



---

---

## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

---

---

**Pam Shannon**  
*Clearinghouse Director*

**Scott Grosz and Jessica Karls-Ruplinger**  
*Clearinghouse Assistant Directors*

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

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

### CLEARINGHOUSE RULE 12-021

#### 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 November 2011.]**

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

a. Chapters RL 52, 53, and 54 were renumbered as chs. SPS 52, 53, and 54, respectively, under s. 13.92 (4) (b), Stats., in the November 2011 Administrative Register, No. 671. Therefore, all references to “RL” in the analysis and the rule text should be changed to “SPS”.

b. To avoid confusion and make the rules easier to read, chs. SPS 52, 53, and 54 should be repealed and chs. CB 3, 4, and 5 should be created. To accomplish this, SECTION 1 should contain the repeal of chs. SPS 52 to 54, with the following treatment clause: “SECTION 1. Chapters SPS 52 to 54 are repealed”. (No text of those repealed chapters is shown.) Then, in SECTIONS 2, 3, and 4, respectively, chs. CB 3, 4, and 5 should be created. Each newly created chapter should be set forth, *in its entirety*, as the board intends it to read, without strike-throughs or underscores. If there are notes following certain provisions, those should also appear as they will read. For example, SECTION 2 of the rule would contain the creation of ch. CB 3 and read as follows:

SECTION 2. Chapter CB 3 is created to read:

CHAPTER CB 3

WAREHOUSES STORING CEMETERY MERCHANDISE SOLD UNDER  
A PRE-NEED SALES CONTRACT

**CB 3.01 Authority. (insert text)**

**CB 3.02 Applications. (insert text), etc.**

c. To reflect these changes, the rule-making order should be modified to read: “The Cemetery Board proposes an order to repeal chs. SPS 52 to 54; and to create chs. CB 3 to 5, relating to...”.

d. The third sentence of the plain language analysis should be revised to indicate that this rule repeals chs. SPS 52 to 54 and replaces them with newly created chs. CB 3 to 5.

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

a. In s. CB 4.03 (1) (d) (in SECTION 9) and s. CB 4.03 (2) (d) (in SECTION 10), what period of time would be considered “timely”? Also in both provisions, the phrase “that the principal has never withdrawn” should be replaced by “that the principal has *not been* withdrawn”. [Emphasis added.]

b. It appears that the language in s. CB 4.03 (1) (dm) (in SECTION 11) and s. CB 4.03 (2) (dm) (in SECTION 12), should contain the same language as to what the affidavit must state. The first provision currently requires the affidavit to state that the financial institution “is authorized to act as a financial institution, and is in good standing, in this state”, while the second provision currently requires the affidavit to state that the financial institution’s “license is in good standing in this state”.