



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 07/01/2005 (Per: CMH)



## Appendix – Part 04 of 05

☞ The 2005 drafting file for

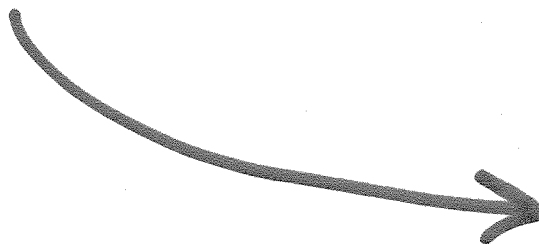
LRB 05b0683

LRB 05b0687

LRB 05b0637

LRB 05b0639

LRB 05b0640



has been copied/added to the 2005 drafting file for

# **LRB 05b0758**

☞ The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

**2005 DRAFTING REQUEST**

**Senate Amendment (SA-AB100)**

Received: 06/23/2005

Received By: btradewe

Wanted: Soon

Identical to LRB:

For: Judith Robson (608) 266-2253

By/Representing: Justin Sargent

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact:

Addl. Drafters:

Subject: Environment - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Robson@legis.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Restore public intervenor, decrease PSC funding

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**Instructions:**

Like AA 45

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**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>
/?	btradewe 06/24/2005	lkunkel 06/24/2005		_____			
/1			rschluet 06/24/2005	_____	sbasford 06/24/2005	sbasford 06/24/2005	

FE Sent For:

<END>

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/?	btradewe	1/mk 6/24					

FE Sent For:

<END>

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**Tradewell, Becky**

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**From:** Sargent, Justin  
**Sent:** Wednesday, June 22, 2005 2:09 PM  
**To:** Tradewell, Becky  
**Subject:** RE: Question on environmental amendment

Please do.

---

**From:** Tradewell, Becky  
**Sent:** Wednesday, June 22, 2005 1:08 PM  
**To:** Sargent, Justin  
**Subject:** RE: Question on environmental amendment

I would be glad to do both if you want.

-----Original Message-----

**From:** Sargent, Justin  
**Sent:** Wednesday, June 22, 2005 1:02 PM  
**To:** Tradewell, Becky  
**Subject:** RE: Question on environmental amendment

Lets go with the bill version rather than the amendment version.

How hard is it to do the amendment from the assembly? We could use both actually.

---

**From:** Tradewell, Becky  
**Sent:** Wednesday, June 22, 2005 12:32 PM  
**To:** Sargent, Justin  
**Subject:** Question on environmental amendment

Justin,

I am the environmental drafter at the LRB. I have a question about the amendment request on the Public Intervenor. The Assembly amendment on the Public Intervenor (AA 45) decreased positions and funding for the PSC to offset the increased positions and funding for DOJ. Do you want to do the same? It is no problem for me to do it either way.

Becky Tradewell  
6-7290

2005 - 2006 LEGISLATURE

SDON

60639/1  
LRBb0638/1  
RCT:wj&lmk:pg  
↑  
keep

SENATE AMENDMENT ,  
TO 2005 ASSEMBLY BILL 100

Note

1 At the locations indicated, amend the engrossed bill as follows:

2 1. Page 49, line 5: after that line insert:

3 "SECTION 114e. 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."

Insert  
1

7 2. Page 185, line 3: increase the dollar amount for fiscal year 2005-06 by  
8 \$241,400 and increase the dollar amount for fiscal year 2006-07 by \$241,400 for the  
9 purpose of increasing the authorized positions for the department of justice by 2.0  
10 FTE attorney positions for the public intervenor.

11 3. Page 817, line 21: after that line insert:

12 "SECTION 2082p. 165.07 of the statutes is created to read:

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

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

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

1 cross-examine witnesses, submit proof, file briefs, or do any other acts appropriate  
2 for a party to the proceedings.

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

9 SECTION 2082q. 165.075 of the statutes is created to read:

10 **165.075 Assistant attorney general; public intervenor; authority.** In  
11 carrying out his or her duty to protect public rights in water and other natural  
12 resources, the public intervenor has the authority to initiate actions and proceedings  
13 before any agency or court in order to raise issues, including issues concerning  
14 constitutionality, present evidence and testimony, and make arguments.

