

**2009 DRAFTING REQUEST**

**Bill**

Received: **12/10/2008**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Hubler (608) 266-2519**

By/Representing: **Steve**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters: **rnelson2  
jkreye**

Subject: **Local Gov't - misc  
Courts - immunity liability  
Tax, Property - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hubler@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Exempting an assessor, staff, from liability for trespassing; civil liability exemption at construction sites

---

**Instructions:**

See attached. Redraft 2007 SB 148 (-2169) and SA 1 and SA 2 (a0553 and a0550)

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 12/10/2008	nnatzke 01/05/2009		_____			
/1			mduchek 01/06/2009	_____	sbasford 01/06/2009		
/2	mshovers 01/23/2009	nnatzke 01/29/2009	phenry 01/30/2009	_____	sbasford 01/30/2009	mbarman 03/03/2009	

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

FE Sent For: "1/2" @ intro. 3/6/09 <END>

**2009 DRAFTING REQUEST**

**Bill**

Received: **12/10/2008**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Hubler (608) 266-2519**

By/Representing: **Steve**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters: **rnelson2  
jkreye**

Subject: **Local Gov't - misc  
Courts - immunity liability  
Tax, Property - other**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hubler@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Exempting an assessor, staff, from liability for trespassing; civil liability exemption at construction sites

---

**Instructions:**

See attached. Redraft 2007 SB 148 (-2169) and SA 1 and SA 2 (a0553 and a0550)

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 12/10/2008	nnatzke 01/05/2009		_____			
/1			mduchek 01/06/2009	_____	sbasford 01/06/2009		
/2	mshovers 01/23/2009	nnatzke 01/29/2009	phenry 01/30/2009	_____	sbasford 01/30/2009		

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For:

**<END>**

2009 DRAFTING REQUEST

Bill

Received: 12/10/2008

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Mary Hubler (608) 266-2519

By/Representing: Steve

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters: rnelson2  
jkreye

Subject: Local Gov't - misc  
Courts - immunity liability  
Tax, Property - other

Extra Copies:

Submit via email: YES

Requester's email: Rep.Hubler@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exempting an assessor, staff, from liability for trespassing; civil liability exemption at construction sites

Instructions:

See attached. Redraft 2007 SB 148 (-2169) and SA 1 and SA 2 (a0553 and a0550)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 12/10/2008	nmatzke 01/05/2009 <i>12 nwn 1/29</i>					
/1			mduchek 01/06/2009	<i>10</i> <i>1/30</i>	sbasford 01/06/2009		
<i>12 MES 1/23/09</i>							
FE Sent For: <i>10/30 ph</i> <i>10/30 ph + MD</i>							

2009 DRAFTING REQUEST

Bill

Received: 12/10/2008

Received By: mshovers

Wanted: As time permits

Identical to LRB:

For: Mary Hubler (608) 266-2519

By/Representing: Steve

This file may be shown to any legislator: NO

Drafter: mshovers

May Contact:

Addl. Drafters: rnelson2  
jkreye

Subject: Local Gov't - misc  
Courts - immunity liability  
Tax, Property - other

Extra Copies:

Submit via email: YES

Requester's email: Rep.Hubler@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Exempting an assessor, staff, from liability for trespassing; civil liability exemption at construction sites

Instructions:

See attached. Redraft 2007 SB 148 (-2169) and SA 1 and SA 2 (a0553 and a0550)

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers	1/12/12 nwn	MD	MD RS			
				1/6			

FE Sent For:

<END>

## Shovers, Marc

---

**From:** Engelbert, Steve  
**Sent:** Thursday, December 04, 2008 1:15 PM  
**To:** Shovers, Marc  
**Subject:** RE: Email from LRB Website

Thanks for asking Marc. Please include both amendments.

Steve Engelbert  
Office of Rep. Mary Hubler  
266-2519

---

**From:** Shovers, Marc  
**Sent:** Thursday, December 04, 2008 1:10 PM  
**To:** Engelbert, Steve  
**Subject:** RE: Email from LRB Website

Hi Steve:

Would you like the bill to include either SA 1 or SA 2 to the redraft?

<< File: 07a0550\_201.pdf >> << File: 07a0553\_102.pdf >>  
Marc

Marc E. Shovers

Managing Attorney  
Legislative Reference Bureau  
Phone: (608) 266-0129  
Fax: (608) 264-6948  
e-mail: marc.shovers@legis.wisconsin.gov

---

**From:** Engelbert, Steve  
**Sent:** Thursday, December 04, 2008 11:31 AM  
**To:** Shovers, Marc  
**Subject:** Email from LRB Website

Marc: Will you please re-draft SB 148 from last session as an Assembly bill for Representative Mary Hubler? Exempts assessors from liability for trespassing under certain conditions.

Steve Engelbert  
Office of Rep. Mary Hubler  
266-2519

-1099/1 A1095/1  
LRB-1769/1  
MES&RPN/1  
8JK  
RMNR

2009 2007 ASSEMBLY BILL 293

in 12-10-08

April 30, 2007 - Introduced by Representatives A. OTT, MURSAU, SINICKI, BALLWEG, HUBLER, MUSSER, MOLEPSKE, HAHN, TURNER, HINES, TOWNSEND, LOTHIAN, TAUCHEN, VAN ROY, JESKEWITZ, NYGREN, STRACHOTA, FRISKE and GUNDERSON, cosponsored by Senators BRESKE, COWLES, COGGS, LASSA and LEHMAN. Referred to Committee on Rural Economic Development.

