



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2009 Senate Bill 93

**Senate Substitute Amendment 1
and Senate Amendment 1 to
Senate Substitute Amendment 1**

Memo published: September 16, 2009

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In general, Wisconsin's Criminal Code prohibits a person from entering lands, construction sites, locked buildings, dwellings, or rooms without the consent of an owner or occupant. Current law also requires a taxation district to assess property at full value within its jurisdiction at least once in every five-year period. An assessor must value property from actual view or from the best information that the assessor can practicably obtain. [See ss. 70.05 (5) (b), 70.32 (1), 943.13, and 943.15, Stats.]

Senate Substitute Amendment 1 to Senate Bill 93 provides, with respect to the property assessment process, that:

1. An assessor may not enter upon a person's real property for purposes of conducting an assessment more than once in each year, unless the property owner consents otherwise. A property owner may deny entry to an assessor if the owner has given prior notice to the assessor that the assessor may not enter the property without the property owner's permission.

2. Before a city, village, or town assessor may conduct a revaluation of property, it must publish a notice on its municipal web site that a revaluation will occur and the approximate dates of the property revaluation. If a municipality does not have a web site, it must post the required information in at least three public places within the city, village, or town.

The substitute amendment also includes the following provisions regarding an assessor's entry onto the property of others:

1. The Criminal Code prohibitions regarding trespass to land or entry into a construction site, building, dwelling, or room of another will not apply if all of the following occur:

- a. The assessor enters the land in order to make an assessment on behalf of the state or political subdivision.

- b. The assessor enters the land on a week day during daylight hours, or at another time as agreed upon with the landowner.
- c. The assessor spends no more than one hour on the land.
- d. The assessor does not open doors or look into windows of structures on the land.
- e. The assessor leaves in a prominent place a notice informing the owner or occupant that the assessor entered the land and giving information on how to contact the assessor.
- f. The assessor has not personally received a notice from the owner or occupant, either orally or in writing, not to enter or remain on the premises.

2. An owner or occupant of premises, and any employee, are immune from civil liability for the injury or death of an assessor who enters a construction site without the permission of the owner or occupant or an employee to make an assessment on behalf of the state or a political subdivision. The immunity does not apply if the injury or death resulted from the reckless, wanton, or intentional misconduct of the owner or occupant or an employee.

Senate Amendment 1 to Senate Substitute Amendment 1 adds to the list of conditions that exempts an assessor from the Criminal Code provisions regarding trespass to property. The amendment provides that the assessor may not enter through an open door on the assessed property.

Legislative History

On September 15, 2009, the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing adopted Senate Substitute Amendment 1 and introduced and adopted Senate Amendment 1 to Senate Substitute Amendment 1 on votes of Ayes, 5; Noes, 0. The committee also recommended passage of the bill, as amended, on a vote of Ayes, 4; Noes, 1.

RS:wu