

# Vote Record

AB 798

7

## Assembly Committee on Environment

Date: \_\_\_\_\_  
 Moved by: Bock  
 AB: 798 SB: \_\_\_\_\_  
 AJR: \_\_\_\_\_ SJR: \_\_\_\_\_  
 A: \_\_\_\_\_ SR: \_\_\_\_\_

Seconded by: Black  
 Clearinghouse Rule: \_\_\_\_\_  
 Appointment: \_\_\_\_\_  
 Other: \_\_\_\_\_

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A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

Be recommended for:

- Passage *as amended*
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

### Committee Member

	Aye	No	Absent	Not Voting
Rep. Marc Duff, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. DuWayne Johnsrud	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Lorraine Seratti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Peter Bock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Spencer Black	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John La Fave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 8 1 \_\_\_\_\_

Bock Black

1) Intro. 0528 unam.

2) Adop. 0528 unan

Motion Carried

Motion Failed



## INTERGOVERNMENTAL RELATIONS

Office of the County Executive

TO: Representative Marc Duff, Chairman &  
Honorable Members of the Assembly Committee on Environment

FROM: Milwaukee County Intergovernmental Relations

DATE: February 26, 1998

RE: Assembly Bill 798 - Relating to Lake Bed Areas Owned by Milwaukee County

On Tuesday, March 3, 1998, the Assembly Committee on Environment will hold a public hearing on Assembly Bill 798 regarding the Milwaukee County owned and operated McKinley Marina. This legislation will clarify past land transfers to Milwaukee County from the City of Milwaukee and the State of Wisconsin. Milwaukee County respectfully requests your support of Assembly Bill 798.

Attached is a copy of the resolution which was adopted by the Milwaukee County Board of Supervisors seeking passage of this legislation, as well as a resolution passed by the City of Milwaukee which supports the proposed legislation.

McKinley Marina rests on three parcels of submerged lands in Lake Michigan. Assembly Bill 798 confirms and recognizes Milwaukee County's title to these submerged lands, and also authorizes that the land be used for recreational and marina related purposes. There is no state fiscal effect associated with this bill. Additionally, the Wisconsin Department of Natural Resources has no concerns with the proposed legislation.

A Substitute Amendment to Assembly Bill 798 will be offered to the Committee which will correct a technical error in the legal description of the submerged lands. In addition, the substitute amendment would specifically grant Milwaukee County exclusive jurisdiction over the operation of McKinley Marina, and would prohibit the County from creating a board of harbor commissioners. These changes are supported by both Milwaukee County and the City of Milwaukee.

Milwaukee County resources expended for the McKinley Marina since its construction in 1965, combined with the cost of current and future renovations, make it imperative that the legal jurisdiction of the submerged lands be clarified.

In closing, Milwaukee County Intergovernmental Relations urges your support of Assembly Bill 798. If you have any questions, please contact Roy de la Rosa (414) 278-4095 or Patti Bustle (414) 278-4169.

Thank you for your consideration.

MAY 16 1996

Adopted  
24-0

By Supervisors Sheila A. Aldrich and Penny E. Podell

REFERRED

APR 2 1996

FILE NO. COUNTY BOARD

A RESOLUTION

FILE NO. 96-306

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WHEREAS Milwaukee County constructed, and has operated the McKinley Marina, a 655 slip since 1965, for the public good, benefit and welfare, and

WHEREAS Milwaukee County is desirous of continuing to operate and improve McKinley Marina for the public good, benefit and welfare, and

WHEREAS the land grant titles and deeds that have been conveyed periodically to Milwaukee County are sometimes conflicting and are generally inadequate or inapplicable for purposes of Milwaukee County operating and improving the marina, and

WHEREAS title research in connection with the recent Milwaukee County improvements plan effort for McKinley Marina disclosed the omission of "marina" as a permitted use and purpose of various State of Wisconsin's Lakebed Conveyance Grants to the City of Milwaukee, thereby preventing the City of Milwaukee from granting and conveying lakebed submerged lands to Milwaukee County for marina purposes, and

WHEREAS since Chapter 30, Wis. Stats. confers jurisdiction and authority and assigns duties and responsibilities on the Milwaukee Harbor Commission over the area occupied by the McKinley Marina rather than on Milwaukee County which constructed and has always operated the said marina, Chapter 30, Wis. Stats. thereby conflicts with Milwaukee County's ability to operate and improve the McKinley Marina, and

1 WHEREAS the McKinley Marina, while geographically a part of the Milwaukee Harbor,  
2 operationally not a part of the Milwaukee Harbor, because the McKinley Marina is a recreational rather  
3 than a commercial facility, and  
4

5 WHEREAS, in order for Milwaukee County to be able to continue to operate and improve McKinley  
6 Marina, it needs special legislation from the State of Wisconsin defining the McKinley Marina as not  
7 being part of the Milwaukee Harbor and thus as not being under the jurisdiction of the Milwaukee  
8 Harbor Commission,  
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10 NOW THEREFORE,  
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12 BE IT RESOLVED: That Milwaukee County Intergovernmental Relations Department or Director of  
13 Parks is hereby authorized and directed to seek legislation from the State of Wisconsin generally in the  
14 form attached hereto and incorporated herein by reference.  
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16 FISCAL NOTE: The adoption of this resolution will not result in any cost to the County.  
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# City of Milwaukee

Office Of The City Clerk

## Certified Copy of Resolution

FILE NUMBER: 970475

Substitute resolution expressing the City of Milwaukee's support for state legislation that would give Milwaukee County exclusive operational jurisdiction over McKinley Marina and related recreational anchorages.

