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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 11-021

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

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

SECTION 7 should include a title and be rewritten as follows: “SECTION 7. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.” [s. 1.02 (4), Manual.]

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

a. Under heading 1. of the OCI’s analysis, why are the statutes interpreted different from those set forth in current s. Ins 6.07 (1), namely ss. 631.20 (2) (a) and 631.22? It appears that the latter are the correct citations.

b. Under heading 2., the statement of statutory authority cites eight statutory provisions. Some of them, such as ss. 600.01 (2), 601.42, and 631.21, do not appear to be the relevant authority for this rule. It appears that s. 631.22 (2) alone could be cited as statutory authority, since that provision requires the commissioner to promulgate rules establishing standards for the determination of compliance with the requirements for policy readability.

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

a. In the OCI’s analysis, under heading 3., “insures” should be changed to “insurers”. Also, after the first sentence, a sentence should be added stating that s. 631.22 (2), Stats., directs OCI to promulgate rules establishing standards for the determination of compliance with the

requirements for coherence, commonly understood language, etc. The last sentence in that provision is not an explanation of OCI's authority and should be deleted or moved to heading 5.

b. The plain language analysis is ungrammatical, with missing or repeated words and inadequate punctuation. Further, it fails to adequately explain the rule content and the changes made to existing rules, as required in s. 1.02 (2) (c), Manual. For example, the analysis states that the proposed rule returns the readability score to 40, but does not explain what the readability score is in the current rule. Further, it states that the proposed rule replaces certain current provisions "with language in place in 2010", but does not specify which current provisions are being modified or explain what language "was in place" in 2010. Each current rule provision modified in the proposed rule should be specified, and the particular change identified. Where current rule provisions are repealed, as in SECTIONS 3, 4, and 5 of the rule, those repeals should be explained. The entire analysis should be reviewed and rewritten for clarity and content.

c. The language in SECTION 2 should be clarified. The provision recreated in SECTION 2 reads: "It contains a single section listing exclusions, or the exclusions are given at least equal prominence." The clause relating to equal prominence is unclear. Does the language require an exclusion to be equally as prominent as every other exclusion? Alternatively, does the language require exclusions to be equally as prominent as other portions of the policy? Although "equal prominence" is used in the current rule, it nevertheless could be clarified.

d. The language in SECTION 6 appears to be unnecessary and could be deleted. Because it is not placed in a numbered rule provision, it will not appear in the Wisconsin Administrative Code when the rule is published.