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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 03-125

#### 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 2002.]**

#### 1. Statutory Authority

Section 102.31 (2) (a), Stats., states, in part, that the department may provide by rule that the notice of cancellation or termination of a contract of insurance be given by certified mail or facsimile machine transmission to the Wisconsin Compensation Rating Bureau rather than to the department. Section DWD 80.65 provides that this notice may be given by certified mail, personal service, facsimile machine transmission, electronic mail, or any electronic, magnetic, or other medium approved by the department. While the rule amendment may be a positive recognition of new means of communication, what statutory authority exists for the amendment? Perhaps an amendment to the statute is in order.

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

a. “SECTION 5. DWD 80.02 (3m) (a)” should be changed to “SECTION 5. DWD 80.02 (3m) (a) (title)” and the notation “(title)” should be inserted in the text of the rule preceding the newly created title.

b. In s. DWD 80.02 (3m) (b) 3., the phrase “shall, within its discretion,” should be replaced by the word “may.”

c. In the treatment clause of SECTION 7, the notation “(intro.)” should be inserted after the citations to “80.72 (3) (a)” and “80.73 (3) (a).” The notation “(intro.)” also should be inserted in the text of the rule preceding the amended introductory provisions.

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

a. In s. DWD 80.02 (3m) (b) 2., "...writing and set forth..." should be changed to "...writing and shall set forth..."

b. Section DWD 80.52 is confusing. First, how does one determine when payment is to begin? Is it the later of sub. (1) or (2)? Second, in the introduction, could "...insurer shall begin payment..." be changed to "...insurer shall immediately begin payment..."? Third, in sub. (2), "...under sub. (1), and in the event that..." should be changed to "...under sub. (1). If..." Finally, "...within 30 days of a receiving a report..." should be changed to "...within 30 days of receiving a report...."