

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1387/P3dn  
CTS:wlj:pg

April 29, 2005

Representative Wieckert:

This is a redraft of LRB-1387/P2 based on instructions from Rick Staff. Please review it carefully, and note the following questions and comments:

1. Like the proposed language prepared by the WRA, the disclosure statement to clients in this draft (proposed. s. 452.135 (2)) indicates that a broker may engage a subagent to assist the broker in providing services to a client, but only if the client authorizes the broker to do so in the agency agreement. This appears to be currently required by DRL rule (s. RL 24.07 (8) (a) 4.), but not by statute. Shouldn't this also be required in ch. 452? If the statutes do not require client authorization in the agency agreement, DRL could change the rule. In that event, the statutory disclosure statement would be incorrect, unless the legislature acted to fix the disclosure.
2. Like the previous version, this draft identifies showing real estate as a brokerage service. It does not include showing real estate as a subset of providing information and advice on real estate matters, but incorporates definitional language suggested by Rick. Is this okay?
3. This draft includes language that clarifies the distinction between a subagent and a broker who is employed as another broker's salesperson. See proposed ss. 452.01 (4d), (4h), (4p), and (4t), 452.01 (7r), 452.12 (3), and 452.133 (4).
4. This draft includes a delayed effective date (about 6 months after publication). Is this okay?

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