



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2013 Assembly Bill 655

**Assembly
Amendment 1**

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2013 Assembly Bill 655 relates to establishing the shoreline of Lake Michigan in the City of Milwaukee.

2013 ASSEMBLY BILL 655

The bill establishes the shoreline of Lake Michigan in the area of the City of Milwaukee along a line that extends from approximately the line of East Lafayette Place extended easterly on the north to the present north harbor entrance wall of the Milwaukee River on the south. The bill also makes inapplicable any limitations on conveyances of land west of that boundary made by the Legislature over time and requires any person challenging the boundary established under the bill to do so as part of an action claiming an interest in real property.

In addition, the bill sets forth certain legislative findings in a nonstatutory provision. Together, the findings provide an argument that the boundary line established under the bill is constitutional under the Public Trust Doctrine.

ASSEMBLY AMENDMENT 1

The bill requires a person challenging the boundary line established under the bill do so by bringing an action for a declaratory judgment regarding real interests in property. The bill also provides that the person bringing such an action has the burden of proving, by clear and convincing evidence, that the boundary is not as described under the bill.

Assembly Amendment 1 removes the provisions of the bill that specify how challenges to the shoreline boundary must be brought. Instead, the amendment states that the declarations made under the bill regarding the boundary line are made in lieu of, and have the

same effect as, a final judgment entered by a court in an action claiming an interest in real property.

The amendment also removes a reference to conveyances not being for private purposes in the legislative findings.

BILL HISTORY

Representative Sanfelippo offered Assembly Amendment 1 to 2013 Assembly Bill 655 on February 13, 2014. On February 18, 2014, the Assembly Committee on Jobs, Economy, and Mining voted to recommend the adoption of the amendment, and the adoption of the bill, as amended, on votes of Ayes, 16; Noes, 0. On February 20, 2014, the Assembly voted to adopt the amendment and to pass the bill, as amended, on voice votes.

AH:jal