



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-150

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

Section 157.12 (2) (a), Stats., authorizes the board to approve the construction of a mausoleum and the conversion of a building or other structure to a mausoleum, as well as to promulgate rules providing reasonable requirements governing the location, material, and construction of a mausoleum. However, this provision is not cited as statutory authority in the board’s analysis for the proposed rule. The board should consider citing this provision among the other provisions cited as statutory authority in the analysis.

2. Form, Style and Placement in Administrative Code

Because s. 157.12 (3) (a) 1. and 2., Stats., contain the general care fund requirements that are applicable to mausoleums, these two subdivisions should also be cited in the statutes interpreted section of the analysis. As such, the reference to par. (a) 3. should be revised to reference to par. (a) in its entirety, in order to also include subs. 1. and 2.

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

a. For purposes of ss. CB 6.07 and 6.08, the board should consider defining the term “temporary certification” and what this process or documentation entails.

b. In s. CB 6.085 (intro.), the terms “written permission” and “written approval” appear to both refer to “written approval” that is contemplated in s. 157.12 (3) (a) 3., Stats. The board

should review its intent with these two terms and consider replacing the term “written permission” with the term “written approval”, for consistency.

c. In s. CB 6.085 (3), it is unclear why a municipality would submit a request that contains the “requirements under the ordinance are reasonable as determined by the board”. This appears to be a standalone subsection to s. CB 6.085. The board should review its intent with this provision. For example, the board could consider dividing s. CB 6.085 into subs. (1) and (2) to separate the municipality’s actions from the board’s actions, or rephrasing the provision to clearly identify how the municipality would show that its requirements are reasonable.