

STATEMENT OF SCOPE

CEMETERY BOARD

Rule No.: CB 4

Relating to: Care Fund Income

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

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

The objective of the proposed rule is to revise CB 4, relating to care fund income, to reflect the Cemetery Board's position that care fund income consisting of interest income, dividends, and capital gains, may be withdrawn by the cemetery authority for legal use without Cemetery Board approval. The Cemetery Board will also review and possibly revise CB 4 to bring the code into conformity with current drafting standards.

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:

Principal deposits into the care fund required under 157.11 (9g) (c), Stats. must remain intact. Any income earned on the care fund account may be withdrawn and used for the lawful purposes specified in 157.11 (9g) (a) 2., Stats.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 157.19 (2)(d), Stats., provides "the cemetery board shall promulgate rules establishing reasonable requirements and standards for the approval of changes under pars.(b) and (c)."

Section 440.905 (2), Stats., provides "[t]he board has rule-making authority and may promulgate rules relating to the regulation of cemetery authorities, cemetery salespersons, and cemetery preneed sellers..."

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

The staff time needed to develop the rules is expected to be about 80 hours, depending on the complexity. The agency will utilize existing staff. There are no other resources necessary to develop the rules.

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

Cemetery authorities, cemetery salespersons, cemetery preneed sellers, and trustees of care funds and preneed trust funds.

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 (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

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