

Report From Agency

**STATE OF WISCONSIN
CEMETERY BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
CEMETERY BOARD : CR 20-034
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I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

This rule project implements 2019 Wisconsin Act 143, which requires the board to grant a reciprocal credential to an applicant who meets the following statutory criteria:

- Completes an application.
- Pays the required application fee.
- Resides in the state.
- Is either a service member, former service member discharged other than dishonorably within the last four years, or spouse of a service member or former service member discharged other than dishonorably within the last four years.
- Holds a credential in another jurisdiction that qualifies the individual to perform the acts authorized under the appropriate credential granted by the department or credentialing board.

The rule project also implements 2017 Wisconsin Act 278 by revising CB 1.02 (1) (a) to clarify that an applicant must submit documentation necessary for the board determine whether the applicant has certain pending charges (not simply an arrest record) or convictions that are substantially related to the practice of cemetery sales.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Cemetery Board held a public hearing on November 3, 2020. No one testified at the hearing, or submitted written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment #5b: In s. CB 1.03, the proposed rule does not contain information, except via a statutory cross-reference, that would apprise an applicant of the requirements for being granted a reciprocal license. The board should consider whether this information should be specified in the rule and what additional information would be necessary for an applicant to understand the process. For example, the board could identify the application form that is required and where it may be found, the number of days after receipt within which the board will review an application, and other relevant information about the steps in the process.

Response: The Cemetery Board rejected Clearinghouse comment number 5b in order to keep the language consistent with other board rules related to granting a reciprocal license.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A