

WAA Legislative Committee Report



Legislative Committee



Chairman Robert Petts

Committee Members

Bridget Siler
Bryce Hansen
Carol Wagenson
Carol Miller
Stan Jones
Rodney Freymiller
David Allen
Jim Gavin
Jeff Hines

The Wisconsin Auctioneers Association actively advocates for the auction industry through grassroots lobbying and a WAA legislative fund. Member engagement and donations are key to the success of WAA advocacy efforts.

Committee Responsibilities:

Keep abreast of proposed legislation, laws and administrative rules that affect the auction industry.

Consider and recommend proposed legislative action to the board of directors. Write articles/reports for the association/s publications.

Propose activities to strengthen the identity of the association and the auction method with the legislature. Invite area legislators to conferences.

Legislative Townhall Friday 7:30 a.m. - 9:00 a.m.

- 1. Lobbyist position.** The committee is seeking input from association members about the perceived need of the association to have a lobbyist, concerns about the costs and funding for a lobbyist, as well as goals and objectives for a lobbyist.
- 2. Current Legislation.** The committee is encouraging members to comment regarding any of the current legislation that has been introduced at the state level. A copy of these bills are included with this report.
- 3. Day on the Hill.** Discussion with Governor's board, Committee, and members regarding participation and objectives for Day on the Hill.

Auctioneer Board Townhall Friday 2:15 p.m. - 3:15 p.m.

1. Standardized Auctioneer Contracts
 2. Online Auctions
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Real Estate Legislation

2021 Senate Bill 73

Introduced by Senators Ballweg, Felzkowski, Feyen, Marklein, Nass and L. Taylor; cosponsored by Representatives Horlacher, Allen, Brandtjen, Brooks, Callahan, Dittrich, Gundrum, Jagler, Knodl, Krug, Kurtz, Moses, Murphy, Ortiz-Velez, Plumer, Ramthun, Skowronski, Wichgers and Zimmerman

Under current law, with certain exceptions, an owner selling residential real property or vacant land must give a prospective buyer a form, known as a real estate condition report for residential real property and known as the vacant land disclosure report for vacant land (real estate condition report), on which the owner discloses certain conditions of, and other information about, the real property.

Current law provides that if a prospective buyer does not receive a real estate condition report within ten days after a contract of sale or option contract (contract) is accepted, the prospective buyer may rescind the contract by delivering written notice to the owner.

Under the bill, a prospective buyer who rescinds a contract under such circumstances is also entitled to the return of any deposits or option fees the prospective buyer paid as part of the transaction.

Under current law, a prospective buyer is entitled to a completed copy of a real estate condition report, and if the buyer receives an incomplete report, the buyer may rescind the contract and is entitled to any deposits or option fees the buyer has paid as part of the transaction.

The bill specifies that a real estate condition report is considered complete only if the seller has completed or otherwise provided information for each item on the report.

Assembly Bill 340

Introduced by Representatives Tittl, Armstrong, Moses, Murphy and Wittke; cosponsored by Senator Jacque

Limits the time a person has to start a lawsuit for damages against a licensed or certified real estate appraiser to five years from the date the real estate appraiser submits the appraisal report to the client for whom real estate appraisal services are performed, unless a shorter limitations period applies.

The limitation period created in the bill does not apply to a real estate appraiser who commits fraud or concealment in the performance of real estate appraisal services. Currently, there is no statute of limitations specifically addressed to real estate appraisal services.

Firearms Legislation

2021 Assembly Bill 863

Introduced by Representatives Subeck, Sinicki, Anderson, Andraca, Billings, Brostoff, Considine, Emerson, Hebl, Neubauer, Shelton, Snodgrass and Stubbs; cosponsored by Senators L. Taylor, Larson, Carpenter and Johnson

Under this bill, a person who owns a firearm that is stolen or missing must report the theft or loss to a law enforcement agency within 24 hours of discovering the theft or loss. A person who violates this requirement is guilty of a Class A misdemeanor for a first offense and guilty of a Class I felony for a subsequent offense. A person who falsely reports a stolen or lost firearm is guilty of the current-law crime of obstructing an officer and is subject to a fine of up to \$10,000 or a sentence of imprisonment of up to nine months, or both.

