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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 04-007

#### 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 October 2002.]**

#### 1. Statutory Authority

a. Because s. RL 81.02 (1), as renumbered, requires the fee specified in s. 440.05 (1), Stats., from all applicants, it appears to conflict with the following statutory exceptions:

- The statutory exceptions for *reciprocal certification* and *reciprocal licensure* found in ss. 458.06 (2) (b) and 458.08 (2) (b), Stats., under which a qualified applicant would pay a fee specified in s. 440.05 (2), Stats., rather than the fee specified in s. 440.05 (1), Stats.
- The statutory exception for *licensure of certified appraisers* found in s. 458.08 (2) (b), Stats., under which a certified appraiser may not be charged a fee for licensure.

b. Section RL 81.02 (1), as renumbered, requires that the application include “the annual registry fee required under s. 458.21, Stats.” However, s. 458.21, Stats., does not appear to require the fee for an appraiser unless the appraiser “performs or desires to perform an appraisal in a federally related transaction.” If this is the case, the phrase “and the annual registry fee required under...” in the rule should be changed to “and, if applicable, the required annual registry fee for appraisals in federally related transactions under...”.

#### 3. Conflict With or Duplication of Existing Rules

In s. RL 85.01, it appears that “and examination” should be struck through rather than underlined, given the intent stated in the last paragraph of the analysis (otherwise, it duplicates the existing rule).

**5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In the first paragraph of the analysis, the word “a” should be inserted before the phrase “clean up.”

b. In the third paragraph of the analysis, third line, “person” is singular. Therefore, “they even do...” should be changed to “he or she even does...” and the word “complete” should be changed to the word “completes.”

c. In the last paragraph of the analysis, first line, “is being amend” should be changed to “is amended.”

d. In s. RL 82.01 (4), the word “approval” should be clarified so that it is clear it does not mean approval of certification or licensure, since that would conflict with ss. 458.06 (2) (d) and 458.08 (2) (d), Stats., which prohibit the department from issuing an “initial certificate” or “initial certificate of licensure” unless the applicant first passes the examination.

e. In the fiscal estimate on page 3, there should be a space between “months” and “in.”