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## JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR STEVE NASS AND REPRESENTATIVE JOAN BALLWEG

June 12, 2019

Mark Afable, Commissioner-designee  
Office of the Commissioner of Insurance  
125 S. Webster St. (GEF 3)  
P.O. Box 7873  
Madison, WI 53707-7873

Dear Commissioner-designee Afable:

As co-chairs of the Joint Committee for Review of Administrative Rules (JCRAR), we are writing to notify you that the committee voted on June 12, 2019 to approve the Office of the Commissioner of Insurance's (OCI) petition for the repeal of the following unauthorized rules, as described in:

- CR 18-090 – the insurance security board membership.
- CR 18-091 – employee welfare funds.
- CR 18-092 – the Health Insurance Risk-Sharing Program (HIRSP).

Please feel free to contact us if you need addition information or details on the committee's action.

Sincerely,

Senator Steve Nass  
Co-Chair, JCRAR

Rep. Joan Ballweg  
Co-Chair, JCRAR

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Mark V. Afable, Commissioner

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STATE OF WISCONSIN

SS

OFFICE OF THE COMMISSIONER OF INSURANCE

I, Nathan D. Houdek, Deputy Commissioner of Insurance and custodian of the official records, certify that the annexed rule affecting sections Ins 8.01 to 8.09, Wis. Adm. Code, relating to employee welfare funds, is duly approved and adopted by this Office on February 20, 2020.

I further certify that I have compared this copy with the original on file in this Office and that it is a true copy of the original, and the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 125 South Webster Street, Madison, Wisconsin, on February 20, 2020.

[Handwritten signature of Nathan D. Houdek]

Nathan D. Houdek
Deputy Commissioner of Insurance



## 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 8.01 to 8.09, Wis. Adm. Code, relating to employee welfare funds.

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.

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

##### **Statutes interpreted:**

Subch. III of ch. 227, 601.41 (3), Stats. and 2003 Wis. Act 261

##### **Statutory authority:**

Sections 601.41 (3), 601.42 (1g), Stats., and by 2003 Wis. Act 261.

##### **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." Further, prior to 2003 Wisconsin Act 261, the chapter required the commissioner to establish rules implementing the chapter as it related to requirements for employee welfare funds.

##### **Related statutes or rules:**

Sections 601.42 (1g), and 601.44, Stats., and s. Ins 6.62, Wis. Adm. Code.

##### **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 the following: 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.

**Agency contact person:**

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**The proposed rule changes are:**

**SECTION I. Ins 8.01 to 8.09 are 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.

Dated at Madison, Wisconsin, this 20 day of February 2020.

  
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Nathan D. Houdek  
Deputy Commissioner