



1995 ASSEMBLY BILL 401

May 24, 1995 - Introduced by Representatives HANDRICK, LADWIG, HASENOHRL, SERATTI, AINSWORTH, HAHN, SILBAUGH, FREESE, ZUKOWSKI, OWENS, BLACK, KREIBICH, GROTHMAN, OLSEN, SKINDRUD, HOVEN, GOETSCH, OURADA, BOYLE, PORTER, SCHNEIDERS, L. YOUNG, KLUSMAN, HUBER, OTT and LA FAVE, cosponsored by Senators BRESKE and ANDREA. Referred to Committee on Judiciary.

1 AN ACT *to repeal* 893.29 (2); and *to renumber and amend* 893.29 (1) of the
2 statutes; **relating to:** obtaining title to public real property by adverse
3 possession.

Analysis by the Legislative Reference Bureau

Under current law, the title to or interest in most real property belonging to the state or to a political subdivision of the state may be obtained by another person by that person's continuous use, for at least 20 years, of rights in the real property in a manner that is adverse to the real property owner's interest. Real property held in trust by the state, abandoned railroad real property acquired by the state or real property used for highway purposes by the state may not be obtained by adverse possession under current law.

This bill prohibits a person from obtaining the rights to any real property belonging to the state or to a political subdivision of the state by adverse possession.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

4 SECTION 1. 893.29 (1) of the statutes is renumbered 893.29 and amended to
5 read:

6 **893.29** (title) **Adverse No adverse possession against the state or**
7 **political subdivisions, ~~special provision.~~ (1) Title No title to or interest in real**
8 **property belonging to the state or a city, village, town, county, school district,**

SECTION 1

1 sewerage commission, sewerage district or any other unit of government within this
2 state may be obtained by adverse possession, prescription or user ~~under s. 893.25,~~
3 ~~893.26, 893.27 or 893.28~~ only if the ~~adverse possession, prescription or user~~
4 ~~continues uninterruptedly for more than 20 years.~~

5 **SECTION 2.** 893.29 (2) of the statutes is repealed.

6 **SECTION 3. Initial applicability.**

7 (1) This act first applies to real property belonging to the state on the effective
8 date of this subsection.

9 (END)