

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: 06/21/2001

Received By: traderc

Wanted: Soon

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: traderc

May Contact:

Addl. Drafters:

Subject: Environment - miscellaneous
Nat. Res. - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Black@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Restore public intervenor, rn2

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			pgreensl 06/22/2001	_____	lrb_docadmin 06/22/2001	lrb_docadmin 06/22/2001	

FE Sent For:

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No specific pre topic given

Topic:

Restore public intervenor *2*

Instructions:

See Attached

Drafting History:

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FE Sent For:

<END>

Assembly Democrat Budget Amendment Requests

Request Number: 2
(not LRB number)

Agency: DOJ

Description: Restore Public Intervenor

Attachments: AB 55

Cost (if known):

Contact person: Susan McMurray, 266-7521, Representative Black's Office

~~MSD~~

Assembly Democrat Budget Amendment Requests..

Request Number: 2
(not LRB number)

Agency: Justice

Description: MODIFY our Office of Public Intervenor request

Attachments: none

Contact person: Susan McMurray, 266-7521, Representative Black's Office

Please draft 2001 AB 55 but with a modification: require DOJ to reassign two existing attorney positions to the OPI

RCT

~~SDC:.....Keckhaver - CN2702, Restore public intervenor~~

~~FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION~~

ASSEMBLY

~~CAUCUS SENATE~~ AMENDMENT

ASSEMBLY

TO ~~SENATE~~ SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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 ~~2. Page 228, line 3: increase the dollar amount for fiscal year 2001-02 by
8 \$241,400 and increase the dollar amount for fiscal year 2002-03 by \$241,400 to
9 increase the authorized FTE positions by 2.0 GPR attorney positions for the public
10 intervenor.~~

1 ~~3.~~ Page 958, line 25: after that line insert:

2 "SECTION 2854e. 165.07 of the statutes is created to read:

3 **165.07 Assistant attorney general — public intervenor.** (1) The attorney
4 general shall designate ~~an~~ ⁽²⁾ assistant attorney general on the attorney general's staff
5 as public intervenor. The head of each agency responsible for proceedings under chs.
6 30, 31, 281 to 285, and 289 to 299, except s. 281.48, shall give notice of those
7 proceedings to the public intervenor, to the administrators of divisions primarily
8 assigned the departmental functions under chs. 29, 281, 285, and 289 to 299, except
9 s. 281.48, and to the natural areas preservation council.

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

18 (3) Personnel of the department of natural resources shall, upon the request
19 of the public intervenor, make such investigations, studies, and reports as the public
20 intervenor may request in connection with proceedings described in sub. (1), either
21 before or after formal intervention. Personnel of state agencies shall, at the public
22 intervenor's request, provide information, serve as witnesses in proceedings
23 described in sub. (1), and otherwise cooperate in the carrying out of the public
24 intervenor's intervention functions. The public intervenor shall formally intervene

1 by filing a statement to that effect with the examiner or other person immediately
2 in charge of the proceeding. Upon that filing, the public intervenor shall be
3 considered a party in interest with full power to present evidence, subpoena and
4 cross-examine witnesses, submit proof, file briefs, or do any other acts appropriate
5 for a party to the proceedings.

6 (4) The public intervenor may appeal from administrative rulings to the courts.
7 In all administrative proceedings and judicial review proceedings, the public
8 intervenor shall be identified as “public intervenor.” This section does not preclude
9 or prevent any division of the department of natural resources, or any other
10 department or independent agency, from appearing by its staff as a party in any
11 proceedings.

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

13 **165.075 Assistant attorney general; public intervenor; authority.** In
14 carrying out his or her duty to protect public rights in water and other natural
15 resources, the public intervenor has the authority to initiate actions and proceedings
16 before any agency or court in order to raise issues, including issues concerning
17 constitutionality, present evidence and testimony, and make arguments.

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

19 **165.076 Assistant attorney general; public intervenor; advisory**
20 **committee.** The attorney general shall appoint a public intervenor advisory
21 committee under s. 15.04 (1) (c). The public intervenor advisory committee shall
22 consist of not less than 7 nor more than 9 members. The members shall have
23 backgrounds in or demonstrated experience or records relating to environmental
24 protection or natural resource conservation. At least one of the members shall have
25 working knowledge in business. At least one of the members shall have working

1 knowledge in agriculture. The public intervenor advisory committee shall advise the
2 public intervenor consistent with his or her duty to protect public rights in water and
3 other natural resources. The public intervenor advisory committee shall conduct
4 meetings consistent with subch. V of ch. 19 and shall permit public participation and
5 public comment on public intervenor activities.”.

6 ~~1.~~ Page 1207, line 22: after that line insert:

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

8 814.245 (2) (d) “State agency” does not include the public intervenor or citizens
9 utility board.”.

10 (END)