

STATEMENT OF SCOPE

Cemetery Board

Rule No.: CB 1

Relating to: Applications for cemetery salesperson and preneed seller credentials.

Rule Type: Permanent

1. Finding/nature of emergency:

N/A.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule will be to revise CB 1 in order to implement 2017 Wisconsin Act 278 and 2019 Wisconsin Act 143.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The Board intends to revise CB 1 in light of 2017 Wisconsin Act 278 as it relates to discrimination in licensing based upon an arrest or conviction record.

This rule project will also update CB 1 to bring the rule into compliance with the statutory changes enacted by 2019 Act 143. 2019 Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential in Wisconsin if the person resides in Wisconsin and holds a credential in good standing granted by a different jurisdiction. The credential can be renewed indefinitely.

4. Detailed explanation of statutory authority for the rule:

Section 227.11 (2) (a), Stats., “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 440.09 (5), Stats. allows a credentialing board to promulgate rules necessary to implement the statutory changes enacted by 2019 Wisconsin Act 143.

2017 Wisconsin Act 278 § 23m states that a licensing agency may promulgate rules necessary to implement Act 278.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

Approximately 60 hours.

6. List with description of all entities that may be affected by the proposed rule:

Credentialed cemetery salespersons, and preneed sellers, as well as those seeking credentials as a cemetery salesperson or preneed seller.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None.

8. Anticipated economic impact of implementing the rule:

None to minimal. The rule is not likely to have a significant economic impact on small businesses.

Contact Person: Jon Derenne, Administrative Rules Coordinator, (608) 266-0955.

Approved for Publication



Chairperson

May 12, 2020

Date Submitted