

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/22/2001

Received By: **kunkemd**

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: **Smith**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - misc**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

ARC:.....Smith - AM48,

Topic:

Real estate broker supervision

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kunkemd 06/23/2001	wjackson 06/23/2001		_____			
/1			jfrantze 06/23/2001	_____	lrb_docadmin 06/23/2001		

FE Sent For:

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/?	kunkemd	1/1 WLJ 6/23	6/23	6/23			

FE Sent For:

<END>

ARC Amendment # 48

Economic Development Package

SPENDING CUTS & REALLOCATIONS

MP DRINK
see page 12

1. ~~Commerce - Milwaukee Development Opportunity Zone~~

Motion: ~~Require a 50-50 match with the City of Milwaukee whereby the City would be required to offer financial incentives to the businesses within the Zone up to \$2.35 million.~~

~~Savings - \$2,350,000 (GPR-Lapse)~~

2. ETF - Group Health Insurance - Monthly Contribution from Employees (Grothman)
Request #157

Motion: Require each state employee to pay a minimum of \$5 per month towards his or her group health insurance coverage.

Savings - \$1,890,800 (GPR-Lapse)

RAC

3. WERC - Wisconsin Employment Peace Act - Appropriations and Fees (Duff)
Request #88

Motion: Decrease WERC's "Promotion of Peace in Labor Relations" appropriation by \$100,000 GPR in 2001-2002 and \$200,000 GPR in 2002-2003. In addition, authorize WERC to establish fees by rule for services performed by the agency that are not otherwise charged.

Savings - \$300,000 (GPR)

RAC

4. Tourism - Badger State Games
Not Original Request of Caucus

Motion: Eliminate excess promotional funding for the Badger State Games.

Savings - \$100,000 (GPR)

PJK

5. Commerce - Business Employees Skills Training (BEST) Grant Program
Not Original Request of Caucus

Motion: Reallocate tribal gaming revenue funding from the BEST grant program. Direct \$150,000 PR to Potosi Brewery Foundation, \$100,000 PR to Forward Wisconsin in 2002-03,

PJK

RJM

- d) Titling of Manufactured Homes (at the request of Rep. Sykora)
***Not Original Request of Caucus* (Pleva has language)**
 Under current law, every manufactured home must be titled. As a result, every home is treated as if it is personal property. A manufactured home permanently affixed to land the homeowner cannot be secured with a title. The only time a lender may perfect a security interest through a title is if the home remains personal property.

Motion: Specify that a title is not required if the home is intended to be permanently affixed to land the homeowner owns.
 (No Fiscal Effect)

ARG

- e) Tied-House Provisions – Ownership of Restaurants (at the request of Rep. Vrakas)
Request #123
****Should not alter 1999 Wisconsin Act 163:**
<http://www.legis.state.wi.us/1999/data/acts/99Act163.pdf>
 Under current law companies that have concurrent ownership of both restaurants and breweries are only allowed to own one brewery and one non-brewery restaurant.

Motion: Allow companies that have concurrent ownership of both restaurants and breweries to own up to 20 restaurants in Wisconsin and prohibit restaurants so owned from selling beer made by a brewery that shares their corporate ownership.
 (No Fiscal Effect)

ARG

- f) Wine Tasting in “Class A” Licensed Establishments (at the request of Rep. Pettis)
<http://www.legis.state.wi.us/2001/data/AB-104.pdf>
 Under current law, with certain exceptions, no owner, lessee or person in charge of a public place may allow the consumption of alcohol beverages on the premises unless that owner, lessee or person in charge holds the appropriate license or permit. A “Class A” license authorizes the license holder to sell wine or liquor at retail for consumption only off the licensed premises. A “Class B” license authorizes the license holder to sell alcohol beverages at retail for consumption on or off the licensed premises.

