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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 18-104

#### 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 December 2014.]**

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

a. In the rule caption’s enumeration of provisions treated, the department should make the following changes and should make corresponding changes to the applicable SECTION treatment clauses throughout the proposed rule:

- (1) In the seventh line, delete the first reference to s. SPS 85.220 (2) (b) and (Note).
- (2) In the 12th line, following “85.600 (1)”, delete the comma and add “and” to clarify that the (Note) amended is that which follows sub. (1).
- (3) In the 15th line, regarding the changes made to s. SPS 85.800:
  - (a) Between “85.800” and “(Note)”, insert “(1)” to clarify that the (Note) amended is that which follows sub. (1).
  - (b) Replace the comma between “(3)” and “(Note)” with “and”.
  - (c) Insert “and” between “(9),” and “(10)” and delete the comma between “(10)” and “(Note)” to clarify that the (Note) amended is specifically that which follows sub. (10).
- (4) In the 16th line, insert a comma between “and (c)” and “and (3) (a)”.
- (5) In the 17th line, insert “(1)” between “85.910” and “(Note)” to clarify that the (Note) amended is that which follows sub. (1).

(6) In the 18th line, insert “(12)” between “and” and “(Note)” to clarify that the (Note) amended is that which follows sub. (12).

(7) In the 18th and 19th lines, combine “(1), (2), (2a), (3), (4), (5), (7)” into “(1) to (7)”.

b. In the rule summary’s summary of and comparison with existing or proposed federal statutes and regulations, the department should consider discussing the new federal regulation briefly mentioned in bullet point number three of the plain language analysis.

c. In the rule summary’s comparison with rules in adjacent states:

(1) Regarding Iowa, the department should consistently use either parentheses or brackets, not both.

(2) Regarding Minnesota, the department should change the incorrect reference to Michigan.

d. In the (Note) created under s. SPS 85.115, the department should consider inserting The Appraisal Foundation’s website.

e. In s. SPS 85.120 (1), the inserted material “by the Commission on Colleges, a national or regional accreditation association, or an” should all be placed after the stricken material “by a regional or national”. [s. 1.06 (1) (a), Manual.]

f. In s. SPS 85.120 (15), the provision may be modified without preserving the commas as follows: “~~financial institutions reform, recovery, and enforcement act~~ Financial Institutions Reform, Recovery, and Enforcement Act of 1989”. Generally, only periods are preserved in amended provisions. [s. 1.06 (4), Manual.]

g. The department should consider reversing the order of the provisions treated in SECTIONS 10 and 11 of the proposed rule. The SECTIONS should be arranged according to the numerical order of the decimal-numbered rule provision being treated or, in the case of a newly created provision, in the order in which it will appear in the code. Because it is possible that the created provisions will precede the amended note, the department should review the two SECTIONS and determine whether they appear in the correct order.

h. In s. SPS 85.425 (1) (d) (intro.), under SECTION 28, the department should consider replacing “College Level Examination Program” with “CLEP” because the acronym is previously defined.

i. In s. SPS 85.425 (1) (d) 1. to 8., the department should capitalize only the first word of each provision. In general, capital letters should be avoided except for proper names. [s. 1.01 (4), Manual.]

j. In s. SPS 85.910 (7) (b) (Note), the department should strike-through “Appraiser Qualifications Board of the Appraisal Foundation”. [s. 1.06 (1), Manual.]

k. In s. SPS 85.910 (7) (b) (Note), the department should move the inserted material “AQB” so that it comes immediately after all of the stricken material and reads as “AQB is available at”. The same is true of like provisions in s. SPS 85.910 (8) (Note) and (12) (Note).

l. In s. SPS 86.01 (11), the department should replace “Financial Institutions Reform, Recovery, and Enforcement Act” with “FIRREA” because the acronym is previously defined.

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

a. Although the 2018-19 USPAP standards are incorporated by reference in the proposed rule, the department should also consider adding reference to the 2018-19 edition of the standards in the definition of Uniform Standards of Professional Appraisal Practice under s. SPS 85.120 (26), to minimize confusion about which standards are to be implemented. For example, s. SPS 85.700 (1) (a) requires compliance with the USPAP “in effect at the time the appraisals were prepared”. Because the definition does not appear to be limited to a specific edition, there could be confusion about which edition of the standards are “in effect” for purposes of rule compliance in the future.

b. In s. SPS 85.240 (1) (b), the department should consider deleting the reference to “real estate” before “appraisal” as it seems that, in other places throughout the proposed rule, the department made efforts to repeal other such references.

c. In s. SPS 85.320 (1) (a) 3., the department should review whether it should insert “AQB-approved” before “equivalent” like it did in s. SPS 85.330 (1).

d. The department should review the parity between the ways in which individuals may satisfy the college-level education requirements under s. SPS 85.425. For example, in s. SPS 85.425 (1) (e) 2. and 3., the department indicates that two CLEP exams are equivalent to nine semester hours of English composition and an individual is required to take both if he or she wishes to qualify on the basis of completing the CLEP exams. However, under par. (c), an individual is required to take only three semester hours of English composition if he or she is taking the courses through an accredited, degree-granting college or university.

e. In the treatment clause for SECTION 31 of the proposed rule, the word “is” should be revised to “are”.

f. In s. SPS 85.700 (2), the department should insert a comma after “85.410”.

g. In s. SPS 85.840 (1), the department should review and explain why it proposes to remove the requirement that an institution from which an individual earned a real estate degree be accredited, as defined by the rule, in order to qualify for educational credit under the rule.

h. In s. SPS 85.900 (3), the department should retain the word “of” following “28 hours”. In that same provision, the department should also review whether addition of the phrase “that meets the requirements of this section” is redundant. Would the department approve continuing education that does not meet the requirements of the section?

i. In s. SPS 87.02 (2) (d) (intro.), the department should review its use of “any of the following” and determine whether it should instead say “all” or “one or more” of the following. Use of “any” may be confusing, given that the subsequent list is part of a larger list of items which must all be completed. See the modification made to s. SPS 87.02 (2) (intro.).