

**2009 DRAFTING REQUEST**

**Bill**

Received: 03/22/2010

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

For: **Fred Clark (608) 266-7746**

By/Representing: **him**

May Contact:

Drafter: **jkuesel**

Subject: **State Govt - miscellaneous  
Nat. Res. - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Clark@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Wisconsin Conservation Corps

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**Instructions:**

Per LRB-3819, with permission of Rep. Mason's office [Vicky Selkove, p/c, 10/17/10].

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 03/23/2010	jdye 03/23/2010		_____			State
/1			jfrantze 03/23/2010	_____	lparisi 03/23/2010	lparisi 03/23/2010	

FE Sent For:

<END>

↳ At Intro.

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1/?	jkuesel	1 3/23 jld		3/23			

FE Sent For:

<END>



(D NOTE)  
State of Wisconsin  
2009 - 2010 LEGISLATURE

JTK/RAC/PG/GMM:jld&nwn:nn&md

LRB-3810/2

-4567/1

Re 3/23 AM

2009 BILL

KEEP

See change to DN

x Regen

1 AN ACT *to amend* 16.22 (2) (h), 16.75 (1) (a) 1. and 24.80; and *to create* 15.105  
2 (32), 16.24, 16.705 (1L), 16.705 (9), 16.71 (5s), 16.75 (13), 20.505 (4) (jm), 20.505  
3 (4) (q), 20.505 (4) (qm), 66.0903 (5) (d), 66.0904 (5) (d) and 103.49 (3g) (d) of the  
4 statutes; **relating to:** establishment of a Wisconsin conservation corps  
5 program, extending the time limit for emergency rule procedures, providing an  
6 exemption from emergency rule procedures, granting rule-making authority,  
7 and making appropriations.

***Analysis by the Legislative Reference Bureau***

This bill creates a Wisconsin conservation corps (WCC) program that seeks 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; one member of a nongovernmental organization that has expertise in conservation matters or that represents

**BILL**

employees who work in conservation activities, for a three-year term; and two members of the faculty employed by a technical college district board, appointed by the state Technical College System Board, for three-year terms.

The bill provides funding for the WCC program from the conservation fund, the state normal school fund (a state trust fund that derives revenue from federal land grants), and from program fees that the board may assess to sponsors of projects. Under the bill, DOA provides all staff services to the board and the board has no other staff. The bill directs the board to enter into an agreement with a nonprofit corporation that has demonstrated experience in natural resource conservation and youth training to manage and administer the WCC program. The manager then retains, trains, and supervises work crews to carry out each project. The manager also identifies, reviews, and recommends proposed projects for the approval of the board. The bill requires the 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.

The bill provides that a project must be designed to carry out a specific goal within a defined period of time and must be focused on the conservation or enjoyment of natural resources and must have a specific, beneficial, physical effect. 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, carpentry, and data collection for scientific research. The bill permits local governments or nonprofit corporations to submit applications to sponsor projects. A project application must identify the proposed project and provide a detailed plan for working on the project. In addition, the application must contain an enumeration of the number of work crews that will work on the project and a determination that work crew members would be eligible to participate in a youth corps program administered by the National and Community Service Board (NCSB) and other requirements under the WCC program, as well as a plan for training the work crew members, providing transportation to the project work sites, making available educational opportunities for work crew members while they are employed on the projects, ~~and~~ for assisting work crew members in making full use of all benefits provided under such a youth corps program.

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 employment.

The bill provides that, if the board determines that an application is an appropriate WCC project and that work crew members would be eligible under the program, the board must jointly submit the application with the sponsor to NCSB for funding. If funding is provided by NCSB, the board must also make a grant to the sponsor to assist the sponsor in training the work crews.

NO  
# and for visiting a technical college to familiarize the crew members with application and enrollment procedures, programs, and course offerings.

**BILL**

The bill also directs NCSB, which utilizes federal and state funding to award grants to persons providing national and community service programs, to first allocate funding for grants to provide work for at least 240 participants in each fiscal year in youth corps programs provided by the WCC Board, to the extent that funding is available to NCSB and NCSB receives valid applications for the grants. Currently, NCSB is directed only to give priority in awarding grants, to the greatest extent practicable, to persons providing youth corps programs.

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 board identifying the number of work crew members who enrolled at a technical college 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 board to retain its manager and 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 the board to submit an annual report to the legislature identifying the projects 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.

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

1           **SECTION 1.** 15.105 (32) of the statutes is created to read:

2           **15.105 (32) 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.

**BILL****SECTION 1**

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

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

6 **SECTION 2.** 16.22 (2) (h) of the statutes is amended to read:

7 16.22 (2) (h) From the appropriations under s. 20.505 (4) (j) and (p), award  
8 grants to persons providing national service programs, giving priority to the greatest  
9 extent practicable to persons providing youth corps programs. To the extent that  
10 funding is available to the board and the board receives valid applications therefor,  
11 the board shall first allocate funding in each fiscal year for grants to provide work  
12 for at least 240 participants in youth corps programs provided by the Wisconsin  
13 conservation corps board.

14 **SECTION 3.** 16.24 of the statutes is created to read:

15 **16.24 Wisconsin conservation corps. (1) ESTABLISHMENT OF PROGRAM.**

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

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

21 (a) "Board" means the Wisconsin conservation corps board.

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

**BILL**

1 (c) “Nonprofit corporation” means a nonstock, nonprofit corporation described  
2 under section 501 (c) (3) or (4) of the federal Internal Revenue Code that is exempt  
3 from the federal income tax under section 501 (a) of that code.

4 (d) “Project” means a planned undertaking of the Wisconsin conservation corps  
5 for a sponsor to carry out a specific goal within a defined period of time that is focused  
6 on the conservation or enjoyment of natural resources and that will have a specific,  
7 beneficial, physical effect.

8 (e) “Public lands” means any lands owned by this state or a local government.

9 (f) “Sponsor” means a local government or a nonprofit corporation that proposes  
10 to undertake a project.

11 (g) “Youth corps program” has the meaning given in s. 16.22 (1) (dm).

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

15 **(4) MANAGEMENT AND SERVICES.** (a) The board shall contract with a nonprofit  
16 corporation that has demonstrated experience in natural resources conservation and  
17 youth training or employment to administer and manage the Wisconsin conservation  
18 corps program. The manager shall retain, train, and supervise all work crews under  
19 sub. (9), provide educational programming for work crews, and provide outreach and  
20 other communications services in accordance with this section and the rules and  
21 directives of the board. The manager shall also identify and review potential  
22 projects, assist with project proposal development, and recommend to the board  
23 proposed projects for its review and approval.

24 (b) The board shall not authorize or require, and the manager shall not engage,  
25 the services of any employee or contractor to perform services under the Wisconsin



**BILL**

**SECTION 3**

1 conservation corps program if those services displace the services of any individual  
2 who is employed by this state in a position, as defined in s. 230.03 (11), or who is  
3 employed by a local government in a permanent position.

4 (5) PROJECT APPLICATION; APPROVAL. (a) A sponsor may submit an application  
5 to the board for approval of a proposed project. Each project is subject to review and  
6 approval by the board prior to commencement of work on the project. An application  
7 shall be in the form prescribed by the board and shall include all of the following:

8 1. An identification of the project and a detailed plan for working on the project.  
9 2. An enumeration of the number of work crews that will work on the project  
10 and an affirmation that work crew members would be eligible to participate in a  
11 youth corps program and satisfy the requirements under sub. (9).

12 3. A plan for training of the work crew members, providing transportation to  
13 each project work site, making available educational opportunities for work crew  
14 members while they are employed on the project, and for assisting work crew  
15 members in making full use of all benefits provided under a youth corps program.

✓  
6-15  
→

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

20 (6) FEE FOR SERVICES PROVIDED. The board may assess a sponsor a fee for services  
21 provided by the board. Any fee shall be consistent with the value of the services  
22 received by the sponsor and with the sponsor's financial resources.

