



## 2015 SENATE BILL 314

October 14, 2015 - Introduced by Senators MARKLEIN, COWLES, KAPENGA, LASSA, MILLER and RINGHAND, cosponsored by Representatives R. BROOKS, SARGENT, BERCEAU, BILLINGS, EDMING, GANNON, HESSELBEIN, JOHNSON, KAHL, KATZMA, KESSLER, KITCHENS, MURPHY, NOVAK, A. OTT, POPE, RIPP, ROHRKASTE, SINICKI, SKOWRONSKI, STEFFEN and SUBECK. Referred to Committee on Government Operations and Consumer Protection.

1     **AN ACT** *to repeal and recreate* 893.29 of the statutes; **relating to:** adverse  
2           possession against the state or a political subdivision.

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### *Analysis by the Legislative Reference Bureau*

Under this bill, a person may not obtain title to or an interest in real property belonging to the state or a political subdivision based on adverse possession or use. In other words, this bill prohibits adverse possession and prescriptive easements against real property owned by the state or a political subdivision. The bill provides that this prohibition applies retroactively to adverse possession or use that began before the effective date of the bill, but does not apply to a person who obtained title to or an interest in the real property based on adverse possession or use on or before the effective date of the bill.

Under current law, a person may obtain title to or an interest in real property belonging to the state or a political subdivision only if the person adversely possesses or uses the property for more than 20 years and the claim is based on a continuously maintained fence line which has been mutually agreed upon by the land owners.

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

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

3           **SECTION 1.** 893.29 of the statutes is repealed and recreated to read:

