



State of Wisconsin
2005 - 2006 LEGISLATURE

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**SENATE AMENDMENT 6,
TO 2005 ASSEMBLY BILL 100**

June 29, 2005 – Offered by Senators RISSER, ROBSON, PLALE, HANSEN, DECKER,
WIRCH, COGGS, MILLER, LASSA, CARPENTER, BRESKE, TAYLOR and ERPENBACH.

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

2 **1.** Page 3, line 1: delete that line.

3 **2.** Page 38, line 12: delete lines 12 and 13.

4 **3.** Page 40, line 4: delete lines 4 to 9 and substitute:

5 “**(5) FEE REVENUE.** The department shall credit all fee revenue received under
6 s. 59.72 (5) (a) to the appropriation account under s. 20.505 (1) (ij), except that the
7 department shall credit the amounts appropriated under s. 20.505 (1) (ie) and (if) to
8 those appropriation accounts.”.

9 **4.** Page 40, line 18: delete lines 18 to 20 and substitute “use by any state, local
10 governmental unit, or public utility. The plans shall include the information that will
11 be needed by local governmental units to prepare comprehensive plans containing
12 the planning elements required under s. 66.1001 (2). Upon receipt of this

1 information, the department shall integrate the information to enable the
2 information to be used to meet land information data needs. The integrated”.

3 **5.** Page 49, line 5: after that line insert:

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

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

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

12 **7.** Page 128, line 20: increase the dollar amount for fiscal year 2006–07 by
13 \$3,600,000 for the purpose of increasing funding for financial assistance for
14 responsible units.

15 **8.** Page 130, line 9: delete lines 9 and 10.

16 **9.** Page 185, line 3: increase the dollar amount for fiscal year 2005–06 by
17 \$241,400 and increase the dollar amount for fiscal year 2006–07 by \$241,400 for the
18 purpose of increasing the authorized positions for the department of justice by 2.0
19 FTE attorney positions for the public intervenor.

20 **10.** Page 202, line 8: after that line insert:

1 “(cm)Comprehensive planning
 2 grants; general purpose
 3 revenue GPR A -0- -0-
 4 (cn) Comprehensive planning;
 5 administrative support GPR A -0- -0-”.

6 **11.** Page 203, line 7: after that line insert:

7 “(if) Comprehensive planning
 8 grants; program revenue PR A 2,000,000 2,000,000”.

9 **12.** Page 205, line 18: after that line insert:

10 “(z) Transportation planning grants
 11 to local governmental units SEG-S B -0- -0-”.

12 **13.** Page 272, line 9: delete the material beginning with that line and ending
 13 with page 273, line 9.

14 **14.** Page 281, line 10: delete lines 10 to 12 and substitute “appropriation
 15 under sub. (1) (bs), (bv), or (bx); and to transfer to the appropriation account under
 16 s. 20.505 (1) (z) the amounts in the schedule under s. 20.505 (1) (z), for such
 17 purposes.”.

18 **15.** Page 306, line 17: delete lines 17 and 18.

19 **16.** Page 306, line 24: delete that line.

20 **17.** Page 307, line 7: delete lines 7 to 10 and substitute:

21 “20.505 (1) (ij) *Land information; aids to counties.* From the moneys received
 22 by the department under s. 59.72 (5) (a), all moneys not appropriated under pars. (ie)

1 and (if) for the purpose of providing aids to counties for land information projects
2 under s. 16.967 (7).”.

3 **18.** Page 309, line 18: delete that line.

4 **19.** Page 315, line 8: delete lines 8 to 19.

5 **20.** Page 325, line 24: increase the underscored dollar amount by \$2,000,000.

6 **21.** Page 326, line 22: increase the underscored dollar amount by \$3,200,000.

7 **22.** Page 329, line 11: increase the underscored dollar amount by \$1,500,000.

8 **23.** Page 337, line 20: delete the material beginning with that line and ending
9 with page 341, line 4.

10 **24.** Page 341, line 10: delete lines 10 to 22.

11 **25.** Page 345, line 11: delete the material beginning with that line and ending
12 with page 349, line 4.

13 **26.** Page 386, line 7: delete lines 7 to 10.

14 **27.** Page 530, line 8: delete lines 8 to 19.

15 **28.** Page 532, line 8: delete the material beginning with that line and ending
16 with page 533, line 13.

17 **29.** Page 536, line 19: delete lines 19 to 23.

18 **30.** Page 537, line 14: delete the material beginning with that line and ending
19 with page 538, line 24.

20 **31.** Page 543, line 14: delete that line.

21 **32.** Page 817, line 21: after that line insert:

22 “**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 **33.** Page 824, line 17: delete lines 17 to 20.

5 **34.** Page 840, line 6: delete lines 6 to 8.

6 **35.** Page 911, line 8: after that line insert:

7 **“SECTION 2448e.** 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 **36.** Page 982, line 6: after that line insert:

11 “(2v) FINANCIAL ASSISTANCE FOR RESPONSIBLE UNITS. Notwithstanding section
12 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the
13 statutes for the purposes of the 2007–09 biennial budget bill, the department of
14 natural resources shall submit information concerning the appropriation under
15 section 20.370 (6) (bu) of the statutes as though the amount appropriated by this act
16 for the 2006–07 fiscal year was \$35,900,000.”.

17 **37.** Page 985, line 8: delete lines 8 to 24.

18 **38.** Page 1024, line 20: after that line insert:

19 “(1kw) APPROPRIATION LAPSE. Notwithstanding section 20.001 (3) (c) of the
20 statutes, there is lapsed from the appropriation account under section 20.155 (1) (g)
21 of the statutes \$241,000 in fiscal year 2005–06 and \$241,000 in fiscal year 2006–07.”.

22 **39.** Page 1035, line 3: delete lines 3 and 4.

