



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-055

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. In the analysis for the proposed rule, under the heading for related statutes or rules, the board could consider adding a citation to the application procedures for real estate salespersons in s. REEB 12.013 and real estate brokers in s. REEB 12.017, as well as the availability of applications as described under s. REEB 12.01.

b. In s. REEB 12.012 (2) (a), the two items in that paragraph should be separated to stand alone in two paragraphs, similar to s. REEB 12.011 (1) (a) and (am).

3. Conflict With or Duplication of Existing Rules

a. The current administrative rules, in ss. REEB 12.013 and 12.017, specify the materials that an applicant must submit to apply for licensure as a real estate salesperson or broker. Because these materials are different than the information that must be submitted under the provision created in the proposed rule, in s. REEB 12.012, the current text of ss. REEB 12.013 and 12.017 should each be amended to add the phrase “Except as provided in s. REEB 12.012,”. Note that ss. REEB 12.013 and 12.017 already begin with an “Except” clause; so, the above suggestion would need to be merged with the current text.

b. To be consistent with other agencies’ proposed reciprocal licensure rules for service members, s. REEB 12.012 (2) should be amended to state “Each applicant for reciprocal licensure as a real estate salesperson or real estate broker shall submit all of the following:”.

c. To be consistent with other agencies’ proposed reciprocal licensure rules for service members, s. REEB 12.012 (2) (a) should begin with the article “A”. As in, “A completed application form . . .”.

d. To be consistent with other agencies’ proposed reciprocal licensure rules for service members, s. REEB 12.012 (2) (b) should begin with the article “A”. As in, “A statement that the individual resides in this state”.

e. To be consistent with other agencies' proposed reciprocal licensure rules for service members, consider changing "individual" to "applicant" in s. REEB 12.012 (2) (b), (c), and (d).

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

Section 440.09 (2) (a), Stats., requires an individual who is applying for a reciprocal credential to apply using a form prescribed by the Department of Safety and Professional Services or the credentialing board. Section 227.14 (3), Stats., requires references to forms to be included in a note. Will the applications contemplated by the proposed rule be available as described in the s. REEB 12.01 (Note)? If not, the proposed rule should be revised to include a note to indicate where the form may be found or how it may be obtained. [s. 227.14 (3), Stats.; and s. 1.12 (3), Manual.]

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

a. In s. REEB 12.012 (2), the board should specify whether the required application materials are in addition to or notwithstanding the materials that an applicant must submit under ss. REEB 12.013 and 12.017.

b. In s. REEB 12.012 (2) (d), consider the usage of "and" between salesperson and broker and whether this should be "or". As it is currently written, the provision suggests that the applicant must show the authorization to perform acts of both a salesperson and a broker. This would be inconsistent with the current rules, which allow for someone to be a salesperson without being a broker.

c. In s. REEB 12.012 (3), the statutory references should include the source notation "Stats.". [s. 1.15 (2) (Table), Manual.]