

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB136)

Received: **04/07/2009**

Received By: **jkreye**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing:

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

Drafter: **jkreye**

May Contact:

Addl. Drafters: **mshovers
rnelson2**

Subject: **Tax, Property - other**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to: **joseph.kreye@legis.wisconsin.gov
marc.shovers@legis.wisconsin.gov
robert.nelson@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Partially exempting an assessor from trespassing and notice requireemnts for assessing property

Instructions:

See attached

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>
/?	jkreye 04/07/2009	wjackson 04/07/2009		_____			
/1			rschluet 04/07/2009	_____	sbasford 04/07/2009	sbasford 04/07/2009	

FE Sent For:

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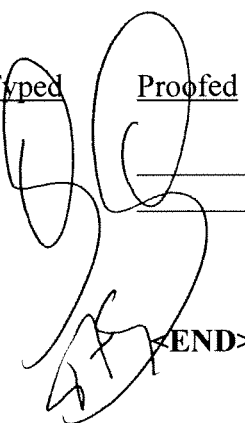
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State of Wisconsin
2009 - 2010 LEGISLATURE

FROM 50034/1 | 50038/1

LRBs 0034/1
MES/RPN/JK:nwn&bjk

↑ ↑
Stays

assembly
SENATE SUBSTITUTE AMENDMENT,
TO 2009 SENATE BILL 93 136
assembly

in 4-7-09
Today

Regen

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

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

6 SECTION 1. 70.05 (4m) of the statutes is created to read:

7 70.05 (4m) A taxation district assessor may not enter upon a person's real
8 property for purposes of conducting an assessment under this chapter more than
9 once in each year, except that an assessor may enter upon a person's real property
10 for purposes of conducting an assessment under this chapter twice in a year, if the
11 property consists of new construction. A property owner may deny entry to an
12 assessor if the owner has given prior notice to the assessor that the assessor may not

1 enter the property without the property owner's permission. Each taxation district
2 assessor shall create and maintain a database identifying all such property owners
3 in the taxation district.

4 **SECTION 2.** 70.05 (5) (b) of the statutes is amended to read:

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

13 **SECTION 3.** 895.488 of the statutes is created to read:

14 **895.488 Civil liability exemption; owner or person in lawful possession**
15 **of the premises. (1)** In this section:

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

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

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

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

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

5 943.13 **(4m)** (d) An assessor and an assessor's staff entering the land, other
6 than a building, agricultural land or pasture, or a livestock confinement area, of
7 another if all of the following apply:

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

10 2. The assessor or assessor's staff enters the land on a weekday during daylight
11 hours, or at another time as agreed upon with the land owner.

12 3. The assessor or assessor's staff spends no more than one hour on the land.

13 4. The assessor or assessor's staff does not open doors or look into windows of
14 structures on the land.

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

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

22 **SECTION 5.** 943.15 (1m) of the statutes is created to read:

23 943.15 **(1m)** This section does not apply to an assessor and an assessor's staff
24 entering the construction site, other than buildings, of another if all of the following
25 apply:

