

ORDER REPEALING A PERMANENT RULE

Office of the Commissioner of Insurance – Agency 145

The Office of the Commissioner of Insurance issues an order to repeal ss. Ins 11.01, Wis. Adm. Code, relating to insurance security fund board.

The petition to repeal a rule on an expedited basis was submitted by the Commissioner on December 7, 2018, published in No. 756A3 on December 17, 2018. The Joint Committee for Review of Administrative Rule approved the petition on June 12, 2019.

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

Statutes interpreted:

Subch. III of ch. 227, 601.41 (3), 646.12, Stats. and 2007 Wis. Act 170

Statutory authority:

Sections 601.41 (3), 601.42 (1g), Stats., and by 2007 Wis. Act 170.

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

Section 601.41 (3) (a), Stats., grants the Commissioner "rule-making authority under s. 227.11 (2), Stats." Prior to 2007 Wisconsin Act 170, the commissioner was required to establish the procedure for choosing insurance representatives to serve on the security fund board, the respective terms and selection of the chair by rule. With the passage of the Act, the commissioner does not have specific rule-making authority regarding the security fund board.

Related statutes or rules:

Section 646.12, Stats.

The plain language analysis and summary of the proposed rule:

The proposed rule repeals s. Ins 11.01, Wis. Adm. Code, relating to insurance security fund board. The section contains subcategories of insurers to be represented on the security fund board and with the passage of 2007 Wis. Act 170, the commissioner was required to establish the procedure for choosing insurance representatives to serve on the security fund board, the respective terms and selection of the chair by rule. With the passage of the Act, the commissioner does not have specific rule-making

authority regarding the security fund board membership. The rule was originally promulgated in 1972 and last modified in 1991.

Therefore, the commissioner has determined that s. Ins 11.01, Wis. Adm. Code, is superseded by the Act and should be repealed as it is an unauthorized rule under s. 227.26 (4), Stats.

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The proposed rule changes are:

SECTION I. Ins 11.01 is repealed.

SECTION 2. EFFECTIVE DATE. This rule is effective on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register in accordance with s. 227.22 (2) (intro.), Stats.