Motion: Allow a “Class A” license holder to provide two wine taste samples of not more than three fluid ounces each, free of charge, for consumption on the licensed premises between 10:00 a.m. and 6:00 p.m. Also, allow municipalities to override the effects of this statute.
 (No Fiscal Effect)

PTK

- g) Real Estate Brokers – Requirements for Supervision (at the request of Rep. Meyer) 16/556
Request #160
 Under current law, a real estate branch office must be under direct, full-time supervision.

See 99-3708/2
 99-3804/1

Motion: Eliminate this requirement and instead require that a real estate broker must supervise any broker, real estate salesperson, or real-estate time-share salesperson employed by the broker.
(No Fiscal Effect)

2. Business & Economic Development

- PJK
- a) Division of International and Export Services (at the request of Rep. Townsend & Sen. Hartsdorf)

***Senate Republican Caucus Amendment #235* (NUMBERS ARE DIFFERENT)**
The Division of International and Export Services assists Wisconsin businesses in increasing their sales in the international marketplace. The Division contracts with individuals or agencies in foreign countries for assistance in the growth of Wisconsin exports and the promotion of Wisconsin as an investment location. The Joint Finance Committee eliminated the Division of International and Export Services. Authorize Commerce to use an additional \$1 million from within their own budget to be allocated for this division if they so wish.

Motion: Restore Governor's recommendation for the Commerce Department's Division of International and Export Services.
(Fiscal Effect: \$4,003,800 GPR, \$103,400 PR)

- JK
- b) Technology Zone Designation (at the request of Rep. Suder)
Request #96

The Governor recommended the creation of up to 20 technology zones. A business located in a technology zone and that was certified by Commerce would be eligible to claim a technology zone credit. The Joint Finance Committee modified the Governor's request by allowing the creation of up to 9 technology zones.

Motion: Require the Commerce Department to designate the City of Marshfield as a technology zone.
(Indeterminate Fiscal Effect)

- PJK
- c) Green Bay Redevelopment (at the request of Rep. Krawczyk)
***Not Original Request of Caucus* (Pleva has language)**

The Commerce Department's Gaming and Economic Development and Diversification Grant and Loan programs were created to provide financial assistance to businesses located in the areas affected by Indian gaming operations. Funding for the program is provided from tribal gaming revenues. The Joint Finance Committee set aside \$2.1 million in 2001-2002 and \$3.1 million in 2002-2003 of tribal gaming revenue for this program.

Motion: Require the Commerce Department to provide \$250,000 in each year of the biennium from the Economic Development and Diversification program to the Port Plaza Renovation Project in Green Bay.
(No Fiscal Effect)

Budget Amendments 2001 - 2003

61556

Prepared by the Assembly Republican Caucus

Statement of Intent Allow real estate broker to supervise a broker, real estate salesperson or time-share salesperson employed by the broker.

Legislator Meyer

Amendment 48

Legislator 2

Pass or Fail Pass

Legislator 3

Spending Cut

Legislator 4

Withdrawn

Staff contact Eric

Package

Agency Regulation and Licensing

Summary This motion would eliminate the requirement for direct, full-time supervision of a branch office, and require instead that a real estate broker must supervise any broker, real estate salesperson, or real estate time-share salesperson employed by the broker. Additionally, the amendment requires DRL to promulgate rules that specify the supervisory duties of brokers regarding such employees.

Current rules do not accurately reflect today's technological environment or provide adequate guidelines concerning the types of activities that must be supervised, or the level of supervision needed.

Fiscal Impact None.

Drafting Inst.

