



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE RULE 09-022

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

a. In the treatment clause for SECTION 1, a period should be inserted after “intro”. Also, in all of the treatment clauses for the rule, “Section” should be deleted from before “Ins”.

b. In s. Ins 2.13 (12), the rule-making order should direct the Legislative Reference Bureau to insert the effective date. This comment also applies to sub. (12m).

c. In s. Ins 6.58 (5), there is no reference to par. (c). Should that paragraph be repealed?

d. In s. Ins 6.59 (4) (a), “the current mailing address for the applicant;” should be underscored because it is new language.

e. In s. Ins 6.59 (4) (c), “Examination scores are valid for 30 days. Failure to apply for a license within 30 days will require candidate to re-test.” should be underscored because it is new language. Also in that second sentence, “candidate to re-test” should be replaced by “a candidate to re-take the examination”. Also in that paragraph, “granted” should be replaced with “issued” to reflect the current language.

f. In s. Ins 6.61 (15), “œ” should precede “₂”.

g. In the treatment clause for SECTION 21, “(intro.)” should be inserted after “Ins 26.06 (1)” and “(1) (a)” should be replaced with “(a)”.

h. The treatment clause for SECTION 28 should read “Ins 28.04 (1) (b) 1. is renumbered Ins 28.04 (1) (b) and amended to read:”. This comment also applies to SECTION 35.

i. In s. 28.06 (5) (f), “electronic” should follow “~~written~~”. Stricken material should precede adjacent underscored material.

3. Conflict With or Duplication of Existing Rules

a. SECTION 38 creates s. Ins 28.07 (8) (f), but there is no sub. (8) in s. Ins 28.07. If that subsection is created in another rule-making order, that should be noted in the treatment clause.

b. SECTION 39 repeals s. Ins 28.09. However, it does not modify references to that section in current ss. Ins 28.06 (2) (b) 3. and (7) (b) and 28.07 (1) (d).

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

a. In s. Ins 2.13 (12), “par. 6.59 (4) (an)” should be replaced with “s. Ins 6.59 (4) (an)”, and “subd. Ins 6.50 (2) (a) 6.” should be replaced with “s. Ins 6.50 (2) (a) 6.” This comment also applies to sub. (12m).

b. In SECTION 8’s treatment clause and subsequent treatment clauses, “&” should be replaced with “and”.

c. In s. Ins 26.07 (2), “Ins” should be inserted before “26.09”.

d. In s. Ins 26.09 (2), “ch.” should be inserted before “Ins 26”.

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

a. In the portion of the plain language summary in the analysis that relates to persons holding securities licenses, teacher licenses, and health care professional licenses, the agency should include citations to statutes or rules that require fingerprints. Also, it would be helpful to specify what contract requires destruction of the fingerprint checks.

b. In s. Ins 6.58 (5) (a), where the fee amounts are stricken, the dollar sign should be stricken as well.

c. In s. Ins 6.58 (5) (b), the period after “revoked” should not be underscored.

d. In s. Ins 6.59 (2), the slash should be replaced with “or”. This comment also applies to s. Ins 26.09 (3).

e. In s. Ins 6.59 (8) (a), (b), and (e), the comma following the first instance of “agent” should not be stricken. Also, in par. (e), what type of “other evidence” may a nonresident agent submit in lieu of a letter of certification?

f. In s. Ins 6.63 (3), it appears that the commas following each instance of “~~continuing education~~” should not be stricken.

g. In s. Ins 26.04 (2) (a), “or” should be inserted before “crop, surety,”.

- h. In s. Ins 26.09 (1), “Appendix 1-4” should be replaced with “appendices 1 to 4”.
- i. In s. Ins 26.09 (2), “Section” should not be capitalized. Also, “Appendix 1 through 4” should be replaced with “appendices 1 to 4”.
- j. In s. Ins 28.04 (1) (b), “license” should be inserted before “expiration”.
- k. Section Ins 28.04 (2) (c) does not make sense as amended. It appears a clause is missing.
- l. In s. Ins 28.07 (8) (f), “shall” and “can” should be replaced with “may”.