



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBb0768/1
ALL:all

**ASSEMBLY AMENDMENT 3,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 64**

September 13, 2017 - Offered by Representatives SINICKI, HINTZ, SHANKLAND, BARCA, ANDERSON, BERCEAU, BILLINGS, BOWEN, BROSTOFF, CONSIDINE, CROWLEY, DOYLE, FIELDS, GENRICH, GOYKE, HEBL, HESSELBEIN, KESSLER, KOLSTE, MASON, MEYERS, MILROY, OHNSTAD, POPE, RIEMER, SARGENT, SPREITZER, STUCK, SUBECK, C. TAYLOR, VRUWINK, WACHS, YOUNG, ZAMARRIPA and ZEPNICK.

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

2 **1.** Page 10, line 25: after that line insert:

3 **“SECTION 8r.** 13.94 (1) (dk) of the statutes is created to read:

4 13.94 (1) (dk) Biennially, beginning in 2017, conduct a financial and
5 performance evaluation audit of the enterprise resource planning system
6 maintained under s. 16.971 (2) (cf).”.

7 **2.** Page 11, line 4: after that line insert:

8 **“SECTION 8t.** 13.94 (1s) (c) 6. of the statutes is amended to read:

9 13.94 (1s) (c) 6. The department of administration for the cost of the audit
10 audits under sub. (1) (dk) and (dL).”.

11 **3.** Page 422, line 5: delete lines 5 to 12.

1 **4.** Page 423, line 18: delete the material beginning with that line and ending
2 with page 424, line 11.

3 **5.** Page 424, line 22: delete the material beginning with that line and ending
4 with page 427, line 23.

5 **6.** Page 563, line 3: delete lines 3 to 14.

6 **7.** Page 585, line 22: delete the material beginning with that line and ending
7 with page 586, line 4.

8 **8.** Page 598, line 21: after that line insert:

9 “**SECTION 997jb.** 70.32 (1b) of the statutes is created to read:

10 70.32 **(1b)** (a) To determine the value of property using generally accepted
11 appraisal methods, the assessor shall consider all of the following as comparable to
12 the property being assessed:

13 1. Sales or rentals of properties exhibiting the same or a similar highest and
14 best use with placement in the same real estate market segment.

15 2. Sales or rentals of properties that are similar to the property being assessed
16 with regard to age, condition, use, type of construction, location, design, physical
17 features, and economic characteristics, including similarities in occupancy and the
18 the potential to generate rental income. For purposes of this subdivision, such
19 properties may be found locally, regionally, or nationally.

20 (b) For purposes of par. (a), a property is not comparable if any of the following
21 applies:

22 1. At or before the time of sale, the seller places any deed restriction on the
23 property that changes the highest and best use of the property, or prohibits

1 competition, so that it no longer qualifies as a comparable property under par. (a) 1.
2 or 2. and the property being assessed lacks such a restriction.

3 2. The property is dark property and the property being assessed is not dark
4 property. In this subdivision, “dark property” means property that is vacant or
5 unoccupied beyond the normal period for property in the same real estate market
6 segment. For purposes of this subdivision, what is considered vacant or unoccupied
7 beyond the normal period may vary depending on the property location.

8 (c) For purposes of par. (a), “highest and best use” means the specific use of the
9 property as of the current assessment date or a higher use to which the property can
10 be expected to be put in before the next assessment date, if the use is legally
11 permissible, physically possible, not speculative, and financially feasible and
12 provides the highest net return. When the current use of a property is the highest
13 and best use of that property, value in the current use equals full market value. In
14 this paragraph, “legally permissible” does not include a conditional use that has not
15 been granted as of the assessment date.

16 (d) For purposes of par. (a), “real estate market segment” means a pool of
17 potential buyers and sellers that typically buy or sell properties similar to the
18 property being assessed, including potential buyers who are investors or
19 owner-occupants. For purposes of this paragraph, and depending on the type of
20 property being assessed, the pool of potential buyers and sellers may be found locally,
21 regionally, nationally, or internationally.”.

22 **9.** Page 738, line 8: after that line insert:

23 **“SECTION 1410.** 108.08 (1) of the statutes is amended to read:

1 108.08 (1) To receive benefits for any given week of unemployment, a claimant
2 shall give notice to the department with respect to such week of unemployment
3 within such time and in such manner as the department may by rule prescribe,
4 except that the department shall permit such notice to be given to the department
5 via telephone.

6 **SECTION 1415.** 108.09 (1) of the statutes is amended to read:

7 108.09 (1) FILING. Claims for benefits shall be filed pursuant to department
8 rules, except that the department shall permit claims for benefits to be filed via
9 telephone. Each employer that is notified of a benefit claim shall promptly inform
10 the department in writing as to any eligibility question in objection to such claim
11 together with the reasons for the objection. The department may also obtain
12 information from the employee concerning the employee's eligibility, employment or
13 wages.”.

