



# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 22-023

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

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

a. It appears that the rule is interpreting s. 159.19 (2), Stats., particularly par. (b). The board should consider listing this statute in the “Statutes Interpreted” section of the rule summary.

b. It is unclear whether the first sentence in s. CB 4.06 is introductory material or a definition. If it is a definition, it should be restructured and formatted as a definition, and the term should be used consistently throughout the rule. [s. 1.07 (2), Manual.] If it is introductory material, it should be formatted as described in s. 1.11 of the Manual. The board should review its intent of the provision and revise accordingly.

c. The proposed rule promulgates a provision in ch. CB 4, which is entitled, “Change of Trustee of Care Funds and Preneed Trust Funds”. The proposed rule, however, relates to care fund income earned, not changes to trustees of a care fund or preneed trust fund. The board should consider either renaming the title of the chapter, or promulgating the rule in another chapter of the administrative code.

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

a. In s. CB 4.06 (1), it is unclear what it means for principal deposits to “remain intact”. The board should review the intent of this rule and clarify what this phrase means. Also, in this provision, “.” should follow “Stats”.

b. In s. CB 4.06 (2), it is unclear from where income earned may be withdrawn. The board should review its intent for this rule and more precisely articulate in the rule from where this income earned could be withdrawn. Also, in this provision, “, Stats.” should follow “s. 157.11 (9g) (a) 2.”.

c. In s. CB 4.06 (3), it is unclear who may withdraw earned income on a cemetery care fund account without board approval. The board should review the intent of the proposed rule and clarify who may withdraw this income earned without the board’s approval.