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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Cemetery Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	18 VAC47-20
<b>VAC Chapter title(s)</b>	Cemetery Board Rules and Regulations
<b>Action title</b>	2024 Cemetery Board Fee Reduction
<b>Final agency action date</b>	May 13, 2024
<b>Date this document prepared</b>	May 30, 2024

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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 temporary reduction in initial salesperson fees and renewal and reinstatement fees for cemetery companies and salespersons. The temporary fees are applicable from August 1, 2024, through July 31, 2026.

The purpose of the fee reduction is to 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 Virginia 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). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “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.”*

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The Callahan Act mandates a review and adjustment of fees if revenue surpasses \$100,000 or 20% of total expenses allocated to the regulatory board for the past biennium, whichever is greater. The agency’s finance team prepared several projections of the Board’s finances and determined the proposed reduced fees would maintain compliance with the Callahan Act, while ensuring anticipated Board costs are met.

### **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.*

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The Cemetery Board authorized an exempt action to amend the Cemetery Board Rules and Regulations on May 13, 2024.