15 SECTION 2082r. 165.076 of the statutes is created to read:

16 **165.076 Assistant attorney general; public intervenor; advisory**  
17 **committee.** The attorney general shall appoint a public intervenor advisory  
18 committee under s. 15.04 (1) (c). The public intervenor advisory committee shall  
19 consist of not less than 7 nor more than 9 members. The attorney general may only  
20 appoint members who have backgrounds in or demonstrated experience or records  
21 relating to environmental protection or natural resource conservation. The attorney  
22 general shall appoint at least one member who has working knowledge in business  
23 and at least one member who has working knowledge in agriculture. The public  
24 intervenor advisory committee shall advise the public intervenor consistent with his  
25 or her duty to protect public rights in water and other natural resources. The public

1       intervenor advisory committee shall conduct meetings consistent with subch. V of  
2       ch. 19 and shall permit public participation and public comment on public intervenor  
3       activities.”.

4             **4.** Page 911, line 8: after that line insert:

5             “**SECTION 2448e.** 814.245 (2) (d) of the statutes is amended to read:

6             814.245 (2) (d) “State agency” does not include the public intervenor or citizens  
7       utility board.”.

8

(END)

Insert 2



*Inserts to 60639*

**ASSEMBLY AMENDMENT 45,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2005 ASSEMBLY BILL 100**

June 21, 2005 - Offered by Representative BOYLE.

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

**1.** Page 48, line 23: after that line insert:

"SECTION 114e. 18.13 (4g) of the statutes is created to read:

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

**2.** Page 82, line 8: decrease the dollar amount for fiscal year 2005-06 by  
\$241,400 and decrease the dollar amount for fiscal year 2006-07 by \$241,400 for the  
purpose of decreasing the authorized <sup>FTE</sup> positions for the public service commission by  
2.0 <sup>PR</sup> attorney positions. *end of insert 1*

**3.** Page 185, line 3: increase the dollar amount for fiscal year 2005-06 by  
\$241,400 and increase the dollar amount for fiscal year 2006-07 by \$241,400 for the

*Insert 7*  
*1*  
*9*  
*10*

1 relating to environmental protection or natural resource conservation. The attorney  
 2 general shall appoint at least one member who has working knowledge in business  
 3 and at least one member who has working knowledge in agriculture. The public  
 4 intervenor advisory committee shall advise the public intervenor consistent with his  
 5 or her duty to protect public rights in water and other natural resources. The public  
 6 intervenor advisory committee shall conduct meetings consistent with subch. V of  
 7 ch. 19 and shall permit public participation and public comment on public intervenor  
 8 activities.”

9 **5.** Page 911, line 8: after that line insert:

10 “SECTION 2448e. 814.245 (2) (d) of the statutes is amended to read:

11 814.245 (2) (d) “State agency” does not include the public intervenor or citizens  
 12 utility board.”

13 **6.** Page 1024, line 12: after that line insert:

14 <sup>W</sup>“(1k) APPROPRIATION LAPSE. Notwithstanding section 20.001 (3) (c) of the  
 15 statutes, there is lapsed from the appropriation account under section 20.155 (1) (g)  
 16 of the statutes \$241,000 in fiscal year 2005-06 and \$241,000 in fiscal year 2006-07.”

*Insert*  
14 2

*end of insert*  
2

~~(END)~~

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

60639/12n  
LRB 0638/1dn  
RCT:lmk:pg

June 23, 2005

Justin:

This amendment recreates the Public Intervenor. This is the version with ~~any~~ reduction in funding or positions for the PSC.

and

(like Assembly Amendment 45)

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.state.wi.us

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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBb0639/1dn  
RCT:lmk:rs

June 24, 2005

Justin:

This amendment recreates the Public Intervenor. This is the version (like Assembly Amendment 45) with reductions in funding and positions for the PSC.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.state.wi.us](mailto:becky.tradewell@legis.state.wi.us)



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBb0639/1  
RCT:wlj&lmk:rs

SENATE AMENDMENT ,  
TO 2005 ASSEMBLY BILL 100

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17 (END)