ARC Analyst Smith

PJK

Request # 160

Friday, June 22, 2001

Page 10 of 18

2001

Date (time) needed

0-NOTE

LRB b/556, 1

**ARC CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]**

MDK: Wlj:

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page 1156, line 6: after that line insert 

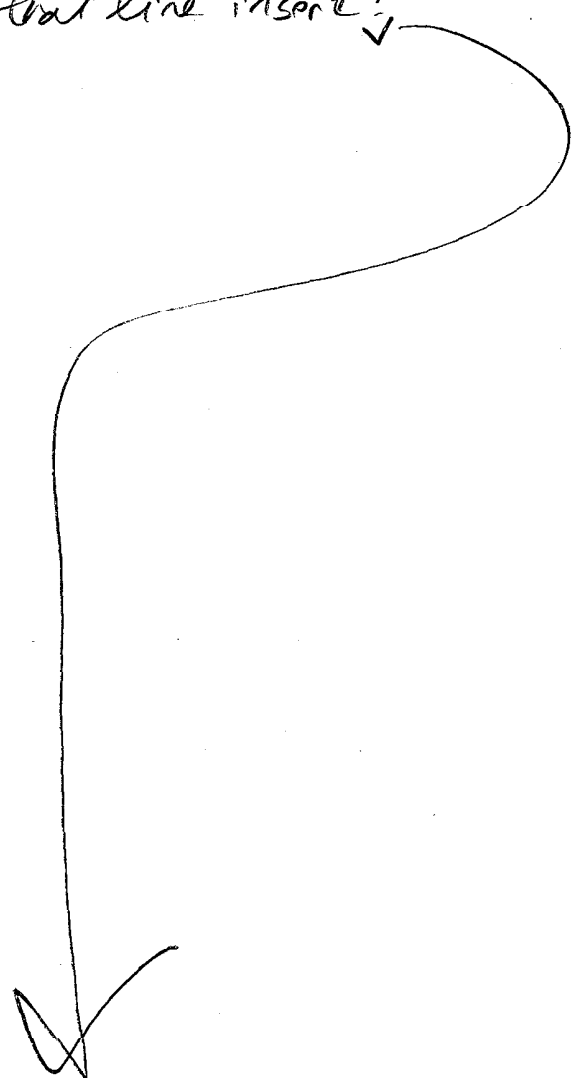
#. Page, line

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1999 ASSEMBLY BILL 566

October 27, 1999 - Introduced by Representatives WIECKERT, SPILLNER, SYKORA, PORTER, HAHN, SCHOOFF, VRAKAS, KESTELL, F. LASEE, POCAN and MEYER, cosponsored by Senators CLAUSING, FITZGERALD, ROESSLER and RUDE. Referred to Committee on Housing.

1 AN ACT to repeal 452.12 (3) (b); to renumber and amend 452.12 (3) (a); to
 2 amend 452.139 (2) (c); and to create 452.07 (1m) of the statutes; relating to:
 3 employe supervision by real estate brokers and requiring the exercise of
 4 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:

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

(B)

3608b

ASSEMBLY BILL 566

SECTION 1

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: (b) 3608d

5 452.12 (3) BROKER'S LIABILITY FOR ACTS OF EMPLOYEES. Each broker shall
6 supervise, and is responsible for the acts of, any broker, salesperson or time-share
7 salesperson employed by the broker. (c) + plain

8 SECTION 3. 452.12 (3) (b) of the statutes is repealed. (b) 3608f

9 SECTION 4. 452.139 (2) (c) of the statutes is amended to read: (b) 3608h

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^e 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. (plain)

14 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1556/1
MDK:wlj:jf

ARC:.....Smith – AM48, Real estate broker supervision

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1156, line 6: after that line insert:

3 “SECTION 3608b. 452.07 (1m) of the statutes is created to read:

4 452.07 (1m) The department shall promulgate rules that specify the
5 supervisory duties of brokers under s. 452.12 (3).

6 SECTION 3608d. 452.12 (3) (a) of the statutes is renumbered 452.12 (3) and
7 amended to read:

8 452.12 (3) BROKER'S LIABILITY FOR ACTS OF EMPLOYEES. Each broker shall
9 supervise, and is responsible for the acts of, any broker, salesperson, or time-share
10 salesperson employed by the broker.

