



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-053

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 November 2011.]

2. Form, Style and Placement in Administrative Code

a. The relating clause of the proposed rule is vague; the department may wish to clarify it to read, “relating to reciprocity for real estate appraisers”.

b. In the “Related statute or rule” section of the rule analysis, the department should refer to “Section SPS 81.04” instead of “ch. SPS 81.04”.

c. The department should include an initial applicability section to clarify whether the rule change will first apply to applications for reciprocal licensure or certification or to applicants filed on or after the effective date, or to applicants who have submitted their applications but whose approval by the Wisconsin Real Estate Appraisers Board is pending. [s. 1.02 (3m), Manual.]

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

In SECTION 2 of the proposed rule, the term “current” is inserted. It is unclear what is meant by “current requirements”. For example, what timeframe is to be used to determine whether a requirement is current? It appears this refers to the other state’s requirements at the time that the applicant for reciprocal licensure or certification submitted his or her application to the Wisconsin Real Estate Appraisers Board. The federal law does not refer to the other state’s “current requirements” but rather focuses on whether the applicant for reciprocal licensure or certification holds a valid certification from the other state. [12 U.S.C. s. 3351 (b) (2).] Could the department clarify its intent by revising the last sentence of s. SPS 81.04 (2) rather than deleting it entirely?