



1997 ASSEMBLY BILL 391

May 27, 1997 - Introduced by Representatives HANDRICK, GUNDERSON, BALDWIN, BAUMGART, BLACK, BOCK, BOYLE, BRANDEMUEHL, DOBYNS, GOETSCH, HANSON, HASENOHRL, HUBER, HUTCHISON, JESKEWITZ, KEDZIE, KELSO, LADWIG, LA FAVE, F. LASEE, J. LEHMAN, M. LEHMAN, MUSSER, OLSEN, OTT, OURADA, OWENS, PORTER, POWERS, RYBA, SCHAFFER, SERATTI, SKINDRUD, STASKUNAS, SYKORA, TRAVIS, URBAN, VANDER LOOP, VRAKAS, R. YOUNG and ZUKOWSKI, cosponsored by Senators BRESKE, COWLES and RISSER. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to repeal* 893.29 (2); *to amend* 893.24 (1), 893.24 (2), 893.29 (title) and
2 893.29 (1); and *to create* 893.29 (2m) of the statutes; **relating to:** the
3 prohibition of obtaining title by adverse possession to real estate owned by a
4 public body.

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 any other unit of government within 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:

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1 **SECTION 1.** 893.24 (1) of the statutes is amended to read:

2 893.24 (1) A written instrument or judgment that declares the boundaries of
3 real estate adversely possessed under s. 893.29, 1995 stats., or s. 893.25, 893.26, or
4 893.27 ~~or 893.29~~ does not affect any section line or any section subdivision line
5 established by the United States public land survey or any section or section
6 subdivision line based upon it.

7 **SECTION 2.** 893.24 (2) of the statutes is amended to read:

8 893.24 (2) Occupation lines that the court declares to be property lines by
9 adverse possession under s. 893.29, 1995 stats., or s. 893.25, 893.26, or 893.27 ~~or~~
10 ~~893.29~~ shall, by order of the court, be described by a retracable description providing
11 definite and unequivocal identification of the lines or boundaries. The description
12 shall contain data of dimensions sufficient to enable the description to be mapped
13 and retraced and shall describe the land by government lot, recorded private claim,
14 quarter-quarter section, section, township, range and county, and by metes and
15 bounds commencing with a corner marked and established by the United States
16 public land survey or a corner of the private claim.

17 **SECTION 3.** 893.29 (title) of the statutes is amended to read:

18 **893.29 (title) Adverse No adverse possession against the state or**
19 **political subdivisions, ~~special provision.~~**

20 **SECTION 4.** 893.29 (1) of the statutes is amended to read:

21 893.29 (1) Title No title to or interest in real property belonging to the state or
22 a city, village, town, county, school district, sewerage commission, sewerage district
23 or any other unit of government within this state may be obtained by adverse
24 possession, prescription or user under s. 893.25, 893.26, 893.27 or 893.28 ~~only if the~~

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1 ~~adverse possession, prescription or user continues uninterruptedly for more than 20~~
2 ~~years.~~

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

4 **SECTION 6.** 893.29 (2m) of the statutes is created to read:

5 893.29 **(2m)** Subsection (1) does not affect title to or interest in real property
6 obtained by adverse possession, prescription or user under s. 893.25, 893.26, 893.27
7 or 893.28 before the effective date of this subsection [revisor inserts date].

8 **SECTION 7. Initial applicability.**

9 (1) This act first applies to real property belonging to this state or a unit of
10 government within this state on the effective date of this subsection.

11 (END)