14 **10.** Page 740, line 24: after that line insert:

15 “**SECTION 1454c.** 111.39 (4) (d) of the statutes is amended to read:

16 111.39 (4) (d) The department shall serve a certified copy of the findings and
17 order on the respondent, the order to have the same force as other orders of the
18 department and be enforced as provided in s. 103.005. The department shall also
19 serve a certified copy of the findings and order on the complainant, together with a
20 notice advising the complainant about the right to seek, and the time for seeking,
21 review by the commission under sub. (5); about the right to bring, and the time for
22 bringing, an action for judicial review under s. 111.395; and about the right to bring,
23 and the time for bringing, an action under s. 111.397 (1) (a). Any person aggrieved
24 by noncompliance with the order may have the order enforced specifically by suit in

1 equity. If the examiner finds that the respondent has not engaged in discrimination,
2 unfair honesty testing, or unfair genetic testing as alleged in the complaint, the
3 ~~department shall serve a certified copy of the examiner's findings~~ served on the
4 complainant, ~~together with~~ shall be accompanied by an order dismissing the
5 complaint.

6 **SECTION 1454d.** 111.39 (5) (b) of the statutes is amended to read:

7 111.39 (5) (b) ~~If no petition is filed~~ the respondent or complainant does not file
8 a petition under par. (a) within 21 days from the date that a copy of the findings and
9 order of the examiner is mailed ~~to the last-known address of the respondent~~ served
10 on that party, the findings and order shall be considered final for purposes of
11 enforcement under sub. (4) (d). If a timely petition is filed, the commission, on review,
12 may either affirm, reverse, or modify the findings or order in whole or in part, or set
13 aside the findings and order and remand to the department for further proceedings.
14 Such actions shall be based on a review of the evidence submitted. If the commission
15 is satisfied that a respondent or complainant has been prejudiced because of
16 exceptional delay in the receipt of a copy of any findings and order, ~~it~~ the commission
17 may extend the time another 21 days for filing the petition with the department.

18 **SECTION 1454e.** 111.39 (5) (d) of the statutes is created to read:

19 111.39 (5) (d) The commission shall serve a certified copy of the commission's
20 decision on the respondent. The commission shall also serve a certified copy of the
21 commission's decision on the complainant, together with a notice advising the
22 complainant about the right to bring, and the time for bringing, an action for judicial
23 review under s. 111.395 and about the right to bring, and the time for bringing, an
24 action under s. 111.397 (1) (a).

25 **SECTION 1454f.** 111.397 of the statutes is created to read:

1 **111.397 Civil action.** (1) (a) Except as provided in this paragraph, the
2 department or a person alleged or found to have been discriminated against or
3 subjected to unfair honesty testing or unfair genetic testing may bring an action in
4 circuit court requesting the relief described in sub. (2) (a) against any employer, labor
5 organization, or employment agency that is alleged or found to have engaged in that
6 discrimination, unfair honesty testing, or unfair genetic testing. The department or
7 a person alleged or found to have been discriminated against or subjected to unfair
8 honesty testing or unfair genetic testing may not bring an action under this
9 paragraph against any local governmental unit, as defined in s. 19.42 (7u), or against
10 any employer, labor organization, or employment agency employing fewer than 15
11 individuals for each working day in each of 20 or more calendar weeks in the current
12 or preceding year.

13 (b) If a petition for judicial review of the findings and order of the commission
14 concerning the same violation as the violation giving rise to the action under par. (a)
15 is filed, the circuit court shall consolidate the proceeding for judicial review and the
16 action under par. (a).

17 (c) A person alleged or found to have been discriminated against or subjected
18 to unfair honesty testing or unfair genetic testing is not required to file a complaint
19 under s. 111.39 or seek review under s. 111.395 in order for the department or the
20 person to bring an action under par. (a).

21 **(2)** (a) Subject to pars. (b) and (c), in an action under sub. (1) (a), if the circuit
22 court finds that discrimination, unfair honesty testing, or unfair genetic testing has
23 occurred, or if such a finding has been made by an examiner or the commission and
24 not been further appealed, the circuit court may order any relief that an examiner
25 would be empowered to order under s. 111.39 (4) (c) after a hearing on a complaint

1 filed under s. 111.39. In addition, the circuit court shall order the defendant to pay
2 to the person discriminated against or subjected to unfair honesty testing or unfair
3 genetic testing any other compensatory damages, and punitive damages under s.
4 895.043 that the circuit court or jury finds appropriate, plus reasonable costs and
5 attorney fees incurred in the action. If any relief was ordered under s. 111.39 or
6 111.395, the circuit court shall specify whether the relief ordered under this
7 paragraph is in addition to or replaces the relief ordered under s. 111.39 or 111.395.
8 The sum of the amount of compensatory damages for future economic losses and for
9 pain and suffering, emotional distress, mental anguish, loss of enjoyment of life, and
10 other noneconomic losses and the amount of punitive damages that a circuit court
11 may order may not exceed the following:

12 1. In the case of a defendant that employs 100 or fewer employees for each
13 working day in each of 20 or more calendar weeks in the current or preceding year,
14 \$50,000.

