



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 02-067

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.]

1. Statutory Authority

It is assumed that the requirements of s. 458.05, Stats., have been or will be met.

2. Form, Style and Placement in Administrative Code

a. There is no mention of the creation of s. RL 85.02 (8) (e) in the department’s analysis.

b. The treatment clause of SECTION 3 should read: “RL 84.01 (6) (c) is created to read:”.

c. The second sentence of the note to s. RL 84.02 (2) (a) is arguably substantive and should be included in the text of the rule. This comment also applies to the remaining notes in the rule.

d. In the treatment clause of SECTION 13, “and” should be substituted for the comma and “a” deleted.

e. In s. RL 85.01 (1), the reference to the “7-hour update course” in the first sentence is inadequate. Compare the second sentence, which refers to the national USPAP update course. Note that use of the acronym “USPAP” is inconsistent with the references to the national uniform standards of professional appraisal practice course elsewhere in the rule.

f. The rule contains no initial applicability provisions. Is it clear when and to whom the revised rules first apply?

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

It appears that the third numbered paragraph of the department's analysis should also reference s. RL 81.01 (3).

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

a. The second numbered paragraph of the department's analysis refers to course approval by the "department." Reference to "department" appears to be too narrow; the text of the rule refers to the "licensing or certifying jurisdiction where the course is offered."

b. In s. RL 85.01 (1), the requirement that seven hours of continuing education include the update course or its equivalent appears to apply to the entire biennium and not to each year of the biennium. The text could be clarified.