



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2013 Senate Bill 522**

**Senate Amendment 1**

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2013 Senate Bill 522 relates to establishing the shoreline of Lake Michigan in the City of Milwaukee.

### **2013 Senate Bill 522**

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.

### **Senate 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.

Senate 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**

Senator Vukmir offered Senate Amendment 1 to 2013 Senate Bill 522 on February 17, 2014. On February 19, 2014, the Senate Committee on Economic Development and Local Government voted to recommend adoption of the amendment, on a vote of Ayes, 3; Noes, 2; and passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

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