23 (7) STAFF SUPPORT. The department shall provide all staff support necessary for  
24 the operation of the Wisconsin conservation corps program.

**BILL**

1           **(8) PROJECT PURPOSES.** Projects may include new trail construction, trail  
2 rehabilitation, invasive species management, bridge and boardwalk construction,  
3 reforestation, timber stand improvement, stream bank stabilization, erosion control,  
4 rain garden installation, prairie restoration, historical site preservation, recreation  
5 site maintenance, wild land fire hazard reduction and fuels management, lake and  
6 stream restoration, boundary marking, fencing, landscaping, carpentry, and data  
7 collection for scientific research.

8           **(9) 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 board  
10 shall determine the size of work crews. Each work crew member on a project shall  
11 be between the ages of 18 and 25. At least 50 percent of the work crew members on  
12 each project shall have no postsecondary education and shall have a family income  
13 of not more than 200 percent of the poverty line, as defined in s. 49.001 (5), on the  
14 date of initial employment.

15           **(10) YOUTH CORPS FUNDING.** (a) If the board determines that an application  
16 submitted under sub. (4) is an appropriate project and that work crew members  
17 would be eligible to participate in a youth corps program and satisfy the  
18 requirements under sub. (9), the board shall jointly submit the application with the  
19 sponsor to the national and community service board for funding under s. 16.22 (2)  
20 (h).

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

24           **(11) INTERGOVERNMENTAL COOPERATION.** The department may, on behalf of the  
25 board, the manager, or a sponsor, enter into a cooperative purchasing agreement

**BILL****SECTION 3**

1 under s. 16.73 (1). The board may, on behalf of itself, the manager, or a sponsor, enter  
2 into such an agreement. The board may request cooperative assistance from other  
3 state agencies in carrying out its program responsibilities as provided in s. 20.901 (1)  
4 (a). The board may enter into an intergovernmental service agreement under s.  
5 66.0301 on behalf of itself, the manager, or a sponsor.

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

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

10 (b) Submit a report to the board identifying the number of work crew members  
11 who enrolled at a technical college upon completion of a project in which they were  
12 employed and the status of each such work crew member as of the first anniversary  
13 after completion of each project including whether the crew member was graduated  
14 from high school, has received a declaration of equivalency of high school graduation,  
15 or is employed and if employed, in what capacity.

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

21 **SECTION 4.** 16.705 (1L) of the statutes is created to read:

22 16.705 (1L) Subsection (1) does not apply to the agreement for the management  
23 of the Wisconsin conservation corps program under s. 16.24 (6).

24 **SECTION 5.** 16.705 (9) of the statutes is created to read:

**BILL**

1           16.705 (9) Subsections (2) to (8) do not apply to procurements by an agency for  
2 contractual services to be performed by crew members as a part of a Wisconsin  
3 conservation corps project.

4           **SECTION 6.** 16.71 (5s) of the statutes is created to read:

5           16.71 (5s) The department shall delegate to authority to the Wisconsin  
6 conservation corps board to enter into cooperative purchasing agreements under s.  
7 16.73 (1) on behalf of itself, the manager of the Wisconsin conservation corps  
8 program, or a sponsor of a Wisconsin conservation corps project.

9           **SECTION 7.** 16.75 (1) (a) 1. of the statutes is amended to read:

10           16.75 (1) (a) 1. All orders awarded or contracts made by the department for all  
11 materials, supplies, equipment, and contractual services to be provided to any  
12 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),  
13 (6), (7), (8), (9), (10e), ~~and (10m)~~ and (13) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964  
14 (8), 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), shall be awarded to the lowest  
15 responsible bidder, taking into consideration life cycle cost estimates under sub.  
16 (1m), when appropriate, the location of the agency, the quantities of the articles to  
17 be supplied, their conformity with the specifications, and the purposes for which they  
18 are required and the date of delivery.

19           **SECTION 8.** 16.75 (13) of the statutes is created to read:

20           16.75 (13) Subsection (1) does not apply to procurements by an agency for  
21 contractual services to be performed by crew members as a part of a Wisconsin  
22 conservation corps project.

