

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>	<p>2. Date August 27, 2020</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) CB 1</p>	
<p>4. Subject Application requirements for preneed seller and cemetery salesperson credentials.</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input checked="" type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected 20.165(1)(g)</p>
<p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect   <input type="checkbox"/> Increase Existing Revenues   <input checked="" type="checkbox"/> Increase Costs   <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate   <input type="checkbox"/> Decrease Existing Revenues   <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy   <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units   <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b></p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule This rule project updates ch. CB 1 by creating s. CB 1.03 to implement 2019 Wisconsin Act 143. Act 143 requires the board to grant a reciprocal credential to a service member, former service member, or their spouse, if they have been discharged other than dishonorably within the last four years, and hold a credential in good standing in another state that authorizes the individual to perform the activities under the credential issued by the credentialing authority. The rule project also revises ch. CB 1 to implement 2017 Wisconsin Act 278. Section CB 1.02 (1) (a) is revised to clarify that an applicant must submit documentation necessary for the board determine whether the applicant has criminal convictions that are substantially related to the practice of cemetery sales.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule was posted on the department's website for 14 days to solicit economic impact comments from businesses, business sectors, associations representing business, local governmental units, and individuals. No comments were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units submitted comments during the economic impact comment period.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) None.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit of implementing the rule will be to bring the board's rules into compliance with state law, and to ensure that service members, former servicemembers, and their spouses are able to obtain a reciprocal credential and begin working in Wisconsin. The update will also ensure that the rules and statutes governing cemetery sales are consistent and clear for stakeholders. The alternative to implementing the rule is to leave the board's rules out of compliance with state statute.</p>	

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16. Long Range Implications of Implementing the Rule

The long range implications of implementing the rule will be to ensure that the board's rules conform to statutory requirements and are more clear and user friendly for stakeholders.

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17. Compare With Approaches Being Used by Federal Government

None.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

Illinois state law does have a process allowing for expedited issuance of reciprocal credentials for active service members, their spouses, and those who were discharged from the service within the last two years. An applicant must show that they have a credential in good standing in another jurisdiction that is substantially equivalent to the Illinois credential sought, and must submit all required fees and application documents. The credential must be issued within 60 days of receipt of a completed application (20 ILCS 5/5-715).

Applicants for licensure as a cemetery manager or a cemetery customer service employee must not have been convicted in the last 10 years of a Class X felony, or any other felony involving fraud or dishonesty as an essential element (225 ILCS 411/10-21 (b) (7)).

Iowa:

Iowa generally requires the expedited review of reciprocal license applications for veterans as defined under Iowa law, as long as the board determines the individual is licensed in another jurisdiction and the requirements to obtain that license are substantially equivalent to the requirements to obtain the license in Iowa. If the requirements are not substantially equivalent, the applicant may receive a provisional license to allow practice while meeting remaining requirements for equivalency (IA Stats. § 272C.4 (12)). This statute is applicable to credentialing boards, which does not expressly include the Iowa Commissioner of Insurance. The commission does have the statutory authority under state law to promulgate rules accepting out of state preneed and sales credentials, however it does not appear to have exercised this authority to date (IA Stats. § 523A.502).

Iowa law allows for the denial of a preneed or cemetery salesperson credential if the applicant has violated any state or federal law, including tax or public health laws, if the violation is applicable to the conduct of business as a cemetery preneed or cemetery salesperson. Further, criminal convictions (plea or finding of guilt) for crimes relating to dishonesty or false statements may result in denial of the issuance of a license or its renewal (191 IAC §§ 100.40 (2) (c) and 100.13 (2)). The Iowa Commissioner of Insurance must request the criminal history of an applicant, and the applicant must agree to submit to a background check (IA Stats. § 523A.502).

Michigan:

Michigan provides for a temporary credential to be issued to active duty military and spouses if they hold a credential in another state in good standing that allows for the practice of the profession they are seeking licensure for. This temporary credential is good for at least 6 months and can be extended if the person needs more time to meet licensing requirements (MI Stats. § 339.213).

Individuals registered to sell prepaid cemetery services in Michigan must be "of good moral character" (MCL § 338.41). The agency may consider a judgment of guilt in a criminal prosecution or a judgment in a civil action in determining whether an individual is of good moral character. The individual can provide evidence showing that "at the current time he or she has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that he or she is

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he or she is seeking a license” (MCL § 338.42).

Minnesota:

Chapter 306 MN Statutes regulates cemeteries. There do not appear to be licensing requirements for individuals wishing to sell cemetery plots or merchandise.

Generally, Minnesota does require each licensing board to promulgate rules allowing for expedited temporary credentials to be issued to service members, former service members discharged in the last two years, and their spouses. Applicants must show a valid credential issued by another jurisdiction, without history of disciplinary action, and must pass a background check. The applicant must complete all application requirements during the life of the temporary credential (Minn. Stats. § 197.4552).

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19. Contact Name Jon Derenne, Administrative Rules Coordinator	20. Contact Phone Number (608) 266-0955
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**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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