Whereas, Milwaukee County constructed McKinley Marina and has operated the 655-slip facility for the public good, benefit and welfare since 1965; and

Whereas, Milwaukee County has undertaken a multi- million dollar renovation of McKinley Marina and desires to continue to operate the Marina for the public good, benefit and welfare; and

Whereas, The various land grant titles and deeds that conveyed the McKinley Marina land to Milwaukee County from the City of Milwaukee are often conflicting and generally inadequate or inappropriate for purposes of Milwaukee County's operation and improvement of the Marina; and

Whereas, Title research in connection with Milwaukee County's recent McKinley Marina improvements planning effort disclosed the omission of "marina" as a permitted use and purpose of the various State of Wisconsin lakebed conveyance grants to the City of Milwaukee, thereby precluding the City from granting and conveying lakebed submerged lands to Milwaukee County for marina purposes; and

Whereas, Chapter 30, Wis. Stats., assigns the Milwaukee Harbor Commission jurisdiction, authority, duties and responsibilities over the area occupied by the McKinley Marina, thereby limiting Milwaukee County's ability to operate and improve the Marina; and

Whereas, As a recreational facility, McKinley Marina is not operationally part of the Milwaukee Harbor, which has traditionally been a commercial area under the jurisdiction of the Milwaukee Harbor Commission; and

Whereas, In order for Milwaukee County to be able to operate and improve McKinley Marina, the County needs changes in the Wisconsin Statutes which would define McKinley Marina as not being part of the Milwaukee Harbor for purposes of Chapter 30 of the Statutes, thereby removing the Marina from the jurisdiction of the Milwaukee Harbor Commission; and

Whereas, The Board of Harbor Commissioners supports Milwaukee County's pursuit of such legislation and its effort to create a County board of harbor commissioners or to exercise the duties of a board of harbor commissioners without actually creating such a board; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee supports Milwaukee County's efforts to obtain changes in the Wisconsin Statutes which would:

1. Confirm and recognize Milwaukee County's title to the submerged Lake Michigan lands occupied by McKinley Marina.

# City of Milwaukee

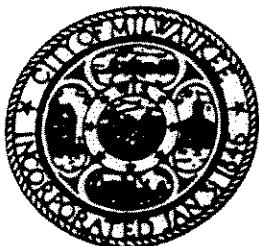
FILE NUMBER: 970475 -- Certified Copy Continued

2. Authorize these lands to be used for recreational, marina and related purposes.
3. Authorize Milwaukee County, only for the purposes of operating McKinley Marina and related recreational anchorages within the geographic boundaries described in Exhibit "A," to create a county board of harbor commissioners to govern, or to exercise the powers and duties of a board of harbor commissioners without creating such a board, within the area so described.

; and, be it

Further Resolved, That the City supports state legislation giving Milwaukee County exclusive jurisdiction over any marina or recreational anchorage within the area described in Exhibit "A" only; and, be it

Further Resolved, That the City Clerk is authorized and directed to transmit copies of this resolution to the chair of the Milwaukee County Board of Supervisors and to the director of the Milwaukee County Department of Parks, Recreation and Culture.



*I, Ronald D. Leonhardt, City Clerk, certify that the foregoing is a copy of a Resolution passed by the Common Council of the City of Milwaukee on July 11, 1997.*

*Ronald D. Leonhardt*



**City  
of  
Milwaukee**

John O. Norquist  
Mayor

David R. Riemer  
Administration Director

Patrick T. Curley  
Intergovernmental Relations Director

**Department of Administration** Intergovernmental Relations Division

City Hall, Room 606, 200 East Wells Street, Milwaukee, Wisconsin 53202-3515

Phone (414) 286-3747 Fax (414) 286-8547

March 2, 1998

Assembly Environment Committee

Dear Chairman Duff and Members:

The City of Milwaukee and Port of Milwaukee support Substitute Amendment 1 to AB-798 in its entirety.

This bill as amended would clarify Milwaukee County's jurisdiction over the waters and structures which comprise the McKinley Marina on Lake Michigan. Milwaukee County's efforts to improve the operations of the marina would benefit many citizens in southeastern Wisconsin who enjoy this recreational area. The City of Milwaukee participated in the drafting of this legislation which will help ensure that McKinley Marina will remain one of Milwaukee's most valuable assets well into the future.

We urge this committee to approve Substitute Amendment 1 to AB-798. Thank you for your consideration.

Sincerely,

Patrick T. Curley  
Intergovernmental Relations Director