



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 17-004

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 December 2014.]

2. Form, Style and Placement in Administrative Code

- a. In the introductory clause for the proposed rule, the designation “(intro.)” should be added after “Ins 52.02”. [s. 1.03 (3), Manual.]
- b. In the rule analysis, a heading and entry should be inserted for the statutory authority to promulgate the proposed rule. The first sentence under the heading for the explanation of the statutory authority could be moved to this part. [s. 1.02 (2) (a) 2., Manual.]
- c. In the rule analysis’s explanation of agency authority to promulgate the proposed rule, a narrative explanation of the statutory authority should be given. The entry briefly describes the statutes that are interpreted, but not the statutes that are given as authority. [s. 1.02 (2) (a) 3., Manual.]
- d. In the treatment clause for SECTION 1 of the proposed rule, the designation “(intro.)” should be added after “Ins 52.02”.
- e. It appears that the word “Commissioner” as used in ch. Ins 52 is not defined and should be inserted. [s. 1.01 (7), Manual.]
- f. Throughout the proposed rule, separate SECTIONS could be combined if they affect two or more subunits of the same rule section by the same treatment. For example, SECTIONS 1 and 2 could be combined, as could SECTIONS 6 to 8, 9 to 11, 15 and 16, and 17 and 18. [s. 1.04 (2) (a) 4., Manual.]

g. In s. Ins 52.02 (4) (d), the strike-through of the phrase “and, in” should be shown contiguously with the strike-through that is shown earlier in the paragraph. New underscored material should be inserted at the end of all stricken material. [s. 1.06 (1) (a), Manual.]

h. In several instances, the proposed rule could be reorganized to ensure that the placement of created provisions fits with introductory text and with the scope of other same-order provisions. For example, in SECTION 7, the new provision does not appear to fit within the parameters in s. Ins 52.02 (4) (intro.). Similarly, in SECTION 8, s. Ins 52.02 (4m) (a) 5. g. should be created as a stand-alone paragraph, because it does not appear to fit with the list of subdivision paragraph provisions.

i. In s. Ins 52.02 (4) (f), the Arabic numeral “3” should replace the word “three”. Review the proposed rule to replace other written-out numbers with Arabic numerals. [s. 1.01 (5), Manual.] Also, the phrase “thirty percent” and the parentheses around “30%” should be removed.

j. In s. Ins 52.02 (4m) (intro.), the text should be phrased and formatted as an introduction for the subunits that follow that material. For example, the phrase “in accordance with the requirements of this subsection.” could be replaced with the phrase “by complying with all of the following requirements:”. [s. 1.03 (3), Manual.]

k. Throughout s. Ins 52.02 (4m), each instance of the word “must” should be replaced with the word “shall”. [s. 1.01 (2), Manual.]

l. In s. Ins 52.02 (4m), the use of the acronym “GAAP” should be defined. [s. 1.01 (8), Manual.]

m. In s. Ins 52.02 (4m) (a) 1., replace “paragraph (c) of this subsection” with “par. (c)”. [s. 1.07 (2), Manual.]

n. In s. Ins 52.02 (4m) (a) 3. f., “subdivision paragraph (g)” should be replaced with “subpar. g.”. [s. 1.03 (1), Manual.]

o. In s. Ins 52.02 (4m) (a) 5. (intro.), “Stats.” should replace “Wis. Stat.”. [s. 1.07 (2), Manual.]

p. In s. Ins 52.02 (4m) (a) 5. c., “subdivision paragraph” should be replaced with “subpar.”.

q. In s. Ins 52.02 (4m) (a) 6. f. and g., “par.” should be replaced with “sub.”.

r. In s. Ins 52.02 (4m) (b) (intro.), replace “paragraph” with “par.”.

s. In s. Ins 52.02 (4m) (c) (intro.) and (d) (intro.), the text should be phrased and formatted as an introduction for the subunits that follow that material.

t. In s. Ins 52.02 (4m) (d) 3., replace “Section” with “s. Ins”.

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

a. In SECTION 5 of the proposed rule, the word “an” should be added before “amount” on the 10th line of the amended paragraph. In addition, in the 11th line of the paragraph, should the apostrophe be moved after the “s” in “underwriters”?

b. Some parts of s. Ins 52.02 (4m) refer to “certified reinsurers”, while others refer to “assuming insurers” or to “an applicant”. It appears that these separate terms are referring to the same entity; the provisions should be modified to use consistent terminology.

c. In s. Ins 52.02 (4m) (a) 2., add “a” before “central fund”.

d. In s. Ins 52.02 (4m) (a) 3. b., “The Commissioner may consider” should be removed to make the provision consistent with other provisions in s. Ins 52.02 (4m) (a) 3. In addition, the semicolon should be changed to a comma, and “, or both” should be added after “reasons for the amount of disputed or overdue claims”.

e. In s. Ins 52.02 (4m) (a) 3. g., “opinion” should be replaced with “opinions”, or the particular opinion intended should be specified.

f. In s. Ins 52.02 (4m) (a) 3. i., the semicolon should be replaced with a period.

g. In s. Ins 52.02 (4m) (a) 5. d., “if available, audited” should be replaced with “if available. Audited”.

h. Section Ins 52.02 (4m) (a) 5. f. should be modified to specify when or how often the reporting requirement applies.

i. In s. Ins 52.02 (4m) (a) 6. e., the phrase “certified reinsure” should be revised to “certified reinsurer”.

j. Generally, s. Ins 52.02 (4m) (c) could be revised to be organized more effectively. In addition, in s. Ins 52.02 (4m) (c) 1., consider replacing “ongoing” with “on an ongoing basis” or similar text. In s. Ins 52.02 (4m) (c) 2. g., the last sentence should be removed, because it duplicates text in subd. 1. Also, consider moving s. Ins 52.02 (4m) (c) 4. to the paragraph relating to certification.

k. In SECTION 13 of the proposed rule, strike the comma after “(4)”.

l. SECTION 20 should be revised to ensure that references to various rule provisions are formatted consistently.