



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 15-032

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.]

1. Statutory Authority

In the rule summary’s listing of statutes that provide authority for the proposed rule-making order, s. 632.34 (12), Stats., which authorizes the commissioner to promulgate rules defining unfair trade practices after making certain findings, could be removed, as it is not directly relevant to this rule-making order.

2. Form, Style and Placement in Administrative Code

a. In the introductory clause for the proposed rule-making order, the reference to “Title” in s. Ins. 6.77 should be enclosed in parentheses. Also, the second reference to “6.77” before the reference to sub. “(2)” should be removed. [s. 1.02 (1) (Example), Manual.]

b. In the rule summary’s description of the private sector fiscal analysis, the phrase “See the attached” should be inserted in the text of the description, and should be removed from the title of that section.

c. In SECTION 3 of the proposed rule-making order, the title “EFFECTIVE DATE” should be inserted after the SECTION number. Also, the phrase “This rule shall” should replace the phrase “These changes will”. [s. 1.02 (4), Manual.]

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

a. The introductory clause does not reflect that the rule-making order proposes to amend s. Ins. 6.77 (1). A reference to that subsection should be inserted in the introductory clause.

b. The rule summary lists three statutes this rule interprets: s. 600.01, Stats.; s. 628.34 (12), Stats.; and s. 632.32, Stats. It appears that this rule interprets s. 632.32, Stats., but the interpretation of ss. 600.01 and 628.34, Stats., is not directly relevant, and could be removed.

c. The plain language analysis of this rule-making order refers to s. Ins. 6.77 (3) (am) and (6) as containing exemptions the rule-making order repeals. These provisions contain provisions related to the exemptions, but not the exemptions themselves; rather, the exemptions are contained within s. Ins. 6.77 (4) (am) and (b).

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

In the rule summary's listing of the place to submit comments, a specific date should be given for the deadline to submit comments, in order to make the date more plainly understood.