



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0013/1
JK:kjf

2017 ASSEMBLY BILL 688

November 29, 2017 - Introduced by Representatives MURSAU, MASON, ANDERSON, BERCEAU, E. BROOKS, CONSIDINE, CROWLEY, DOYLE, EDMING, FIELDS, HESSELBEIN, KITCHENS, MILROY, NOVAK, OHNSTAD, PETRYK, POPE, RIEMER, RIPP, SARGENT, SHANKLAND, SINICKI, SPREITZER, SUBECK, VRUWINK and ZEPNICK, cosponsored by Senators COWLES, BEWLEY, LARSON, MILLER, RISSER and WIRCH. Referred to Committee on State Affairs.

1 **AN ACT to renumber** 16.754 (2); **to amend** 16.75 (1) (a) 1. and 16.754 (3); **to**
2 **repeal and recreate** 16.754 (title); and **to create** 16.24, 16.705 (1b) (e), 16.705
3 (10), 16.754 (2) (b) and 20.505 (4) (kc) of the statutes; **relating to:** establishing
4 a Wisconsin conservation corps program, extending the time limit for
5 emergency rule procedures, providing exemptions from emergency rule
6 procedures, requiring the exercise of rule-making authority, and making an
7 appropriation.

Analysis by the Legislative Reference Bureau

This bill creates a Wisconsin conservation corps (WCC) program to protect, enhance, and provide access to Wisconsin's natural heritage and encourage and enable young people to learn the value of work in a natural setting by providing employment training and career pathways. The bill directs the Department of Administration to administer and manage the program or to contract with a nonprofit corporation, or an institution of higher education, that has demonstrated experience in grant program administration (manager) to manage and administer the program. The manager then provides grants to organizations that have experience in natural resources conservation to engage, train, and supervise work crews to carry out each project. The bill requires DOA to ensure that projects are equally distributed across technical college districts to the greatest extent possible,

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and to ensure that at least one project is located in each technical college district in each year.

The bill provides that a WCC project must be designed to carry out a specific goal within a defined period of time, must be focused on the conservation or enjoyment of natural resources for environmental conservation, and must have a specific, beneficial, and physical effect. The project must also be eligible for AmeriCorps education award matching. Environmental conservation projects may include new trail construction, trail rehabilitation, invasive species management, bridge and boardwalk construction, reforestation, timber stand improvement, stream bank stabilization, erosion control, rain garden installation, prairie restoration, historical site preservation, recreation site maintenance, wild land fire hazard reduction and fuels management, lake and stream restoration, boundary marking, fencing, or landscaping.

A project may be sited only on public land in this state. The bill permits local governments, institutions of higher education, or nonprofit corporations to sponsor projects. A project application is then submitted to DOA. The application must identify the proposed project and the sponsor of the project and provide a detailed plan for the work on the project. In addition, the application must contain an enumeration of the number of work crews that will work on the project and an affirmation as to whether the work crew members would be eligible to participate in a youth corps program administered by the National and Community Service Board (NCSB), as well as a plan for training the work crew members, providing transportation to the project work sites, making available individualized educational opportunities for work crew members suited to the qualifications, experience, and needs of the members while they are working on the projects; for assisting work crew members in making full use of all benefits provided under such a youth corps program if the project qualifies as a youth corps program; and for visiting a college campus to familiarize the crew members with application and enrollment procedures, programs, and course offerings.

The bill provides that each work crew member on a WCC project must be between the ages of 16 and 25, and at least 50 percent of the work crew members on each project must have no postsecondary education and have a family income of not more than 200 percent of the federal poverty line on the date of their initial engagement.

The bill provides that, if the manager determines that an application is an appropriate WCC project and that work crew members would be eligible under the program, the manager must submit the application to NCSB for funding. The manager must also submit the application to DOA for a grant. DOA may award a grant for the project if the sponsor provides funding for the project in an amount that is at least 50 percent of the amount of the grant. The bill also limits the administrative costs associated with the grant to 10 percent of the grant amount.

The bill requires each sponsor of a WCC project to do both of the following: upon completion of the project, erect a permanent plaque at each work site identifying the site as a WCC project; and submit a report to DOA identifying the number of work

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crew members who enrolled at a postsecondary institution upon completion of the project and their status on the first anniversary of completion of the project.

The bill permits DOA to retain its manager and permits other state agencies to engage a WCC crew on a project without complying with state procurement laws, including requirements for public notice to and competitive solicitation of contractors and limitations on the circumstances when contractual services may be obtained.

