

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-2302/1 FFK:cjs&emw

2015 ASSEMBLY BILL 459

- October 27, 2015 Introduced by Representatives R. BROOKS, SARGENT, BERCEAU, BILLINGS, EDMING, GANNON, HESSELBEIN, JOHNSON, KAHL, KATSMA, KESSLER, KITCHENS, MURPHY, NOVAK, A. OTT, POPE, RIPP, ROHRKASTE, SINICKI, SKOWRONSKI, STEFFEN and SUBECK, cosponsored by Senators MARKLEIN, COWLES, LASSA and RINGHAND. Referred to Committee on Housing and Real Estate.
- 1 AN ACT to repeal and recreate 893.29 of the statutes; relating to: adverse

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possession against the state or a political subdivision.

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.

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

SECTION 1. 893.29 of the statutes is repealed and recreated to read:

2015 – 2016 Legislature

ASSEMBLY BILL 459

1 **893.29** No adverse possession against the state or political 2 **subdivisions. (1)** Except as provided in sub. (2) (b), no title to or interest in real 3 property belonging to the state or a city, village, town, county, school district, 4 sewerage commission, sewerage district or any other unit of government within this 5 state may be obtained by adverse possession under s. 893.25, 893.26, or 893.27 or by 6 continuous adverse use under s. 893.28.

(2) (a) Subsection (1) applies to a claim of title to or interest in real property
based on adverse possession or continuous adverse use that began on or after the
date that is 20 years before the effective date of this paragraph [LRB inserts date].

(b) Subsection (1) does not affect title to or interest in real property obtained
on or before the effective date of this paragraph [LRB inserts date], by adverse
possession under s. 893.25, 893.26, or 893.27 or by continuous adverse use under s.
893.28.

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(END)