



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

June 21, 2005 – Offered by Representative BOYLE.

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

2 **1.** Page 48, line 23: 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.”.

7 **2.** Page 82, line 8: decrease the dollar amount for fiscal year 2005–06 by
8 \$241,400 and decrease the dollar amount for fiscal year 2006–07 by \$241,400 for the
9 purpose of decreasing the authorized positions for the public service commission by
10 2.0 attorney positions.

11 **3.** Page 185, line 3: increase the dollar amount for fiscal year 2005–06 by
12 \$241,400 and increase the dollar amount for fiscal year 2006–07 by \$241,400 for the

1 purpose of increasing the authorized positions for the department of justice by 2.0
2 FTE attorney positions for the public intervenor.

3 **4.** Page 817, line 21: after that line insert:

4 “**SECTION 2082p.** 165.07 of the statutes is created to read:

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

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

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

1 described in sub. (1), and otherwise cooperate in the carrying out of the public
2 intervenor's intervention functions. The public intervenor shall formally intervene
3 by filing a statement to that effect with the examiner or other person immediately
4 in charge of the proceeding. Upon that filing, the public intervenor shall be
5 considered a party in interest with full power to present evidence, subpoena and
6 cross-examine witnesses, submit proof, file briefs, or do any other acts appropriate
7 for a party to the proceedings.

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

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

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

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

21 **165.076 Assistant attorney general; public intervenor; advisory**
22 **committee.** The attorney general shall appoint a public intervenor advisory
23 committee under s. 15.04 (1) (c). The public intervenor advisory committee shall
24 consist of not less than 7 nor more than 9 members. The attorney general may only
25 appoint members who have backgrounds in or demonstrated experience or records

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 “(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.”.

17 (END)