23           **SECTION 9.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
24 the following amounts for the purposes indicated:

**BILL**

**SECTION 9**

1 2009-10      2010-11

2 **20.505 Administration, department of**

3 (4) ATTACHED DIVISIONS AND OTHER BODIES

4 (q) Wisconsin conservation corps

5 board; conservation fund                      SEG      C                      -0-                      250,000

6 (qm) Wisconsin conservation corps

7 board; normal school fund                      SEG      C                      -0-                      100,000

8 **SECTION 10.** 20.505 (4) (jm) of the statutes is created to read:

9 20.505 (4) (jm) *Wisconsin conservation corps; program revenue.* All moneys  
10 received by the Wisconsin conservation corps board from project sponsors under s.  
11 16.24 (5) to be used to carry out the projects for which the fees are assessed.

12 **SECTION 11.** 20.505 (4) (q) of the statutes is created to read:

13 20.505 (4) (q) *Wisconsin conservation corps board; conservation fund.* From the  
14 conservation fund, as a continuing appropriation, the amounts in the schedule for  
15 the general program operations of the Wisconsin conservation corps program under  
16 s. 16.24 and for the payment of grants under s. 16.24 (5) (e). (10)(b)

17 **SECTION 12.** 20.505 (4) (qm) of the statutes is created to read:

18 20.505 (4) (qm) *Wisconsin conservation corps board; normal school fund.* From  
19 the normal school fund, as a continuing appropriation, the amounts in the schedule  
20 for the general program operations of the Wisconsin conservation corps board under  
21 s. 16.24 and for the payment of grants under s. 16.24 (5) (e). (10)(b)

22 **SECTION 13.** 24.80 of the statutes, as affected by 2009 Wisconsin Act 28, is  
23 amended to read:

**BILL**

1           **24.80 Normal school fund.** The lands and moneys described in s. 24.79, not  
2 being granted for any other specified purpose, accrue to the school fund under article  
3 X, section 2, of the constitution; and having been found unnecessary for the support  
4 and maintenance of common schools, are appropriated to the support and  
5 maintenance of state universities and suitable libraries and apparatus therefor, and  
6 to that end are set apart and denominated the “Normal School Fund”. All lands,  
7 moneys, loans, investments and securities set apart to the normal school fund and  
8 all swamp lands and income and interest received on account of the capital of that  
9 fund constitute a separate and perpetual fund. Except as provided in ss. 20.255 (1)  
10 (q) ~~and, 20.285 (1) (rm), and 20.505 (4) (qm)~~, all income and interest from the normal  
11 school fund shall be paid into the general fund as general purpose revenue. Normal  
12 school fund income, interest and revenues do not include expenses deducted from  
13 gross receipts permitted under ss. 24.04 (2), 24.53 and 24.62 (1).

14           **SECTION 14.** 66.0903 (5) (d) of the statutes is created to read:

15           66.0903 (5) (d) Work performed by crew members on a Wisconsin conservation  
16 corps project.

17           **SECTION 15.** 66.0904 (5) (d) of the statutes is created to read:

18           66.0904 (5) (d) Work performed by crew members on a Wisconsin conservation  
19 corps project.

20           **SECTION 16.** 103.49 (3g) (d) of the statutes is created to read:

21           103.49 (3g) (d) Work performed by crew members on a Wisconsin conservation  
22 corps project.

23           **SECTION 17. Nonstatutory provisions.**

24           (1) **EMERGENCY RULES FOR OPERATION OF WISCONSIN CONSERVATION CORPS**  
25 **PROGRAM.** The Wisconsin conservation corps board may promulgate all rules

**BILL****SECTION 17**

1 necessary for the operation of the Wisconsin conservation corps program under  
2 section 16.24 of the statutes as emergency rules under section 227.24 of the statutes.  
3 Notwithstanding section 227.24 (1) (c) of the statutes, emergency rules promulgated  
4 under this subsection may remain in effect for not more than one year and may be  
5 extended under section 227.24 (2) of the statutes. Notwithstanding section 227.24  
6 (1) (a) and (3) of the statutes, the board is not required to provide evidence that  
7 promulgating a rule under this subsection as an emergency rule is necessary for the  
8 preservation of public peace, health, safety, or welfare and is not required to provide  
9 a finding of emergency for a rule promulgated under this subsection.