This bill also requires a person who commercially sells or transfers a firearm to provide the purchaser or transferee a written notice of the requirement, created in this bill, to report a theft or loss of a firearm within 24 hours of discovering it. A seller or transferor who violates this requirement is subject to a fine of up to \$500 or imprisonment for up to 30 days, or both. Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

2021 Assembly Bill 572

Introduced by Representatives Magnafici, Armstrong, Brandtjen, Cabral-Guevara, Edming, Gundrum, Horlacher, James, Knodl, Moses, Penterman, Pronschinske, Schraa, Skowronski, Sortwell, Spiros, Tittl, Wichgers and Brooks; cosponsored by Senators Bradley, Felzkowski, Nass and Stroebel

This bill provides a limitation on liability for firearm, firearm accessory, and ammunition manufacturers, distributors, importers, trade associations, sellers, and dealers. Under the bill, a person may not bring or maintain an action against a firearm, firearm accessory, or ammunition manufacturer, importer, distributor, trade association, seller, or dealer for

- 1) recovery of damages resulting from or injunctive relief or abatement of a nuisance relating to the lawful design, manufacture, marketing, or sale of a firearm, firearm accessory, or ammunition or
- 2) recovery of damages resulting from the criminal or unlawful use of a firearm, firearm accessory, or ammunition by a third party.

The bill provides that a person is not prohibited from bringing or maintaining an action against these types of manufacturers, importers, distributors, trade associations, sellers, or dealers for

- 1) breach of contract or warranty concerning firearms, firearms accessories, or ammunition purchased;
- 2) injunctive relief to enforce a valid statute, rule, or ordinance, except for actions otherwise barred under the bill; or
- 3) death, physical injuries, or property damage resulting directly from a defect in design or manufacture of the product when it is used as intended or in a reasonably foreseeable manner. With regard to actions for death, physical injuries, or property damage resulting directly from a defect in design or manufacture, the bill includes an exception that where the discharge of the product was caused by a volitional criminal act, then the criminal act is to be considered the sole proximate cause of any resulting death, personal injuries, or property damage. If a court finds that a person has brought an action under a theory prohibited under the bill, the court must dismiss the claim or action and award the defendant reasonable attorney fees and costs.

Advertising Legislation

2021 Assembly Bill 762

Introduced by Representatives Novak, Swearingen, Tranel, Armstrong, Conley, Edming, Kurtz, Penterman, J. Rodriguez, Snyder, Spiros, Steffen, Tittl and Tusler; cosponsored by Senators Roth, Pfaff and Testin

This bill creates an income and franchise tax credit for businesses that purchase advertising in local media outlets. The credit equals 50 percent of the advertising expenditures, limited to a maximum credit of \$5,000.

The credit may be claimed only by businesses with fewer than 100 full-time employees and less than \$10,000,000 in revenue. The bill defines "local media outlet" to mean a newspaper in Wisconsin that has at least 25 percent news content, a broadcast radio or television station that is licensed by the Federal Communications Commission to serve a local community in Wisconsin, or a Wisconsin-based Internet site that is meant to inform users of news and events in a local community in Wisconsin.

Under the bill, if the business deducted the advertising expenditures under federal law, the business must add the amount deducted to its Wisconsin income in order to claim the credit. The bill provides that the credit may be claimed only for taxable years beginning after December 31, 2021, and before January 1, 2027.

Online Legislation

2021 Assembly Bill 743

Introduced by Representatives Dallman, Summerfield, Dittrich, Gundrum, Mursau, Subeck, Swearingen, Thiesfeldt and Tusler; cosponsored by Senators Roth, Felzkowski and Wanggaard

This bill establishes various requirements related to third-party sellers and the online marketplaces through which they sell consumer products. Under the bill, third-party sellers who complete at least 200 sales through a particular online marketplace over a 12-month period that have a total revenue of at least \$20,000 are considered “high-volume third-party sellers” and must disclose their full name, physical address, telephone number, and email address and certain banking information to the online marketplace.

