

Report From Agency

STATE OF WISCONSIN DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF RULE-MAKING	:	REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE	:	ON CLEARINGHOUSE RULE 08-040
DEPARTMENT OF REGULATION	:	(s. 227.19 (3), Stats.)
AND LICENSING	:	

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

No new or revised forms are required by these rules.

III. FISCAL ESTIMATES:

The department estimates that the proposed rule will have no significant fiscal impact. The department finds that this rule has no significant fiscal effect on the private sector.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The purpose of this proposed rule-making order is to prohibit the altering of approved real estate forms. It has come to the department's attention that blank lines are being inserted between provisions of department approved text, similar in form, content and appearance, such that the inserted provisions create the implication that they are approved by the department. Changes to the forms must be made by either filling in blank lines currently inserted into the text of a form for such purpose, or by the attachment of an addendum where proper under the currently existing rules.

V. NOTICE OF PUBLIC HEARING:

A public hearing was held on June 26, 2008.

There were no appearances at the public hearing nor were any written comments received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment 2. The department should consider amending s. RL 16.06 (1) (a) so that it reads, in final form, as follows: "Shall assure that line numbering, line content, and the

lines appearing on each page are identical to those on the department's forms." Is the meaning of "lines appearing on each page" clear?

Response: The department considered the amended language and chose to leave the language as was originally proposed. The meaning of "lines appearing on each page" is clear to the practitioners and board members surveyed.

Comment 5. The department's "plain language analysis," particularly the first paragraph, is not plainly stated.

Response: The first paragraph of the "plain language analysis" has been amended.

VII. FINAL REGULATORY FLEXIBILITY ANALYSIS:

These rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.