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Exempt Action: Final Regulation Agency Background Document

Agency name	Cemetery Board
Virginia Administrative Code (VAC) Chapter citation(s)	18 VAC47-20
VAC Chapter title(s)	Cemetery Board Regulations
Action title	2022 Cemetery Board Temporary Fee Reduction
Final agency action date	September 29, 2021
Date this document prepared	February 22, 2022

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

The Cemetery Board (Board) adopted a reduction in renewal fees for cemetery company licenses and sales personnel registrations that expire after May 1, 2022, and before May 1, 2024.

The purpose of the fee reductions is to reduce an accumulated budget surplus and remain in compliance with the Callahan Act (§ 54.1-113 of the Code of Virginia). At the close of each biennium, the Department of Professional and Occupational Regulation is required to review each board's financial position to determine whether fees need to be adjusted to ensure that revenues are sufficient, but not excessive, to cover the board's operating expenses.

This action is exempt from the Administrative Process Act in Va. Code § 2.2-4006(A)(6):

Regulations of (i) the regulatory boards served by the Department of Labor and Industry pursuant to Title 40.1 and the Department of Professional and Occupational Regulation or the Department

of Health Professions pursuant to Title 54.1 and (ii) the Board of Accountancy that are limited to reducing fees charged to regulants and applicants.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The purpose of the fee reductions is to reduce an accumulated budget surplus and remain in compliance with the Callahan Act (§ 54.1-113 of the Code of Virginia). The DPOR reviewed the board's financial position and determined some of the fees need temporary adjustment to comply with the Callahan Act.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The Cemetery Board reviewed and adopted the final regulation entitled "Cemetery Board Regulations," on September 29, 2021.