



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Senate Bill 148

**Senate
Amendments 1 and 2**

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Under *current trespass law*, a person is prohibited from entering or remaining on the land of another under any of five specified circumstances, which generally relate to being on the land without the permission of the owner occupant of the land. In addition, a person is prohibited from posting the land of another against trespassing without that person's permission. Exceptions to these provisions are provided for employees of the Department of Natural Resources when removing animals or animal structures causing damage or creating a nuisance, a person entering land that is required to be open to hunting, and a person entering or remaining on the exposed shore area of a stream. Also under *current law*, a person is prohibited from entering the locked or posted construction site or the locked and enclosed building, dwelling, or room of another without the consent of the owner or person in lawful possession of the premises.

2007 Senate Bill 148 provides that the prohibitions described above do not apply to an assessor or an assessor's staff entering the land of another or a construction site, other than buildings, if all of the following apply:

1. The assessor or the assessor's staff enters the land in order to make an assessment on behalf of the state or a political subdivision.
2. The assessor or the assessor's staff leaves in a prominent place on the principal building on the land, or on the land if there is not a principal building, a notice informing the owner or occupant that the assessor or the assessor's staff entered the land and giving information on how to contact the assessor.

In addition, *Senate Bill 148* provides that the owner or person in lawful possession of the premises and his or her employees are immune from civil liability for the injury or death of an assessor or a member of the staff of an assistant who enters onto a construction site without permission. The exemption from immunity does not apply if the injury or death resulted from the reckless, wanton, or

intentional misconduct of the owner or person in lawful possession of the premises or his or her employee.

Senate Amendment 1 creates a third condition that must be met in order for an assessor or an assessor's staff to enter the land of another or a construction site without permission. Specifically, the assessor or the assessor's staff must have not personally received a notice from the owner or occupant, either orally or in writing, not to enter or remain on the premises. In other words, the exceptions to the trespass laws created by Senate Bill 148 do not apply if the owner or occupant of the land in question has given notice, either orally or in writing, directly to the assessor or the assessor's staff not to enter or remain on the premises.

Senate Amendment 2 requires that, before a city, village, or town assessor may revalue property, the city, village, or town must publish a notice on its municipal website that a revaluation will occur and the approximate dates of the property revaluation. The notice shall describe the authority of assessors to enter land, as created by Senate Bill 148. If a municipality does not have a website, it must post the required information in at least three public places within the city, village, or town.

Legislative History

On June 6, 2007, the Senate Committee on Campaign Finance Reform, Rural Issues, and Information Technology introduced and recommended adoption of Senate Amendments 1 and 2 and recommended passage of Senate Bill 148, as amended. All actions were taken on identical votes of Ayes, 4; Noes, 0; and Absent, 1.

On October 30, 2007, the Senate adopted Senate Amendments 1 and 2 on voice votes and passed Senate Bill 148, as amended, on a vote of Ayes, 22; Noes, 11.

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