1999 DRAFTING REQUEST

Bill

Received: 10/24/1999					Received By: kunkemd			
Wanted	: As time perm	nits	Identical to LRB: By/Representing: Julia Sherman					
For: Ali	ice Clausing (6	608) 266-7745						
This file may be shown to any legislator: NO					Drafter: kunkemd			
May Co	ontact:		Alt. Drafters: Extra Copies:					
Subject	Occupa	ational Reg n						
Pre To	pic:							
No spec	ific pre topic gi	iven						
Topic:	ule making reg	arding supervis	ion of real o	estate brokers	3			
Instruc Prepare	tions: companion to I	LRB-3708						
Draftin	g History:	A Maria			4			
Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	<u>Submitted</u>		Required	
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1999 DRAFTING REQUEST

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Pre To	pic:						
No spec	ific pre topic gi	ven					
Topic:		ı					
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Instruc	tions:						
Prepare	companion to I	_RB-3708					
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1999 DRAFTING REQUEST

Bill

Received: 10/24/1999

Received By: kunkemd

Wanted: As time permits

Identical to LRB:

For: Alice Clausing (608) 266-7745

By/Representing: Julia Sherman

This file may be shown to any legislator: NO

Drafter: kunkemd

May Contact:

Alt. Drafters:

Subject:

Occupational Reg. - misc

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

DORL rule making regarding supervision of real estate brokers

Instructions:

Prepare companion to LRB-3708

Drafting History:

Vers.

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Submitted

<u>Jacketed</u>

Required

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kunkemd

FE Sent For:

<END>

Kunkel, Mark

From:

Sent:

Sherman, Julia Friday, October 22, 1999 3:18 PM Kunkel, Mark

To: Subject:

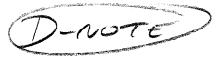
Draft Request

Senator Clausing would like to introduce a Senate companion to LRB 99-3708/1, but in the version with the Rick Staff changes. Would you prepare that for us? Thank you.

Julia Sherman

SOON)

1999 - 2000 LEGISLATURE



1999 ASSEMBLY BILL





AN ACT to repeal 452.12 (3) (b); to renumber and amend 452.12 (3) (a); to amend 452.139 (2) (c); and to create 452.07 (1m) of the statutes; relating to: employe supervision by real estate brokers and requiring the exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, an individual may not act as a real estate broker unless he or she is licensed as a broker by the department of regulation and licensing (DORL). A licensed broker is responsible for the acts of any other broker or real estate or time—share salesperson employed by him or her. In addition, if a licensed broker maintains any branch office in this state, each such branch office must be under the direct, full—time supervision of a licensed broker.

This bill eliminates the requirement regarding direct, full—time supervision of branch office employes and requires instead that a real estate broker must supervise any broker or real estate or real estate time—share salesperson employed by the broker. In addition, the bill requires DORL to promulgate rules that specify the supervisory duties of brokers regarding such employes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 452.07 (1m) of the statutes is created to read:

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ASSEMBLY BILL

1	452.07 (1m) The department shall promulgate rules that specify the
2	supervisory duties of brokers under s. 452.12 (3).
3	SECTION 2. 452.12(3)(a) of the statutes is renumbered 452.12(3) and amended
4	to read:
5	452.12 (3) Broker's liability for acts of employes. Each broker shall
6	supervise, and is responsible for the acts of, any broker, salesperson or time-share
7	salesperson employed by the broker.
8	SECTION 3. 452.12 (3) (b) of the statutes is repealed.
9	SECTION 4. 452.139 (2) (c) of the statutes is amended to read:
10	452.139 (2) (c) Nothing in this subsection limits the liability of a broker under
11	s. $452.12(3)$ (a) for misrepresentations made by an employe who is a broker. Nothing
12	in this subsection limits the liability of a client for a misrepresentation that the client
13	makes in connection with brokerage services.
14	(END)

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3804/1dn MDK:**∧**:...



Senator Clausing:

enator Clausing: 3708
This bill is identical to LRB-8804/2, which incorporates the changes I discussed with Rick Staff.

> Mark D. Kunkel Legislative Attorney Phone: (608) 266–0131

E-mail: Mark.Kunkel@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-3804/1dn MDK:jlg:km

October 25, 1999

Senator Clausing:

This bill is identical to LRB-3708/2, which incorporates the changes I discussed with Rick Staff.

Mark D. Kunkel Legislative Attorney Phone: (608) 266-0131

E-mail: Mark.Kunkel@legis.state.wi.us

SUBMITTAL FORM

LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

To: Senator Clausing Date: 10/25/1999 Relating to LRB drafting number: LRB-3804 Topic DORL rule making regarding supervision of real estate brokers Subject(s) Occupational Reg. - misc 1. **JACKET** the draft for introduction in the Senate ____ or the Assembly ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies. 2. **REDRAFT.** See the changes indicated or attached A revised draft will be submitted for your approval with changes incorporated. 3. Obtain FISCAL ESTIMATE NOW, prior to introduction ___ If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal. If you have any questions regarding the above procedures, please call 266-3561. If you have any questions

relating to the attached draft, please feel free to call me.

Mark D. Kunkel, Legislative Attorney Telephone: (608) 266-0131