



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 22-076

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

1. Statutory Authority

In the analysis for the proposed rule, it appears that the listing of statutes interpreted should be revised to remove ss. 227.10 and 227.11, Stats., as those provisions are not statutes that are enforced or administered by the agency. It also appears that the listing of statutory authority should be revised to remove s. 227.10 (2), Stats., as that provision does not provide rulemaking authority. [s. 1.01 (2) (c) 1. and 2., Manual.]

2. Form, Style and Placement in Administrative Code

a. The introductory clause for the proposed rule should be revised to conform to the style prescribed by s. 1.01 (1) of the Manual. An introductory clause begins with an enumeration of all of the rule provisions treated by the proposed order and the nature of the treatment and is followed by a relating clause that concisely states the subject matter of the proposed order.

b. It appears that the citation in the rule caption to the statement of scope affiliated with the proposed rule should be corrected to reference SS 159-20, as noted by the agency in communication subsequent to submission of the proposed rule to the Clearinghouse.

c. In the analysis for the proposed rule, the agency should insert a heading and summary for any comments received during a preliminary comment period or public hearing on the statement of scope. [s. 1.01 (2) (a) 7., Manual.]

d. In the rule analysis' comparison of similar rules in adjacent states, the agency should provide a narrative discussion of the substance of the other states' rules.

e. Following the analysis for the proposed rule, consider removing the phrase “The proposed changes are:” and instead inserting a heading for “Text of Rule”.

f. In SECTION 1 of the proposed rule, amending s. Ins 6.17 (5), the period following the stricken material that is shown with a strike-through should be removed. The final period following the underscored material should be shown without underscoring. [s. 1.04 (4) (d), Manual.] The

same comment applies to SECTIONS 3 and 5 of the proposed rule, amending ss. Ins 6.18 (2) and 6.19 (3), respectively.

g. In SECTION 7 of the proposed rule, the treatment clause should be revised to insert “(intro.)” following “Ins 13.08 (3)”. [s. 1.11 (1), Manual.]

h. Also, in SECTION 7 of the proposed rule, amending s. Ins 13.08 (3) (intro.), to accurately reflect the current text of the rule, the double comma that is shown with a strike-through of the second comma should be revised to show only the second comma with its strike-through. In other words, the first comma in the double comma that is shown without a strike-through or underscoring should be removed. In addition, the comma following “insurers” that is shown with a strike-through should be shown without a strike-through.