Online marketplaces must verify this information and annually check with high-volume third-party sellers for updated information. If a high-volume third-party seller fails to respond within 10 days to an inquiry for updated information, an online marketplace must suspend the seller from participating on its marketplace.

The bill also requires online marketplaces to conspicuously disclose high-volume third-party sellers’ contact information to consumers, subject to certain exceptions. If a high-volume third-party seller is an individual, the individual may prevent the online marketplace from disclosing the individual’s residential address and personal telephone number.

Under the bill, online marketplaces must also provide a mechanism for consumers to report electronically or by telephone suspicious marketplace activity by a high-volume third-party seller.

Licensing Legislation

2021 Assembly BILL 218 now 2021 WISCONSIN ACT 118

Introduced by Representatives Petryk, Haywood, Bowen, Dallman, Dittrich, Cabral-Guevara, James, Knodl, Moses, Mursau, Pronschinske, Rozar, Steffen, Stubbs, Subeck, VanderMeer, Wichgers, Zimmerman, Spiros and Skowronski; cosponsored by Senators Kooyenga, Johnson, Marklein, Stroebel, L. Taylor and Wimberger

- Allows a credentialing board to delegate authority to the Department of Safety and Professional Services to make an immediate determination regarding whether an applicant meets the credential qualifications and to automatically grant, grant with limitations, or deny a credential in accordance with that determination;
- States that if no delegating authority is granted, the Department of Safety and Professional Services would be authorized to forward the application to a board with a recommendation for approval or approval with limitations, which would be considered automatically approved by the board on the tenth business day thereafter unless the application is acted on sooner or the board takes certain other action before the date, a process known as a “passive review” by the board; and
- Allows the Department of Safety and Professional Services and credentialing boards to promulgate emergency rules that are necessary to implement the changes in this act without the finding of an emergency.

2021 Assembly Bill 857

Introduced by Representatives Penterman, Dittrich, Edming, Murphy, Mursau, Wichgers and Knodl; cosponsored by Senators Kooyenga and Stroebel

This bill prohibits the Department of Safety and Professional Services and the examining boards attached to DSPS from requiring the passage of an examination as a condition for obtaining a credential, other than examinations that are required at the time the bill is enacted, unless a subsequent law specifically authorizes DSPS or an examining board to require passage of the examination.

Miscellaneous Legislation

2021 Senate Bill 401, now 2021 WISCONSIN ACT 106

Introduced by Senators Bradley, Ballweg, Cowles, Felzkowski, Jacque, Marklein and Nass;
cosponsored by Representatives Sortwell, Allen, Brandtjen, Brooks, Cabral-Guevara, Dittrich, Horlacher, Knodl, L. Myers, Murphy, Thiesfeldt, Wichgers, Mursau and Tusler

Allows organizations that are permitted under current law to conduct 50/50 raffles without a license if the raffle tickets are offered for sale only to members of the qualified organization, the prize is a cash award equal to one-half of the ticket proceeds (a 50/50 raffle), the prize does not exceed \$500, and the qualified organization complies with all requirements listed under s. 563.935, the requirements for raffles conducted under a Class B license.

2021 Assembly Bill 115

Introduced by Representatives Zimmerman, Callahan, Sinicki, Allen, Armstrong, Brandtjen, Brooks, Dittrich, Edming, Gundrum, Horlacher, Jagler, Knodl, Kuglitsch, Macco, Moses, Murphy, Mursau, Novak, Oldenburg, Petryk, Plumer, Rozar, Skowronski, Sortwell, Summerfield, Thiesfeldt, Tranel, Tusler, Vorpapel and Wichgers;
cosponsored by Senators Jacque, Testin, L. Taylor, Carpenter, Ballweg, Bernier, Darling, Felzkowski, Feyen, Nass and Stroebe

This bill allows an individual, when calculating income for state income tax purposes, to subtract the tuition expenses paid by the individual for the individual or the individual's dependent to participate in an apprenticeship program that is approved by the Department of Workforce Development. The deduction first applies to taxable years beginning after December 31, 2020.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill. For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

Day on the Hill

Join us to advocate on behalf of WAA and its issues in the State Capitol. Meet with your local lawmakers and educate them on WAA issues. Be part of the "Selling in the Round" Auction in the Capitol Rotunda.

