

**2009 DRAFTING REQUEST**

**Assembly Substitute Amendment (ASA-AB136)**

Received: **06/22/2009**

Received By: **rnelson2**

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: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - immunity liability**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

assessor liability

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**Instructions:**

See attached

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**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>
/?	rnelson2 06/22/2009	nmatzke 06/23/2009		_____			
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FE Sent For:

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/?	rnelson2	1/1 <sup>nwn</sup> 6/23	6/23 ph	6/23 ph			

FE Sent For:

<END>

**Nelson, Robert P.**

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**From:** Shovers, Marc  
**Sent:** Friday, June 05, 2009 5:27 PM  
**To:** Nelson, Robert P.  
**Subject:** FW: Hubler substitute amendment to AB 136

I think this is yours now, but I'm not sure whether she wants AB 136 as affected by AA 1, or if she's using ASA 1 as a base. Good luck.

Marc

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**From:** Hubler, Mary  
**Sent:** Friday, June 05, 2009 3:57 PM  
**To:** Shovers, Marc  
**Cc:** Koloen, Jan  
**Subject:** Hubler substitute amendment to AB 136

Rep. Mary Hubler requests a draft of a second substitute amendment for AB 136. The substitute amendment would include Amendment 1. It would remove the requirement for the town clerk to maintain a list of people who do not want the assessor on their property and would require the assessor to maintain the list. It would state that the assessor may visit the property three or more times with permission of the owner.

Thank you

*ASA p 1, ls 2-10*

Steve Engelbert  
Office of Rep. Mary Hubler  
266-2519

Steve will be unavailable week of June 8-13. Please contact Jan Koloen in our office.

*62298*



ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 136

April 8, 2009 - Offered by Representative HUBLER.

SA ✓

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

more often

owner consents

1 assessor if the owner has given prior notice to the assessor that the assessor may not  
2 enter the property without the property owner's permission. Each taxation district  
3 assessor shall create and maintain a database identifying all such property owners  
4 in the taxation district.

5 SECTION 2. <sup>✓</sup>70.05 (5) (b) of the statutes is amended to read:

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

14 SECTION 3. <sup>✓</sup>895.488 of the statutes is created to read:

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

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

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

20 (2) The owner or person in lawful possession of the premises and his or her  
21 employees are immune from civil liability for the injury or death of an assessor or a  
22 member of the staff of an assessor who enters a construction site without the  
23 permission of the owner or person in lawful possession of the premises or his or her  
24 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.** <sup>✓</sup> 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.** <sup>✓</sup> 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:

