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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

### CLEARINGHOUSE RULE 01-102

AN ORDER to repeal and recreate chapter RL 87, Appendix I, relating to the 2002 edition of the uniform standards of professional appraisal practice (USPAP).

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

09-04-01 RECEIVED BY LEGISLATIVE COUNCIL.

10-02-01 REPORT SENT TO AGENCY.

RNS:PS:jal;ksm

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES  NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES  NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES  NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES  NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES  NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES  NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES  NO



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### CLEARINGHOUSE RULE 01-102

#### Comments

**[NOTE:** All citations to “Manual” in the comments below are to the **Administrative Rules Procedures Manual**, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

#### 4. Adequacy of References to Related Statutes, Rules and Forms

In the rule analysis, under “statutes authorizing promulgation,” a period is missing after the “8” in the second citation. Also, in “statutes interpreted,” it is not clear why s. 458.26 (3) (b), Stats., which relates to disciplinary proceedings conducted according to rules promulgated under s. 440.03 (1), Stats., is cited as being interpreted by this rule.

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND  
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES  
AND LICENSING : (CLEARINGHOUSE RULE 01- )

PROPOSED ORDER

An order of the Department of Regulation and Licensing to repeal and recreate ch. RL 87, Appendix I, relating to the 2002 edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 227.11 (2) and 458.24, Stats.

Statutes interpreted: ss. 458.24 and 458.26 (3) (b), Stats.

In this proposed rule-making of the Department of Regulation and Licensing, proposes to repeal and recreate ch. RL 87, Appendix I, which contains the Uniform Standards of Professional Appraisal Practice (USPAP).

The department proposes to repeal Appendix I which contains the USPAP and recreate it to incorporate by reference the 2002 edition of USPAP. As required under s. 227.21, Stats., the department has obtained the consent of the attorney general and revisor of statutes to the incorporation of the 2002 edition of USPAP into the rules by reference.

TEXT OF RULE

SECTION 1. Chapter RL 87, Appendix I is repealed and recreated:

CHAPTER RL 87

Appendix I

Uniform Standards of Professional Appraisal Practice

The 2002 edition of the Uniform Standards of Professional Appraisal Practice (USPAP) is hereby incorporated by reference into this appendix. The 2002 edition of USPAP is effective January 1, 2002 to December 31, 2002.

After January 1, 2002, copies of the 2002 edition of USPAP may be purchased from the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005-3517, (202) 347-7722. After January 1, 2002, copies of the 2002 edition of USPAP may also be obtained, at no charge, from the Appraisal Foundation's website at <http://www.appraisalfoundation.org>.

Note: As required under s. 227.21, Stats., the attorney general and revisor of statutes have consented to the incorporation by reference of the 2002 edition of the Uniform Standards of Professional Appraisal Practice. After January 1, 2002, copies of the 2002 edition of the USPAP will be on file in the offices of the Department of Regulation and Licensing, the Secretary of State and the Revisor of Statutes.

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(END OF TEXT OF RULE)  
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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Oscar Herrera, Secretary  
Department of Regulation and Licensing

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.
3. The projected net annualized fiscal impact on state funds of the proposed rule is: \$0.00.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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9/4/01

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

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**IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE**  
**PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION**  
**DEPARTMENT OF REGULATION : AND LICENSING ADOPTING RULES**  
**AND LICENSING : (CLEARINGHOUSE RULE 01-102)**

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TO: Senator Judy Robson, Senate Co-Chairperson  
Joint Committee for the Review of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

PLEASE TAKE NOTICE that the DEPARTMENT OF REGULATION AND LICENSING is submitting in final draft form rules relating to the 2002 edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

Please stamp or sign a copy of this letter to acknowledge receipt. If you have any questions concerning the final draft form or desire additional information, please contact Pamela Haack at 266-0495.

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**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING**

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**IN THE MATTER OF RULE-MAKING : REPORT TO THE LEGISLATURE  
PROCEEDINGS BEFORE THE : ON CLEARINGHOUSE RULE 01-102  
DEPARTMENT OF REGULATION : (s. 227.19 (3), Stats.)  
AND LICENSING :**

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**I. THE PROPOSED RULE:**

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

**II. REFERENCE TO APPLICABLE FORMS:**

No new or revised forms are required by these rules.

**III. FISCAL ESTIMATES:**

These rules will have no significant impact upon state or local units of government.

**IV. STATEMENT EXPLAINING NEED:**

In this proposed rule-making of the Department of Regulation and Licensing, proposes to repeal and recreate ch. RL 87, Appendix I, which contains the Uniform Standards of Professional Appraisal Practice (USPAP).

The department proposes to repeal Appendix I which contains the USPAP and recreate it to incorporate by reference the 2002 edition of USPAP. As required under s. 227.21, Stats., the department has obtained the consent of the attorney general and revisor of statutes to the incorporation of the 2002 edition of USPAP into the rules by reference.

Under s. 458.26 (3) (b), Stats., licensed and certified appraisers are subject to discipline if they engage in unprofessional or unethical conduct in violation of s. 458.24, Stats., gives the department the authority to promulgate rules establishing standards for appraisal practice. In promulgating rules under s. 458.24, Stats., the department is required to consider including as part or all of the standards part or all of the Uniform Standards of Professional Appraisal Practice ("USPAP"). In addition, the department has adopted rules which requires all licensed and certified appraisers to comply with the USPAP when completing appraisal assignments. Refer to s. RL 86.01 (1) and (2).

**NOTICE:**

A 30-day notice was published in the Wisconsin Administrative Register No. 549, effective October 1, 2001. The department did not receive any petitions for a public hearing.

**VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:**

The recommendations suggested in the Clearinghouse Report were accepted in whole.

**VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:**

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND  
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES  
AND LICENSING : (CLEARINGHOUSE RULE 01-102)

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PROPOSED ORDER

An order of the Department of Regulation and Licensing to repeal and recreate ch. RL 87, Appendix I, relating to the 2002 edition of the Uniform Standards of Professional Appraisal Practice (USPAP).

Analysis prepared by the Department of Regulation and Licensing.

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(END OF TEXT OF RULE)

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Dated \_\_\_\_\_ Agency \_\_\_\_\_

FISCAL ESTIMATE

1. The anticipated fiscal effect on the fiscal liability and revenues of any local unit of government of the proposed rule is: \$0.00.
2. The projected anticipated state fiscal effect during the current biennium of the proposed rule is: \$0.00.

3. The projected net annualized fiscal impact on state funds of the proposed rule is:  
\$0.00.

FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules will have no significant economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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