “additional benefit.” To be consistent, it appears that the phrase “additional benefit” should be changed to “additional coverage.”