Finally, the bill requires DOA to submit an annual report to the legislature identifying the projects that were completed in each year or that are in the process of completion as of the end of that year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 16.24 of the statutes is created to read:

2 **16.24 Wisconsin conservation corps. (1) ESTABLISHMENT OF PROGRAM.**

3 There is established the Wisconsin conservation corps program. The purpose of the
4 program is to protect, enhance, and provide access to Wisconsin's natural heritage
5 and encourage and enable young people to learn the value of work in a natural setting
6 by providing employment training and career pathways.

7 **(2) DEFINITIONS.** In this section:

8 (a) "College campus" means any university, college, and technical college
9 campus.

10 (b) "Local government" has the meaning given for "local governmental unit" in
11 s. 16.97 (7).

12 (c) "Nonprofit corporation" means a nonstock, nonprofit corporation described
13 under section 501 (c) (3) or (4) of the Internal Revenue Code that is exempt from the
14 federal income tax under section 501 (a) of that code and organized under the laws
15 of this state.

16 (d) "Project" means a planned undertaking of the Wisconsin conservation corps
17 for a sponsor to carry out a specific goal within a defined period of time that is focused

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1 on the conservation or enjoyment of natural resources for environmental
2 conservation, that will have a specific, beneficial, and physical effect, and that is
3 eligible for AmeriCorps education award matching.

4 (e) "Sponsor" means a local government, university, college, technical college,
5 or nonprofit corporation that proposes to undertake a project.

6 (f) "Youth corps program" has the meaning given in s. 16.22 (1) (dm).

7 **(3) ADMINISTRATION.** The department is the policy-making body of the
8 Wisconsin conservation corps program. The department shall promulgate rules
9 consistent with this section for the operation of the program.

10 **(4) MANAGEMENT AND SERVICES.** The department may administer and manage
11 the Wisconsin conservation corps program or contract with a nonprofit corporation,
12 or an institution of higher education, that has demonstrated experience in grant
13 program administration to administer and manage the Wisconsin conservation
14 corps program. The manager shall submit all project applications to the department
15 for approval and shall facilitate the awarding of grants to applicants. An application
16 is eligible for approval if the applicant has demonstrated experience in natural
17 resources conservation and youth training or employment. An applicant shall retain
18 all work crew members under sub. (7), except that an applicant shall enroll any work
19 crew members who are participants in a youth corps program. The applicant shall
20 also train and supervise all work crews, provide educational programming for work
21 crews, and provide outreach and other communications services in accordance with
22 this section and the rules and directives of the department.

23 **(5) PROJECT APPLICATION; APPROVAL.** (a) Each project is subject to review and
24 approval by the department prior to commencement of work on the project. The
25 manager may submit an application to the department for approval of a proposed

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1 project. Applications requesting a grant under sub. (8) (c) may be submitted directly
2 to the department. An application shall be in the form prescribed by the department
3 and shall include all of the following:

4 1. An identification of the project and the sponsor of the project, together with
5 a detailed plan for the work to be performed on the project.

6 2. An enumeration of the number of work crews that will work on the project,
7 an affirmation as to whether work crew members would be eligible to participate in
8 a youth corps program, and an affirmation that the work crew members will satisfy
9 the requirements under sub. (7).

10 3. A plan for training the work crew members, providing transportation to each
11 project work site, and making available individualized educational opportunities for
12 work crew members suited to the qualifications, experience, and needs of the
13 members while they are working on the project, and for assisting work crew members
14 who are participating in a youth corps program in making full use of all benefits
15 provided under the program.

16 4. A plan for the crew members to visit a college campus, at least once every
17 3 months while they are employed or enrolled to work on a project in order to
18 familiarize them with application and enrollment procedures, programs, and course
19 offerings.

20 (b) The department shall approve applications for projects that are located in
21 at least one of each of the technical college districts in each year. To the greatest
22 extent practicable, the department shall ensure that projects are equally distributed
23 across technical college districts.

24 **(6) SCOPE OF PROJECTS.** (a) Environmental conservation projects may include
25 new trail construction, trail rehabilitation, invasive species management, bridge

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1 and boardwalk construction, reforestation, timber stand improvement, stream bank
2 stabilization, erosion control, rain garden installation, prairie restoration, historical
3 site preservation, recreation site maintenance, wild land fire hazard reduction and
4 fuels management, lake and stream restoration, boundary marking, fencing, or
5 landscaping.

6 (b) Each project shall be sited on land that is located in this state and owned
7 by the federal or state government or a local government.

8 **(7) WORK CREWS.** The work crew members on a project shall constitute the
9 Wisconsin conservation corps. Each work crew shall have a crew leader. The
10 applicant shall determine the size of work crews. Each work crew member on a
11 project shall be between the ages of 16 and 25. At least 50 percent of the work crew
12 members on each project shall have no postsecondary education and shall have a
13 family income of not more than 200 percent of the poverty line, as defined in s. 49.001
14 (5), on the date of initial employment or enrollment.

15 **(8) FUNDING OF PROJECTS.** (a) If the manager determines that a project proposed
16 in an application submitted under sub. (5) (a) is an appropriate project and that work
17 crew members on the project would be eligible to participate in a youth corps program
18 and satisfy the requirements under sub. (7), the manager shall submit the
19 application to the national and community service board for a grant under s. 16.22
20 (2) (h).

21 (b) If an application for a grant is approved by the national and community
22 service board under s. 16.22 (2) (h), the manager shall accept the grant and shall use
23 the grant to assist the applicant and the sponsor in training the work crews.

24 (c) In addition to submitting the application to the national and community
25 service board under par. (a), the manager shall also submit the application to the

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1 department for a grant from the appropriation account under s. 20.505 (1) (ch). The
2 department may award a grant for a proposed project in an amount that is no less
3 than \$25,000 and no more than \$75,000, if the sponsor provides funding for the
4 project in an amount that is at least 50 percent of the amount of the grant. The
5 cumulative amount of administrative costs charged by the department, the manager,
6 and the sponsor in connection with a grant awarded under this paragraph may not
7 exceed 10 percent of the amount of the grant.

8 **(9) INTERGOVERNMENTAL COOPERATION.** The department may, on behalf of the
9 manager, an applicant, or a sponsor, enter into a cooperative purchasing agreement
10 under s. 16.73 (1). The department may request cooperative assistance from other
11 state agencies in carrying out its program responsibilities as provided in s. 20.901
12 (1) (a). The department may enter into an intergovernmental service agreement
13 under s. 66.0301 on behalf of itself, the manager, an applicant, or a sponsor.

14 **(10) RESPONSIBILITIES OF SPONSOR.** Each sponsor of a Wisconsin conservation
15 corps project approved under this section shall do all of the following:

16 (a) Upon completion of the project, erect a permanent plaque at each project
17 work site identifying the site as a Wisconsin conservation corps project.

18 (b) Submit a report to the department identifying the number of work crew
19 members who enrolled at a technical college, a college campus of the University of
20 Wisconsin System, or any other postsecondary educational institution upon
21 completion of a project in which they were engaged and the status of each such work
22 crew member as of the first anniversary after completion of each project, including
23 whether the crew member has graduated from high school, has received a
24 declaration of equivalency of high school graduation, or is employed and if employed,
25 in what capacity.

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1 **(11) ANNUAL REPORT.** Annually, no later than March 31, the department shall
2 submit a report to the chief clerk of each house of the legislature for distribution to
3 the legislature under s. 13.172 (2), identifying Wisconsin conservation corps projects
4 that were completed in the preceding year or that are in the process of completion
5 at the end of that year.

6 **SECTION 2.** 16.705 (1b) (e) of the statutes is created to read:

7 **16.705 (1b) (e)** The Wisconsin conservation corps program under s. 16.24 (4).

8 **SECTION 3.** 16.705 (10) of the statutes is created to read:

9 **16.705 (10)** Subsections (2) to (9) do not apply to procurements by an agency
10 for contractual services to be performed by crew members as a part of a Wisconsin
11 conservation corps project.

12 **SECTION 4.** 16.75 (1) (a) 1. of the statutes is amended to read:

13 **16.75 (1) (a) 1.** All orders awarded or contracts made by the department for all
14 materials, supplies, equipment, and contractual services to be provided to any
15 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
16 (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, 50.05
17 (7) (f), 153.05 (2m) (a), 165.987, and 287.15 (7), and except for contractual services
18 to be performed by crew members as a part of a Wisconsin conservation corps project,
19 shall be awarded to the lowest responsible bidder, taking into consideration life cycle
20 cost estimates under sub. (1m), when appropriate, the location of the agency, the
21 quantities of the articles to be supplied, their conformity with the specifications, and
22 the purposes for which they are required and the date of delivery.

23 **SECTION 5.** 16.754 (title) of the statutes is repealed and recreated to read:

24 **16.754 (title) Preferences.**

25 **SECTION 6.** 16.754 (2) of the statutes is renumbered 16.754 (2) (a).

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1 **SECTION 7.** 16.754 (2) (b) of the statutes is created to read:

2 16.754 (2) (b) When all other factors are substantially equal, when materials
3 are procured for the Wisconsin conservation corps program, the state shall ensure
4 that such materials are manufactured in whole or in substantial part in Wisconsin
5 and, when services are procured for the Wisconsin conservation corps program, the
6 state shall ensure that such services are performed in whole or in substantial part
7 in Wisconsin.

8 **SECTION 8.** 16.754 (3) of the statutes is amended to read:

9 16.754 (3) EXEMPTIONS. Subsection (2) does not apply if the materials are
10 purchased for the purpose of commercial resale or for the purpose of use in the
11 production of goods for commercial sale. Subsection (2) does not apply to the
12 purchase of stationery and printing materials. Subsection (2) (a) does not apply if
13 the department determines, under s. 16.75 (1) (a) 2., that the foreign nation or
14 subdivision thereof in which the vendor is domiciled does not give preference to
15 vendors domiciled in that nation or subdivision in making governmental purchases.
16 Subsection (2) does not apply if the department or other person having contracting
17 authority in respect to the purchase determines that:

18 (a) The materials are not manufactured ~~in the United States~~ in sufficient or
19 reasonably available quantities; ~~or to comply with the requirement.~~

20 (b) The quality of the materials is substantially less ~~greater~~ than the quality
21 of similar available materials manufactured ~~outside of the United States~~ in
22 compliance with the requirement.

23 **SECTION 9.** 20.505 (4) (kc) of the statutes is created to read:

24 20.505 (4) (kc) *Wisconsin conservation corps board; interagency transfers.* All
25 moneys transferred to the department of administration from other state agencies

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1 and all moneys transferred under 2015 Wisconsin Act (this act), section 10 (2), to
2 be used for Wisconsin conservation corps program grants under s. 16.24.

3 **SECTION 10. Nonstatutory provisions.**

4 (1) EMERGENCY RULES FOR OPERATION OF WISCONSIN CONSERVATION CORPS
5 PROGRAM. The department of administration may promulgate all rules necessary for
6 the operation of the Wisconsin conservation corps program under section 16.24 of the
7 statutes as emergency rules under section 227.24 of the statutes. Notwithstanding
8 section 227.24 (1) (c) of the statutes, emergency rules promulgated under this
9 subsection may remain in effect for not more than one year, and may be extended
10 under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2)
11 (b), and (3) of the statutes, the department is not required to provide evidence that
12 promulgating a rule under this subsection as an emergency rule is necessary for the
13 preservation of the public peace, health, safety, or welfare and is not required to
14 provide a finding of emergency for a rule promulgated under this subsection.
15 Notwithstanding sections 227.135 (2) and (4) and 227.24 (1) (e) 1d. and 1g. of the
16 statutes, a proposed emergency rule promulgated under this subsection and the
17 statement of the scope of the proposed emergency rule are not subject to approval of
18 the governor.

19 (2) TRANSFER OF MONEYS TO WISCONSIN CONSERVATION CORPS PROGRAM.

20 (a) In this subsection, "executive branch agency" has the meaning given under
21 section 16.70 (4) of the statutes.

22 (b) Notwithstanding sections 20.115 to 20.875 and 25.40 (3) of the statutes, but
23 subject to paragraphs (c) to (e), the secretary of administration may transfer a total
24 of not more than \$400,000 appropriated from sum certain appropriations to

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1 executive branch agencies under those sections of the statutes to the appropriation
2 account under section 20.505 (4) (kc) of the statutes, as created by this act.

3 (c) No moneys may be transferred under paragraph (b) from an appropriation
4 derived from federal revenues. No moneys may be transferred under paragraph (b)
5 if the transfer would violate the state or federal constitution, any state or federal law
6 not specified in paragraph (b), or a requirement imposed by the federal government
7 as a condition to receipt of aids by this state.

8 (d) The secretary of administration shall not transfer moneys under paragraph
9 (b) from an appropriation account to the department of transportation under section
10 20.395 (3) (bq), (cq), or (cr) of the statutes, other than moneys for department
11 operations and services engaged under section 84.01 (13) of the statutes.

12 (e) Prior to making any transfer under paragraph (b), the secretary of
13 administration shall notify the cochairpersons of the joint committee on finance in
14 writing of the proposed transfer. If the cochairpersons do not notify the secretary
15 that the committee has scheduled a meeting for the purpose of reviewing the
16 proposed transfer within 14 working days after the date of the secretary's
17 notification, the secretary may make the proposed transfer. If, within 14 working
18 days after the date of the secretary's notification, the cochairpersons of the
19 committee notify the secretary that the committee has scheduled a meeting for the
20 purpose of reviewing the proposed transfer, the secretary shall not make the
21 proposed transfer unless the committee approves the proposed transfer or modifies
22 and approves the proposed transfer. If the committee modifies and approves the
23 proposed transfer, the secretary may make the proposed transfer only as modified
24 by the committee.

25 (END)