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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 10-135

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]**

#### **2. Form, Style and Placement in Administrative Code**

a. The first use of the acronyms FIRREA and AQB occurs in the plain language analysis on page 2 of the rule-making order. The acronyms should be spelled out on page 2 and the acronyms should be used elsewhere throughout the analysis section.

b. On page 3, in the first full paragraph under “Federal Financial Institutions Reform, Recovery, and Enforcement Act...,” “State certified or licensed appraiser” should be written in all lowercase. [See s. 1.01 (4), Manual.]

c. On page 4, in the second paragraph under “Comparison with rules in adjacent states,” the term “Appraisal Subcommittee” should not be capitalized. [See s. 1.01 (4), Manual.] Also, this portion of the rule preface should describe whether the states adjacent to Wisconsin have complied with the federal law. Finally, while the department is free to describe rules of any state, it is not required to include a discussion of Indiana law. Indiana is not a state adjacent to Wisconsin.

d. In s. RL 81.04 (1) (c) 4., “Uniform Standards of Professional Appraisal Practice” should not be capitalized. [See s. 1.01 (4), Manual.] The department should make this change throughout the rule.

e. The sentence structure of s. RL 83.01 (3) (g) does not flow properly from the introduction in sub. (3). The department should consider rewriting this to be comparable to pars. (a) to (f).

f. In s. RL 84.02 (intro.), the phrase “all of” should be inserted before the phrase “the following.” [See also ss. RL 84.03 (1) (a) (intro.) and (2) (intro.) and 84.04 (2) (intro.) and (3) (intro.).]

g. On pages 10 and 11, “College Level Examination Program” should not be capitalized. Also, what is the purpose of writing out the entire phrase and then using its acronym? If the purpose is to use CLEP throughout the rule to refer to the entire phrase, then CLEP should be defined in a definition section.

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

a. The plain language analysis states that SECTION 1 “amends the rule to clarify the meaning of ‘mass appraisal.’” The department should consider explaining why the statutory cite is removed in SECTION 1.

b. In the plain language analysis, the explanation of SECTIONS 2, 3, 4, 10, 12, and 16 is grammatically incorrect. The word “is” should be replaced with the word “are.”

c. In the plain language analysis, the explanation of SECTION 9 is unclear. What does the phrase “standards experience must comply with” mean? The department should consider rewriting this phrase.

d. The plain language analysis states that SECTION 14 “clarifies the educational course requirements.” However, the proposed rule appears to significantly increase the number of credit hours required in ss. RL 84.02, 84.03, and 84.04. For s. RL 84.02, the proposed rule increases the number of credit hours from 90 to 150; for s. RL 84.03, the credit hours are increased from 120 to 200; and for s. RL 84.04, the credit hours are increased from 180 to 300. These changes appear to be more than clarifying the “educational course requirements.” The department should consider explaining why it is increasing the number of credit hours.

e. The plain language analysis is unclear in the description of SECTION 17. What does the phrase “clarifies credit for courses” mean? It appears that a word is missing. The department should consider rewriting this phrase.

f. The plain language analysis is unclear in the description of SECTION 18. What does “a reference to state” mean? Is it referring to “the state of Wisconsin?” The department should consider revising this sentence.

g. On page 4, in the second-to-last paragraph, it is unclear what the phrase “to expand their licensure to do so” means. The department should consider rewriting this phrase.

h. In s. RL 84.03 (2) (intro.), should the word “credential” be replaced by the word “certification”?

i. Section RL 86.01 (12) should be rewritten to read: “No certified or licensed appraiser may violate, or aid and abet the violation of, any law, the circumstances of which substantially relate to the practice of a real estate appraiser.”