



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-072

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 November 2011.]

2. Form, Style and Placement in Administrative Code

a. The introductory clause should be replaced with the following:

...to repeal REEB 18.08, 18.11 (2), and 18.12 and (Note); to renumber and amend REEB 18.11 (1); to amend REEB 18.01 (title), 18.02 (5) (intro.), (a), and (b) and (6) (intro.) and (a) to (g), 18.031 (1) (intro.), (a), and (b), 18.033 (title) and (2), 18.035 (2), 18.037 (intro.) and (Note), 18.06, 18.09 (1) (intro.) and (a) to (f), and 18.13 (1) (intro.) and (a) to (d), (2) to (4), and (6) (e); to repeal and recreate REEB 18.02 (1) and 18.10; and to create REEB 18.02 (intro.) (Note), (1e) and (Note), and (4) (Note) and 18.034 (1) (title), relating to real estate trust accounts. [s. 1.02 (1), Manual.]

b. In the statutes interpreted section, “ss. 452.07 (1m), and 452.07, Stats.” should be replaced with “s. 452.13, Stats.”. The proposed rule interprets s. 452.13, Stats., which relates to trust accounts. In addition, in the related statute or rule section, the agency should list statutes or rules that relate to the proposed rule, not a statute that is interpreted by the proposed rule. For example, the agency could list some of the relevant chapters in chs. REEB 11 to 26.

c. In the statutory authority section and explanation of agency authority, the reference to s. 452.07 (1m), Stats., is not necessary, given the reference to s. 452.07, Stats.

d. In the statutory authority section, it appears that “15.405 (11)” should be replaced with “15.08 (5) (b)”, given the reference to s. 15.08 (5) (b), Stats., in the explanation of agency authority. Section 15.405 (11), Stats., does not exist.

e. In SECTION 3, “**REEB 18.01 (1)**” should be replaced with “**REEB 18.02 (1)**”.

f. In SECTION 4, the SECTION treatment should be replaced with the following: “REEB 18.02 (1e) and (Note) and (4) (Note) are created to read:”. The SECTION creates the note to sub. (4), not sub. (4) itself. Alternatively, the agency could consider splitting up the treatment in SECTION 4 into two separate SECTIONS: one that creates s. REEB 18.02 (1e) and (Note); and one that creates s. REEB 18.02 (4) (Note).

g. In s. REEB 18.033, the period at the end of the title should be retained. The existing period should not be stricken-through, nor should a new period be created. [s. 1.06 (4), Manual.] The same comment applies to the note to s. REEB 18.037.

h. In s. REEB 18.034, the newly created title should not be underscored. In addition, the text of the subsection should not appear in the SECTION. [s. 1.055, Manual.]

i. In s. REEB 18.09 (1) (b), the “a” following “this subsection,” should be underscored because it is new text. [s. 1.06 (1), Manual.]

j. In SECTION 21, the words “following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.” are not necessary because a specific effective date is included. [s. 1.02 (4), Manual.]

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

In s. REEB 18.02 (1e) (Note) and (4) (Note), “, Stats.,” should be inserted following the references to statutes. [s. 1.07 (2), Manual.]

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

a. In s. REEB 18.01 (title), the space before the inserted word “Authority” should not be underscored.

b. In s. REEB 18.02 (1), “any” should be inserted after the word “and” and before the words “other day designated by the President”.

c. In ss. REEB 18.02 (6) (intro.) and 18.031 (1) (intro.), the references to “salespersons” should be changed to the singular. [s. 1.01 (9) (e), Manual.]

d. In s. REEB 18.02 (6) (intro.), a comma should be inserted before the word “including” and the phrase “all of the following” should be replaced with the phrase “any of the following”.

e. In s. REEB 18.10 (2), are the additional personal funds that must be deposited by the broker limited to the amount specified in s. REEB 18.10 (1) (b)?

f. In s. REEB 18.13 (4), the reference to “trial balance” is confusing. The agency could consider revising the first sentence to read:

The broker shall prepare or have prepared, in conjunction with sub. (3), a written listing, ~~“trial balance”~~, of all open items in the real estate trust account. The written listing shall be referred to as the “trial balance”.