



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBa2369/1  
JK:amn/kjf/ahe

**SENATE AMENDMENT 1,  
TO ASSEMBLY BILL 259**

March 20, 2018 - Offered by Senators RINGHAND, MILLER, SHILLING, CARPENTER,  
BEWLEY, WIRCH, HANSEN, LARSON, L. TAYLOR, SCHACHTNER, JOHNSON, VINEHOUT,  
ERPENBACH and RISSER.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1           At the locations indicated, amend the bill, as shown by assembly substitute  
2           amendment 2, as follows:

3           **1.** Page 2, line 1: after “purposes;” insert “property tax assessments based on  
4           comparable sales and market segments;”.

5           **2.** Page 2, line 3: before that line insert:

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

7           70.32 **(1b)** (a) To determine the value of property using generally accepted  
8           appraisal methods, the assessor shall consider all of the following as comparable to  
9           the property being assessed:

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

12           2. Sales or rentals of properties that are similar to the property being assessed  
13           with regard to age, condition, use, type of construction, location, design, physical

1 features, and economic characteristics, including similarities in occupancy and the  
2 the potential to generate rental income. For purposes of this subdivision, such  
3 properties may be found locally, regionally, or nationally.

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

6 1. At or before the time of sale, the seller places any deed restriction on the  
7 property that changes the highest and best use of the property, or prohibits  
8 competition, so that it no longer qualifies as a comparable property under par. (a) 1.  
9 or 2. and the property being assessed lacks such a restriction.

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

15 (c) For purposes of par. (a), “highest and best use” means the specific use of the  
16 property as of the current assessment date or a higher use for which the property may  
17 be used as of the current assessment date, if the property is marketable for that use  
18 and the use is legally permissible, physically possible, not highly speculative, and  
19 financially feasible and provides the highest net return. When the current use of a  
20 property is the highest and best use of that property, value in the current use equals  
21 full market value. In this paragraph, “legally permissible” does not include a  
22 conditional use that has not been granted as of the assessment date.

23 (d) For purposes of par. (a), “real estate market segment” means a pool of  
24 potential buyers and sellers that typically buy or sell properties similar to the  
25 property being assessed, including potential buyers who are investors or

1 owner-occupants. For purposes of this paragraph, and depending on the type of  
2 property being assessed, the pool of potential buyers and sellers may be found locally,  
3 regionally, nationally, or internationally.”

4 **3.** Page 20, line 14: after that line insert:

5 “(4m) DARK STORES. The treatment of section 70.32 (1b) of the statutes first  
6 applies to the property tax assessments as of January 1, 2018.”

7 (END)