

Clearinghouse Rule 18-091

**STATE OF WISCONSIN
OFFICE OF THE COMMISSIONER OF INSURANCE**

**PROPOSED ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE
REPEALING A RULE**

The Office of the Commissioner of Insurance is petitioning the Joint Committee for Review of Administrative Rules to repeal rules the office has determined to be an unauthorized rule using the process under s. 227.26(4), Stats.

PROPOSED ORDER

An order of the Office of the Commissioner of Insurance to repeal ss. Ins 8.01 to 8.09, Wis. Adm. Code, relating to employee welfare funds.

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE (OCI)

Statutes interpreted:

ss. 227.10 (2), and 227.26 (4), Stats.

Statutory authority:

s. 227.26 (4), Stats.

Explanation of OCI's authority to promulgate the proposed rule under these statutes:

Pursuant to s. 227.26 (4), Stats., OCI may petition for repeal of an unauthorized rule. An unauthorized rule is one that "an agency lacks the authority to promulgate due to the repeal or amendment of the law that previously authorized its promulgation." Pursuant to s. 227.10 (2), Stats., no agency may promulgate a rule which conflicts with state law.

The plain language analysis and summary of the proposed rule:

The proposed rule repeals ss. Ins 8.01 to 8.09, Wis. Adm. Code, relating to Wisconsin employee welfare plans. The sections contain definitions and requirements for employee welfare plans including; availability of information, annual statement and notice requirements, registration cancellation criteria, and record preservation requirements.

These requirements and definitions were authorized pursuant to ch. 641, Stats., that was created by Chapter 339, laws of 1977 and repealed by 2003 Wis. Act 261.

Therefore, OCI has determined that ss. Ins 8.01 to 8.09, Wis. Adm. Code, should be repealed as they are unauthorized rules under s. 227.26 (4), Stats.

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The proposed rule changes are:

SECTION 1. Ins 8.01 to 8.09 are repealed.

SECTION 2. EFFECTIVE DATE. The rule repealed in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
