



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa1980/1
RCT:kjf:ch

**SENATE AMENDMENT 8,
TO 2003 ASSEMBLY BILL 655**

January 20, 2004 – Offered by Senators ROBSON, CARPENTER, COGGS, M. MEYER,
MOORE, CHVALA, HANSEN, ERPENBACH, WIRCH, RISSER, JAUCH and BRESKE.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 2, as follows:

3 **1.** Page 3, line 10: after “waters;” insert “creating an office of the public
4 intervenor in the department of justice;”.

5 **2.** Page 3, line 11: before that line insert:

6 “**SECTION 1d.** 18.13 (4g) of the statutes is created to read:

7 18.13 **(4g)** PUBLIC INTERVENOR. Notwithstanding s. 165.075, the public
8 intervenor does not have authority to initiate any action or proceeding concerning
9 the issuance of obligations by the building commission under this chapter.”.

10 **3.** Page 3, line 11: delete “**SECTION 1**” and substitute “**SECTION 1m**”.

11 **4.** Page 53, line 10: after that line insert:

12 “**SECTION 157n.** 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 157o.** 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 157p.** 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 **5.** Page 79, line 3: after that line insert:

5 “**SECTION 230m.** 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 **6.** Page 81, line 24: after that line insert:

9 “(4f) POSITION AUTHORIZATION. The authorized FTE positions for the department
10 of justice are increased by 1.0 GPR position to be funded from the appropriation
11 under section 20.455 (1) (a) of the statutes for the public intervenor.”.

12 (END)