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.  
and changing the notice requirements related to the revaluation of property by an assessor

- 1 AN ACT to create 895.488, 943.13 (4m) (d) and 943.15 (1m) of the statutes;
- 2 relating to: *partially* exempting an assessor and an assessor's staff from liability for
- 3 trespassing *and* creating immunity from civil liability

**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. *certain*

This bill creates an exception to the 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.

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 of an assessor's staff who enters the premises without permission to make an assessment. The immunity does not apply if the injury or death resulted from

a construction site



**ASSEMBLY BILL 293**

reckless, wanton, or intentional misconduct of the owner or person in lawful possession of the premises. INS ANLP

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

INS  
2-1

1 SECTION ~~1.~~ 895.488 of the statutes is created to read:

2 **895.488 Civil liability exemption; owner or person in lawful possession**  
3 **of the premises.** (1) In this section:

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

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

7 (2) The owner or person in lawful possession of the premises and his or her  
8 employees are immune from civil liability for the injury or death of an assessor or a  
9 member of the staff of an assessor who enters onto a construction site without the  
10 permission of the owner or person in lawful possession of the premises or his or her  
11 employee to make an assessment on behalf of the state or a political subdivision.

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

15 SECTION ~~2.~~ 943.13 (4m) (d) of the statutes is created to read:

16 943.13 (4m) (d) An assessor and an assessor's staff entering the land, other  
17 than buildings, of another if all of the following apply:

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

20 2. The assessor or the assessor's staff leaves in a prominent place on the  
21 principal building on the land, or on the land if there is not a principal building, a

**ASSEMBLY BILL 293**

1 notice informing the owner or occupant that the assessor or the assessor's staff  
2 entered the land and giving information on how to contact the assessor.

INS  
3-2

3 SECTION ~~§~~ 943.15 (1m) of the statutes is created to read:

4 943.15 (1m) This section does not apply to an assessor and an assessor's staff  
5 entering the construction site, other than buildings, of another if all of the following  
6 apply:

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

9 (b) The assessor or the assessor's staff leaves in a prominent place on the  
10 principal building at the construction site, or on the land if there is not a principal  
11 building, a notice informing the owner or occupant that the assessor or the assessor's  
12 staff entered the construction site and giving information on how to contact the  
13 assessor.

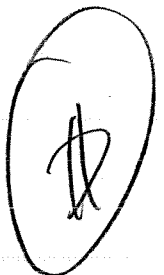
INS  
3-13

(END)

D-note

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1095/?ins  
MES&RPN&JK.....



INS ANL

*five three*

Under current law, each taxation district is required to assess property at full value at least once every 5 years. Under this bill, before a city, village, or town (municipal) assessor may revalue property, the municipality must publish a notice on its Web site, or post in at least 3 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.

**ASSEMBLY AMENDMENT 2,  
TO 2007 ASSEMBLY BILL 293**

June 12, 2007 - Offered by Representative A. OTT.

INS 2-1



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

At the locations indicated, amend the bill as follows:

**1.** Page 2, line 1: before that line insert:

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

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

**2.** Page 2, line 1: delete **SECTION 1** and substitute **SECTION 1m**.

(END)

**ASSEMBLY AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 293**

June 12, 2007 - Offered by Representative A. OTT.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: before "exempting" insert "partially".

3 **2.** Page 3, line 2: after that line insert:

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

7 **3.** Page 3, line 13: after that line insert:

8 "(c) The assessor or the assessor's staff has not personally received a notice from  
9 the owner or occupant, either orally or in writing, not to enter or remain on the  
10 premises."

11 (END)

INS  
3-2

INS 3-13

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1095  
-1099/ldn  
RPN: awn + bjk

D N Date not

This draft does not provide any immunity from civil trespass although it does do so for criminal trespass. Is that an oversight or intended? oversight

RPN

under the criminal statutes

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1099/1dn  
RPN:nwn&bjk.md

January 6, 2009

This draft does not provide any immunity from civil trespass although it does do so for trespass under the criminal statutes. Is that an oversight, or intended?

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.wisconsin.gov

**Shovers, Marc**

---

**From:** Engelbert, Steve  
**Sent:** Monday, January 12, 2009 2:27 PM  
**To:** Shovers, Marc  
**Cc:** Meinholz, Susan  
**Subject:** LRB 1099/1

Marc: Will you make a minor change to LRB 1099/1? re: the assessor's trespass draft? It is in line 3 and should read:

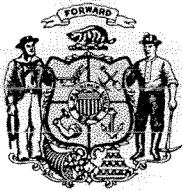
once in every 5-year period. Before a city, village, or town assessor conducts a revaluation of

This is identical to the change requested for 1095/1 by Senator Holperin.

Thank you

Steve Engelbert  
Office of Rep. Mary Hubler  
266-2519





State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1099/12  
MES&RPN&JK:nwn&bjk:md

stays

RMR

2009 BILL

Regen

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

**BILL**

*conduct a revaluation of*

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 ~~revalue~~ <sup>conduct a revaluation of</sup> 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:***

*conducts a revaluation of*

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 may revalue  
4 property under this paragraph, the city, village, or town shall publish a notice on its  
5 municipal Web site that a revaluation will occur and the approximate dates of the  
6 property revaluation. The notice shall also describe the authority of an assessor,  
7 under ss. 943.13 and 943.15, to enter land. If a municipality does not have a Web site,  
8 it shall post the required information in at least 3 public places within the city,  
9 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

**BILL**

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.



**Barman, Mike**

---

**From:** Engelbert, Steve  
**Sent:** Tuesday, March 03, 2009 11:58 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-1099/2 Topic: Exempting an assessor, staff, from liability for trespassing; civil liability exemption at construction sites

Please Jacket LRB 09-1099/2 for the ASSEMBLY.