This day is to promote relationship building with your Local Elected Officials. Some of our Association members already have strong relationships with the Local Elected Officials, however some also need to enhance or initiate the relationship.

We encourage each of you to schedule an appointment with your Senators and Representatives, (or staff). At 11:45 we will meet in the rotunda and do a brief program about the Auction Industry and some chanting.

This visit is about building relationships between state officials and the auction professional. We look forward to seeing you in Madison.

We NEED participation from all members...
...and Wisconsin licensees who have an interest in becoming a member.

To make the Day on the Hill successful, we encourage you to:

Contact fellow auctioneers in your area to encourage participation (possible carpool)
Contact your Representative's office to let them know that the WAA will be visiting Madison
Contact our office at info@wisconsin-auctioneers.org to let us know that you will participate in the event.

Legislative Talking Points

Higher Level of Professionalism in the Industry

1. The license law ensures that auctioneers are held to a higher more professional standard. This protects the consumer since a certain level of competence can be assumed.
2. Statewide licensing helps professional auctioneers work anywhere in the state without additional municipal, township and/or county licensing/permits. This allows a professional to work efficiently and effectively when dealing with a client who has assets and properties in multiple areas.
3. Licensing creates additional work opportunities by allowing auctioneers to easily operate in other license states via reciprocity agreements. Likewise, this allows Wisconsin auctioneers living near a state border, the opportunity to serve clients in their nearby, yet out-of-state, communities.

Consumer Protection

1. Licensing requires that auctioneers complete continuing education classes every two years. This protects the consumer by ensuring the auctioneer is knowledgeable with all current regulations.
2. Licensed auctioneers must abide by State/Federal regulations including Uniform Commercial Code, Sherman ACT, ATF, and Bankruptcy Laws.
3. Since online auctions do not fall under current Wisconsin Auction Law, the same protections and rights afforded to individuals who work with a licensed professional do not apply.
4. Licensed auctioneers are required to
 - a. Have a signed contract with the seller.
 - b. Outline auction duties/expectations with seller.
 - c. Have auction funds in a protected registered trust account.

Contact Your Representative

You can reach your legislators by calling the Legislative Hotline. In Madison, dial 266-9960. Toll-free, call 1-800-362-9472.

For general information about the Wisconsin Legislature, legislative processes, bill histories, or other inquiries, you can talk to the Legislative Reference Bureau's research staff by calling (608) 266-0341.

Even in this age of electronic communication, writing a personal letter is still one of the most effective ways to reach an elected official. Taking the time to write about an issue shows you care deeply.

A strong letter might include the following:

A show of thanks for your legislator's time and support of libraries - use your own words to get your message across. Don't copy a form letter, or even parts of one! When you make the letter entirely your own, your thoughts and convictions will show your sincerity and concern. Remember, you are the expert on libraries. Share your experiences.

An invitation - invite your legislator and government staff to use your library as a place for listening sessions, press conferences, or meetings with constituents.

A clearly stated position - say exactly what it is that you want your legislator or government official to do. If possible, refer to the issue you're writing about by its official title (such as "Senate Bill 259"). It is best to write about only one proposed law (bill) or issue in each letter.

Encouragement to stay connected and knowledgeable - ask your legislator to sign up for your library's e-newsletter or follow you on social media.

Personal experience and stories - legislators want to know how issues affect you, your family, your library and your community, and they learn this from you! Give your letter a personal touch to emphasize the importance and relevancy of key issues.

And remember!

Send your letter in time to affect your legislator's decision.

Make sure your letter is easy to read.

Sign your full name and address so the legislator or other government official can reply to you.

Ask the official to state his/her position on the issue in a reply to you.

Address the government official correctly:

Mailing Addresses:

Senate
P.O. Box 7882
Madison WI 53707

Assembly
P.O. Box 8952
Madison WI 53708

Governor
P.O. Box 7863
Madison WI 53707