

STATEMENT OF SCOPE

Cemetery Board

Rule No.: CB 1, 2, 3, 4, 5

Relating to: Cemetery Authorities, Salespersons, and Preneed Sellers

Rule Type: Permanent

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

Not applicable.

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

The objective of this rulemaking project is to update chapters CB 1-5 in accordance with 2015 Wisconsin Act 237.

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:

This rule will update requirements for cemetery authorities, cemetery salespersons, cemetery preneed sellers, and the construction of mausoleums. This rule will update provisions regarding religious association cemeteries and will modify cemetery records requirements according to 2015 Wisconsin Act 237.

The alternative of not updating the rules will mean that the administrative rules will be outdated based on statutory changes.

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

Wis. Stat. 440.905 (2) which reads, "The board has rule-making authority and may promulgate rules relating to the regulation of cemetery authorities, cemetery salespersons, and cemetery preneed sellers."

Wis. Stat. 157.12 (2) (a) which reads, "The cemetery board shall promulgate rules providing reasonable requirements governing the location, material, and construction of a mausoleum, in accordance with the requirements in par. (d)."

Wis. Stat. 157.62 (5) which reads, "The cemetery board shall promulgate rules requiring cemetery authorities and licensees to maintain other records and establishing minimum time periods for the maintenance of those records."

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

The Department estimates approximately 200 hours will be needed to perform the review and develop the necessary rule changes. The Department will assign existing staff to perform the review and develop the rule changes. No additional resources will be required.

6. List with description of all entities that may be affected by the proposed rule :
cemetery authorities, cemetery salespersons, cemetery preneed sellers

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

Contact Person: Greg DiMiceli, Rules Coordinator, Gregory.DiMiceli@Wisconsin.gov, (608) 266-0955