



2009 SENATE BILL 93

February 27, 2009 - Introduced by Senators HOLPERIN, RISSER, LEHMAN, HANSEN, COGGS, LASSA and PLALE, cosponsored by Representatives HUBLER, WOOD, BERCEAU, A. OTT, MURSAU, BROOKS, FRISKE, STRACHOTA and LOTHIAN. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1 **AN ACT to amend** 70.05 (5) (b); and **to create** 895.488, 943.13 (4m) (d) and 943.15
2 (1m) of the statutes; **relating to:** partially exempting an assessor and an
3 assessor's staff from liability for trespassing, creating immunity from civil
4 liability, and changing the notice requirements related to the revaluation of
5 property by an assessor.

Analysis by the Legislative Reference Bureau

Generally under current trespass law, subject to a number of exceptions, a person who enters the land of another, without permission, is subject to a Class B forfeiture. The exceptions include a person authorized to enter land to remove a wild animal and a hunter entering land that is required to be open for hunting. Also under current trespass law, a person who enters the locked or posted construction site of another, without permission, is guilty of a Class A misdemeanor.

This bill creates an exception to certain prohibitions against trespassing. Under this bill, the trespassing prohibitions do not apply to an assessor or an assessor's staff entering the land, or construction site, of another to make an assessment for the state or for a political subdivision (a city, village, town, or county). For the exception to apply, the bill requires the assessor or the assessor's staff to leave in a prominent place notice that the assessor or staff entered the land or construction site, and the assessor or assessor's staff must not have received notice from the owner or occupant of the land not to enter or remain on the premises.

The bill also provides immunity from civil liability for the owner or person in lawful possession of premises for any injury to or death of an assessor or a member

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of an assessor's staff who enters a construction site without permission to make an assessment. The immunity does not apply if the injury or death resulted from reckless, wanton, or intentional misconduct of the owner or person in lawful possession of the premises.

Under current law, each taxation district is required to assess property at full value at least once every five years. Under this bill, before a city, village, or town (municipal) assessor may conduct a revaluation of property, the municipality must publish a notice on its Web site, or post in at least three public places if it has no Web site, that a revaluation will occur. The notice must state the approximate dates of the revaluations and describe the authority of an assessor to enter land.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 70.05 (5) (b) of the statutes is amended to read:

2 70.05 (5) (b) Each taxation district shall assess property at full value at least
3 once in every 5-year period. Before a city, village, or town assessor conducts a
4 revaluation of property under this paragraph, the city, village, or town shall publish
5 a notice on its municipal Web site that a revaluation will occur and the approximate
6 dates of the property revaluation. The notice shall also describe the authority of an
7 assessor, under ss. 943.13 and 943.15, to enter land. If a municipality does not have
8 a Web site, it shall post the required information in at least 3 public places within
9 the city, village, or town.

10 **SECTION 2.** 895.488 of the statutes is created to read:

11 **895.488 Civil liability exemption; owner or person in lawful possession**
12 **of the premises. (1)** In this section:

13 (a) "Construction site" has the meaning given in s. 943.15 (2) (a).

14 (b) "Owner or person in lawful possession of the premises" has the meaning
15 given in s. 943.15 (2) (b).

16 **(2)** The owner or person in lawful possession of the premises and his or her
17 employees are immune from civil liability for the injury or death of an assessor or a

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1 member of the staff of an assessor who enters a construction site without the
2 permission of the owner or person in lawful possession of the premises or his or her
3 employee to make an assessment on behalf of the state or a political subdivision.

4 **(3)** The immunity under this section does not apply if the injury or death
5 resulted from the reckless, wanton, or intentional misconduct of the owner or person
6 in lawful possession of the premises or his or her employee.

7 **SECTION 3.** 943.13 (4m) (d) of the statutes is created to read:

8 943.13 **(4m)** (d) An assessor and an assessor's staff entering the land, other
9 than buildings, of another if all of the following apply:

10 1. The assessor or the assessor's staff enters the land in order to make an
11 assessment on behalf of the state or a political subdivision.

12 2. The assessor or the assessor's staff leaves in a prominent place on the
13 principal building on the land, or on the land if there is not a principal building, a
14 notice informing the owner or occupant that the assessor or the assessor's staff
15 entered the land and giving information on how to contact the assessor.

16 3. The assessor or the assessor's staff has not personally received a notice from
17 the owner or occupant, either orally or in writing, not to enter or remain on the
18 premises.

19 **SECTION 4.** 943.15 (1m) of the statutes is created to read:

20 943.15 **(1m)** This section does not apply to an assessor and an assessor's staff
21 entering the construction site, other than buildings, of another if all of the following
22 apply:

23 (a) The assessor or the assessor's staff enters the construction site in order to
24 make an assessment on behalf of the state or a political subdivision.