15 2. In the case of a defendant that employs more than 100 but fewer than 201
16 employees for each working day in each of 20 or more calendar weeks in the current
17 or preceding year, \$100,000.

18 3. In the case of a defendant that employs more than 200 but fewer than 501
19 employees for each working day in each of 20 or more calendar weeks in the current
20 or preceding year, \$200,000.

21 4. In the case of a defendant that employs more than 500 employees for each
22 working day in each of 20 or more calendar weeks in the current or preceding year,
23 \$300,000.

1 (b) If the circuit court orders any payment under par. (a) because of a violation
2 of s. 111.321, 111.37, or 111.372 by an individual employed by an employer, the
3 employer of that individual is liable for the payment.

4 (c) 1. In this paragraph, “consumer price index” means the average of the
5 consumer price index for all urban consumers, U.S. city average, as determined by
6 the bureau of labor statistics of the federal department of labor.

7 2. Except as provided in this subdivision, beginning on July 1, 2019, and on
8 each July 1 after that, the department shall adjust the amounts specified in par. (a)
9 1., 2., 3., and 4. by calculating the percentage difference between the consumer price
10 index for the 12-month period ending on December 31 of the preceding year and the
11 consumer price index for the 12-month period ending on December 31 of the year
12 before the preceding year and adjusting those amounts by that percentage
13 difference. The department shall publish the adjusted amounts calculated under
14 this subdivision in the Wisconsin Administrative Register, and the adjusted amounts
15 shall apply to actions commenced under sub. (1) (a) beginning on July 1 of the year
16 of publication. This subdivision does not apply if the consumer price index for the
17 12-month period ending on December 31 of the preceding year did not increase over
18 the consumer price index for the 12-month period ending on December 31 of the year
19 before the preceding year.”.

20 **11.** Page 925, line 22: delete the material beginning with that line and ending
21 with page 926, line 13, and substitute:

22 “**SECTION 2225s.** 770.05 (5) of the statutes is repealed.

23 **SECTION 2225sp.** 770.15 (1) of the statutes is amended to read:

1 770.15 (1) The application and declaration of domestic partnership under s.
2 770.07 and the notice of termination of domestic partnership and certificate of
3 termination of domestic partnership under s. 770.12 shall contain such information
4 as the state registrar of vital statistics determines is necessary. The form for the
5 declaration of domestic partnership shall require both individuals forming a
6 domestic partnership to sign the form and attest to satisfying all of the criteria under
7 s. 770.05 (1) to ~~(5)~~ (4).”.

8 **12.** Page 928, line 15: after that line insert:

9 “**SECTION 2230u.** 814.04 (intro.) of the statutes is amended to read:

10 **814.04 Items of costs.** (intro.) Except as provided in ss. 93.20, 100.195 (5m)
11 (b), 100.30 (5m), 106.50 (6) (i) and (6m) (a), 111.397 (2) (a), 115.80 (9), 767.553 (4) (d),
12 769.313, 802.05, 814.245, 895.035 (4), 895.044, 895.443 (3), 895.444 (2), 895.445 (3),
13 895.446 (3), 895.506, 943.212 (2) (b), 943.245 (2) (d), 943.51 (2) (b), and 995.10 (3),
14 when allowed costs shall be as follows:”.

15 **13.** Page 1063, line 17: delete lines 17 to 23.

16 **14.** Page 1066, line 10: delete lines 10 to 16.

17 **15.** Page 1069, line 15: after that line insert:

18 “(1b) **DARK STORE PROPERTY.** The treatment of section 70.32 (1b) of the statutes
19 first applies to the property tax assessments as of January 1, 2018.”.

20 **16.** Page 1074, line 21: after that line insert:

21 “(1k) **EMPLOYMENT DISCRIMINATION DAMAGES.** The treatment of sections 111.39
22 (4) (d) and (5) (b) and (d), 111.397, and 814.04 (intro.) of the statutes first applies to
23 acts of employment discrimination, unfair honesty testing, or unfair genetic testing
24 committed on the effective date of this subsection.”.

