

**ASSEMBLY AMENDMENT 4,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55**

June 29, 2001 – Offered by Representatives BOCK and MILLER.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 90, line 8: after that line insert:

3 “**SECTION 382aq.** 18.13 (4g) of the statutes is created to read:

4 18.13 **(4g)** PUBLIC INTERVENOR. Notwithstanding s. 165.075, the public  
5 intervenor does not have authority to initiate any action or proceeding concerning  
6 the issuance of obligations by the building commission under this chapter.”.

7 “**SECTION 2854e.** 165.07 of the statutes is created to read:

8 **165.07 Assistant attorney general — public intervenor. (1)** The attorney  
9 general shall designate two assistant attorneys general on the attorney general’s  
10 staff as public intervenor. The head of each agency responsible for proceedings under  
11 chs. 30, 31, 281 to 285, and 289 to 299, except s. 281.48, shall give notice of those  
12 proceedings to the public intervenor, to the administrators of divisions primarily

1 assigned the departmental functions under chs. 29, 281, 285, and 289 to 299, except  
2 s. 281.48, and to the natural areas preservation council.

3 **(2)** The public intervenor shall formally intervene in proceedings described in  
4 sub. (1) when requested to do so by an administrator of a division primarily assigned  
5 the departmental functions under chs. 29, 281, 285, or 289 to 299, except s. 281.48.  
6 The public intervenor may, on the public intervenor's own initiative or upon request  
7 of any committee of the legislature, formally intervene in proceedings described in  
8 sub. (1) whenever that intervention is needed for the protection of public rights in  
9 water and other natural resources, as provided in chs. 30 and 31 and defined by the  
10 supreme court.

11 **(3)** Personnel of the department of natural resources shall, upon the request  
12 of the public intervenor, make such investigations, studies, and reports as the public  
13 intervenor may request in connection with proceedings described in sub. (1), either  
14 before or after formal intervention. Personnel of state agencies shall, at the public  
15 intervenor's request, provide information, serve as witnesses in proceedings  
16 described in sub. (1), and otherwise cooperate in the carrying out of the public  
17 intervenor's intervention functions. The public intervenor shall formally intervene  
18 by filing a statement to that effect with the examiner or other person immediately  
19 in charge of the proceeding. Upon that filing, the public intervenor shall be  
20 considered a party in interest with full power to present evidence, subpoena and  
21 cross-examine witnesses, submit proof, file briefs, or do any other acts appropriate  
22 for a party to the proceedings.

23 **(4)** The public intervenor may appeal from administrative rulings to the courts.  
24 In all administrative proceedings and judicial review proceedings, the public  
25 intervenor shall be identified as "public intervenor." This section does not preclude

1 or prevent any division of the department of natural resources, or any other  
2 department or independent agency, from appearing by its staff as a party in any  
3 proceedings.

4 **SECTION 2854f.** 165.075 of the statutes is created to read:

5 **165.075 Assistant attorney general; public intervenor; authority.** In  
6 carrying out his or her duty to protect public rights in water and other natural  
7 resources, the public intervenor has the authority to initiate actions and proceedings  
8 before any agency or court in order to raise issues, including issues concerning  
9 constitutionality, present evidence and testimony, and make arguments.

10 **SECTION 2854g.** 165.076 of the statutes is created to read:

11 **165.076 Assistant attorney general; public intervenor; advisory**  
12 **committee.** The attorney general shall appoint a public intervenor advisory  
13 committee under s. 15.04 (1) (c). The public intervenor advisory committee shall  
14 consist of not less than 7 nor more than 9 members. The members shall have  
15 backgrounds in or demonstrated experience or records relating to environmental  
16 protection or natural resource conservation. At least one of the members shall have  
17 working knowledge in business. At least one of the members shall have working  
18 knowledge in agriculture. The public intervenor advisory committee shall advise the  
19 public intervenor consistent with his or her duty to protect public rights in water and  
20 other natural resources. The public intervenor advisory committee shall conduct  
21 meetings consistent with subch. V of ch. 19 and shall permit public participation and  
22 public comment on public intervenor activities.”.

23 **2.** Page 1207, line 22: after that line insert:

24 **“SECTION 3830p.** 814.245 (2) (d) of the statutes is amended to read:

