



2015 ASSEMBLY BILL 548

November 24, 2015 - Introduced by Representatives MASON, RIEMER, SARGENT, BERCEAU, CONSIDINE, GENRICH, GOYKE, HEBL, KOLSTE, MILROY, OHNSTAD, SPREITZER, SUBECK, C. TAYLOR and ZAMARRIPA, cosponsored by Senators MILLER, C. LARSON, LASSA, RINGHAND, VINEHOUT and WIRCH. Referred to Committee on Environment and Forestry.

1 **AN ACT** *to amend* 16.75 (1) (a) 1.; and *to create* 15.105 (34), 16.24, 16.705 (1L),
2 16.705 (10), 16.71 (5s), 16.75 (13), 20.505 (4) (kc), 66.0903 (5) (h) and 103.49 (3g)
3 (i) of the statutes; **relating to:** establishing a Wisconsin conservation corps
4 program, authorizing a transfer of moneys appropriated to one or more state
5 agencies, extending the time limit for emergency rule procedures, providing
6 exemptions from emergency rule procedures, granting rule-making authority,
7 and making an 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 also creates a WCC Board, which is the policy-making body of the WCC and is attached to the Department of Administration (DOA). The WCC Board consists of the secretary of natural resources or his or her designee; the executive secretary of the Board of Commissioners of Public Lands; two representatives to the assembly, appointed as are members of assembly standing committees; two senators, appointed as are members of senate standing committees; and the following members, appointed to serve for three-year terms: one member of a nongovernmental organization that has

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expertise in conservation matters or that represents employees who work in conservation activities; two members of the faculty employed by a technical college district board, appointed by the state Technical College System Board; one member representing the University of Wisconsin (UW)-Extension; and one member of a nongovernmental organization that has expertise in youth training programs.

Under the bill, DOA provides staff services to the WCC Board. The bill directs the WCC Board to enter into an agreement with a nonprofit corporation that has demonstrated experience in natural resources conservation and youth training (manager) to manage and administer the WCC program. The manager then engages, trains, and supervises work crews to carry out each project. The manager also identifies, reviews, and recommends proposed projects for the approval of the WCC Board. The bill requires the WCC Board to ensure that projects are equally distributed across technical college districts to the greatest extent possible, and to ensure that at least one project is located in each technical college district in each year.

To finance the operation of the WCC Board and program, the bill permits the secretary of administration to transfer not more than \$400,000 from sum certain appropriations to state agencies in the executive branch to the WCC Board during the period beginning on the day the bill becomes law and ending on the date of publication of the 2017-19 biennial budget act, subject to certain limitations. The secretary is prohibited from making any transfer of moneys derived from federal revenues and is also prohibited from making a transfer if the transfer would violate the state or federal constitution, state or federal law, or a requirement imposed by the federal government as a condition to receipt of aids by this state. In addition, the secretary is prohibited from transferring certain moneys appropriated to the Department of Transportation. Any proposed transfer must first be reported by the secretary to the cochairpersons of the Joint Committee on Finance (committee) and is subject to review, approval, or modification by the committee, but the committee may waive its right to review a proposed transfer.

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 or for energy conservation and efficiency purposes, and must have a specific, beneficial, and physical effect. 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, landscaping, or carpentry.

Energy conservation and efficiency projects may include data collection for scientific research, retrofitting of residential or industrial windows, installing solar panels, high-efficiency water heater installation, rain barrel collection system construction, insulation upgrades, high-efficiency lighting product installation, power management system installation, motion detection system upgrades, efficient

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heating and cooling system installation, biogas digestion system installation, biomass heating and energy system installation, truck loading dock seal installation, wind or solar electric system installation, geothermal heat pump installation, electric chiller installation, greenhouse construction, or irrigation system installation. A project may be sited only on public land in this state or land in this state in which the public has an ownership interest, except that incidental work may be performed on other land if the work is directly related to accomplishing work performed on public land or land in which the public has an ownership interest. The bill permits local governments or nonprofit corporations to sponsor projects. A project application is then submitted to the WCC Board by the manager. 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 postsecondary institutions, such as a technical college or UW two-year college, 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 18 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. If funding is provided by NCSB, the manager must use the funding to assist the sponsor in training the work crews.

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 the WCC Board identifying the number of work crew members who enrolled at a technical college, a UW college, or another postsecondary institution upon completion of the project and their status on the first anniversary of completion of the project.

The bill exempts services performed by WCC work crews from compliance with requirements for state and local public works projects to adhere to current prevailing wage scales. The bill permits the WCC Board 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

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solicitation of contractors and limitations on the circumstances when contractual services may be obtained.

Finally, the bill requires the WCC Board 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.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 15.105 (34) of the statutes is created to read:

2 15.105 (34) WISCONSIN CONSERVATION CORPS BOARD. There is created a Wisconsin
3 conservation corps board that is attached to the department of administration under
4 s. 15.03, consisting of the following:

5 (a) The secretary of natural resources or his or her designee.

6 (b) The executive secretary of the board of commissioners of public lands.

7 (c) Two representatives to the assembly, appointed as are members of assembly
8 standing committees.

9 (d) Two senators, appointed as are members of senate standing committees.

10 (e) One member of a nongovernmental organization that has expertise in
11 conservation matters or that represents employees who work in conservation
12 activities, for a 3-year term.

13 (f) Two members of the faculty employed by a technical college district board,
14 appointed by the technical college system board, for 3-year terms.

15 (g) One member representing the University of Wisconsin-Extension, for a
16 3-year term.

17 (h) One member of a nongovernmental organization that has expertise in youth
18 training programs, for a 3-year term.

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1 **SECTION 2.** 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) "Board" means the Wisconsin conservation corps board.

9 (b) "College campus" has the meaning given under s. 36.05 (6m).

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

12 (d) "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.

15 (e) "Project" means a planned undertaking of the Wisconsin conservation corps
16 for a sponsor to carry out a specific goal within a defined period of time that is focused
17 on the conservation or enjoyment of natural resources for environmental
18 conservation or for energy conservation and efficiency purposes and that will have
19 a specific, beneficial, and physical effect.

20 (f) "Sponsor" means a local government or a nonprofit corporation that proposes
21 to undertake a project.

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

23 **(3) WISCONSIN CONSERVATION CORPS BOARD.** The board is the policy-making body
24 of the Wisconsin conservation corps program. The board shall promulgate rules
25 consistent with this section for the operation of the program.

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1 **(4) MANAGEMENT AND SERVICES.** (a) The board shall contract with a nonprofit
2 corporation that has demonstrated experience in natural resources conservation and
3 youth training or employment to administer and manage the Wisconsin conservation
4 corps program. The manager shall retain all work crew members under sub. (8),
5 except that the manager shall enroll any work crew members who are participants
6 in a youth corps program. The manager shall also train and supervise all work crews,
7 provide educational programming for work crews, and provide outreach and other
8 communications services in accordance with this section and the rules and directives
9 of the board. The manager shall also identify and review potential projects, assist
10 with project proposal development, and recommend to the board proposed projects
11 for its review and approval.

12 (b) The board shall not authorize or require, and the manager shall not engage,
13 the services of any employee or contractor to perform services under the Wisconsin
14 conservation corps program if those services displace the services of any individual
15 who is employed by this state in a position, as defined in s. 230.03 (11), or who is
16 employed by a local government in a permanent position.

17 **(5) PROJECT APPLICATION; APPROVAL.** (a) Each project is subject to review and
18 approval by the board prior to commencement of work on the project. The manager
19 may submit an application to the board for approval of a proposed project. An
20 application shall be in the form prescribed by the board and shall include all of the
21 following:

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

24 2. An enumeration of the number of work crews that will work on the project,
25 an affirmation as to whether work crew members would be eligible to participate in

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1 a youth corps program, and an affirmation that the work crew members will satisfy
2 the requirements under sub. (8).

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

9 4. A plan for the crew members to visit postsecondary institutions, such as a
10 technical college or a college campus of the University of Wisconsin System, at least
11 once every 3 months while they are employed or enrolled to work on a project in order
12 to familiarize them with application and enrollment procedures, programs, and
13 course offerings.

14 (b) The board shall approve applications for projects that are located in at least
15 one of each of the technical college districts in each year. To the greatest extent
16 practicable, the board shall ensure that projects are equally distributed across
17 technical college districts.

18 **(6) STAFF SUPPORT.** The department shall provide all staff support necessary for
19 the operation of the board.

20 **(7) SCOPE OF PROJECTS.** (a) Environmental conservation projects may include,
21 but are not limited to, new trail construction, trail rehabilitation, invasive species
22 management, bridge and boardwalk construction, reforestation, timber stand
23 improvement, stream bank stabilization, erosion control, rain garden installation,
24 prairie restoration, historical site preservation, recreation site maintenance, wild

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1 land fire hazard reduction and fuels management, lake and stream restoration,
2 boundary marking, fencing, landscaping, or carpentry.

3 (b) Energy conservation and efficiency projects may include, but are not limited
4 to, data collection for scientific research, retrofitting of residential or industrial
5 windows, installing solar panels, high-efficiency water heater installation, rain
6 barrel collection system construction, insulation system upgrades, high-efficiency
7 lighting product installation, power management system installation, motion
8 detection system upgrades, efficient heating and cooling system installation, biogas
9 digestion system installation, biomass heating and energy system installation, truck
10 loading dock seal installation, wind or solar electric system installation, geothermal
11 heat pump installation, electric chiller installation, greenhouse construction, or
12 irrigation system installation.

13 (c) 1. Except as authorized in subd. 2., each project shall be sited on land that
14 is located in this state and owned by the federal or state government or a local
15 government, or on land that is located in this state in which one of those entities has
16 an ownership interest.

17 2. A project may include incidental work to be performed on land not described
18 in subd. 1. if the work to be performed on that land is directly related to
19 accomplishing work on a project that is sited on land described in subd. 1.

20 **(8) WORK CREWS.** The work crew members on a project shall constitute the
21 Wisconsin conservation corps. Each work crew shall have a crew leader. The board
22 shall determine the size of work crews. Each work crew member on a project shall
23 be between the ages of 18 and 25. At least 50 percent of the work crew members on
24 each project shall have no postsecondary education and shall have a family income

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1 of not more than 200 percent of the poverty line, as defined in s. 49.001 (5), on the
2 date of initial employment or enrollment.

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

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

12 (c) If the manager determines that funding for a proposed project would not be
13 available under s. 16.22 (2) (h), the manager shall work with the sponsor to identify
14 funding sources and shall apply for and accept funding for projects from available
15 sources.

16 **(10) INTERGOVERNMENTAL COOPERATION.** The department may, on behalf of the
17 board, the manager, or a sponsor, enter into a cooperative purchasing agreement
18 under s. 16.73 (1). The board may, on behalf of itself, the manager, or a sponsor, enter
19 into such an agreement. The board may request cooperative assistance from other
20 state agencies in carrying out its program responsibilities as provided in s. 20.901
21 (1) (a). The board may enter into an intergovernmental service agreement under s.
22 66.0301 on behalf of itself, the manager, or a sponsor.

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

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

3 (b) Submit a report to the board identifying the number of work crew members
4 who enrolled at a technical college, a college campus of the University of Wisconsin
5 System, or any other postsecondary educational institution upon completion of a
6 project in which they were engaged and the status of each such work crew member
7 as of the first anniversary after completion of each project, including whether the
8 crew member has graduated from high school, has received a declaration of
9 equivalency of high school graduation, or is employed and if employed, in what
10 capacity.

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

16 **SECTION 3.** 16.705 (1L) of the statutes is created to read:

17 16.705 (1L) Subsection (1) does not apply to the agreement for the management
18 of the Wisconsin conservation corps program under s. 16.24 (4).

19 **SECTION 4.** 16.705 (10) of the statutes is created to read:

20 16.705 (10) Subsections (2) to (9) do not apply to procurements by an agency
21 for contractual services to be performed by crew members as a part of a Wisconsin
22 conservation corps project.

23 **SECTION 5.** 16.71 (5s) of the statutes is created to read:

24 16.71 (5s) The department shall delegate authority to the Wisconsin
25 conservation corps board to enter into cooperative purchasing agreements under s.

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1 16.73 (1) on behalf of itself, the manager of the Wisconsin conservation corps
2 program, or a sponsor of a Wisconsin conservation corps project.

3 **SECTION 6.** 16.75 (1) (a) 1. of the statutes is amended to read:

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

13 **SECTION 7.** 16.75 (13) of the statutes is created to read:

14 16.75 (13) Subsection (1) does not apply to procurements by an agency for
15 contractual services to be performed by crew members as a part of a Wisconsin
16 conservation corps project.

17 **SECTION 8.** 20.505 (4) (kc) of the statutes is created to read:

18 20.505 (4) (kc) *Wisconsin conservation corps board; interagency transfers.* All
19 moneys transferred to the Wisconsin conservation corps board from other state
20 agencies and all moneys transferred under 2015 Wisconsin Act ... (this act), section
21 11 (3), to be used for the general program operations of the board under s. 16.24.

22 **SECTION 9.** 66.0903 (5) (h) of the statutes is created to read:

23 66.0903 (5) (h) Work performed by crew members on a Wisconsin conservation
24 corps project.

25 **SECTION 10.** 103.49 (3g) (i) of the statutes is created to read:

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1 103.49 (3g) (i) Work performed by crew members on a Wisconsin conservation
2 corps project.

SECTION 11. Nonstatutory provisions.

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

18 (2) INITIAL TERMS OF APPOINTED MEMBERS OF THE WISCONSIN CONSERVATION CORPUS
19 BOARD.

20 (a) Notwithstanding the length of term specified for the member of the
21 Wisconsin conservation corps board specified in section 15.105 (34) (e) of the statutes,
22 as created by this act, the initial term for the member appointed under section 15.105
23 (34) (e) of the statutes, as created by this act, shall expire on May 1, 2019.
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1 (b) Notwithstanding the length of term specified for members of the Wisconsin
2 conservation corps board specified in section 15.105 (34) (f) of the statutes, as created
3 by this act, the initial term for one of the members appointed under section 15.105
4 (34) (f) of the statutes, as created by this act, shall expire on May 1, 2018, and the
5 initial term for the other member appointed under section 15.105 (34) (f) of the
6 statutes, as created by this act, shall expire on May 1, 2017.

7 (c) Notwithstanding the length of term specified for the member of the
8 Wisconsin conservation corps board specified in section 15.105 (34) (g) of the
9 statutes, as created by this act, the initial term for the member appointed under
10 section 15.105 (34) (g) of the statutes, as created by this act, shall expire on May 1,
11 2018.

12 (d) Notwithstanding the length of term specified for the member of the
13 Wisconsin conservation corps board specified in section 15.105 (34) (h) of the statutes,
14 as created by this act, the initial term for the member appointed under section 15.105
15 (34) (h) of the statutes, as created by this act, shall expire on May 1, 2019.

16 (3) TRANSFER OF MONEYS TO WISCONSIN CONSERVATION CORPS BOARD.

17 (a) In this subsection, “executive branch agency” has the meaning given under
18 section 16.70 (4) of the statutes.

19 (b) Notwithstanding sections 20.115 to 20.875 and 25.40 (3) of the statutes, but
20 subject to paragraphs (c) to (e), the secretary of administration may transfer a total
21 of not more than \$400,000 appropriated from sum certain appropriations to
22 executive branch agencies under those sections of the statutes to the appropriation
23 account under section 20.505 (4) (kc) of the statutes, as created by this act.

24 (c) No moneys may be transferred under paragraph (b) from an appropriation
25 derived from federal revenues. No moneys may be transferred under paragraph (b)

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1 if the transfer would violate the state or federal constitution, any state or federal law
2 not specified in paragraph (b), or a requirement imposed by the federal government
3 as a condition to receipt of aids by this state.

4 (d) The secretary of administration shall not transfer moneys under paragraph
5 (b) from an appropriation account to the department of transportation under section
6 20.395 (3) (bq), (cq), or (cr) of the statutes, other than moneys for department
7 operations and services engaged under section 84.01 (13) of the statutes.

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

21 (f) Paragraphs (a) to (e) do not apply after the date of publication of the 2017-19
22 biennial budget act.

SECTION 12. Effective date.