10 (2) INITIAL TERMS OF APPOINTED MEMBERS OF THE WISCONSIN CONSERVATION CORPS  
11 BOARD.

12 (a) Notwithstanding the length of term specified for a member of the Wisconsin  
13 conservation corps board under section 15.105 (32) (e) of the statutes, as created by  
14 this act, the initial term for the member appointed under section 15.105 (32) (e) of  
15 the statutes, as created by this act, shall expire on May 1, 2015.

16 (b) Notwithstanding the length of term specified for members of the Wisconsin  
17 conservation corps board under section 15.105 (32) (e) of the statutes, as created by  
18 this act, the initial term for one of the members appointed under section 15.105 (32)  
19 (f) of the statutes, as created by this act, shall expire on May 1, 2014, and the initial  
20 term for the other member appointed under section 15.105 (32) (f) of the statutes, as  
21 created by this act, shall expire on May 1, 2013.

22 **SECTION 18. Effective dates.** This act takes effect on July 1, 2011, except as  
23 follows:





6-15

<sup>was done</sup> <sup>to</sup>  
 A 4. A plan for the crew members to visit  
 a technical college at least once every 3  
 months while they are employed on a project  
 in order to familiarize them with application  
 and enrollment procedures, <sup>programs,</sup> <sup>course</sup> ~~and~~ <sup>course</sup> ~~offerings~~  
~~offerings~~ offerings ①

(end ins 6-15)

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

-4567/ldn  
LRB-8819/2dm  
JTK&RAC:nwn:rs  
↑ L + jld  
keep

March 22, 2010 3 new date

Clark  
Mason

Representative Mason:

1. This draft contains two sum certain appropriations [proposed s. 20.505 (4) (q) and (qm)] that, together with the program revenue appropriation in proposed s. 20.505 (4) (jm), constitute the funding for the operations and programs of the Wisconsin Conservation Corps Board. Because the 2011-13 biennial budget act (like all biennial budget acts) will repeal and recreate the appropriation schedule in s. 20.005 (3), stats., any sum certain appropriation for the next fiscal biennium will be eliminated by that act unless that act also contains the same appropriations. Because the proposed program revenue appropriation contained in this draft is continuing and is not dependent upon that act to specify a funding level, it will probably not be affected by that act. However, since the proposed sum certain appropriations in this draft are dependent upon that act to specify a funding level for the 2011-13 fiscal biennium, this draft makes these appropriations effective on the last day of the 2009-11 fiscal biennium so that they will be in force before the new budget act takes effect. This may help to ensure that these appropriations will be considered "cost to continue" rather than "new" appropriations, giving them a slightly better chance of surviving the 2011-13 budget decision-making process. It will also enable the WCC board to commence operations on July 1, 2011 even if (as has usually been the pattern in recent decades) the 2011-13 biennial budget act is not enacted by July 1, 2011.

10/4. You requested a variety of provisions that interlock with other laws: 1) *Unemployment insurance*: UI coverage for nonprofit organizations employing 4 or more persons is controlled by federal law. Federal law contains some exclusions for individuals engaged in work relief or work training or individuals employed to address emergencies. See 26 USC 3309. 2) *Worker's compensation*: Existing state law provides employees of nonprofit organizations with worker's compensation protection. 3) *Prevailing wage law*: This draft exempts services performed by WCC crews from coverage under state and local prevailing wage laws. See the proposed changes to ss. 66.0903, 66.0904, and 103.49 (3g), stats. 4) *State agency collaboration, cooperative purchasing, and intergovernmental agreements*: This draft specifically permits the WCC board to request and enter into interchange assistance with other state agencies, enter into cooperative purchasing agreements, and intergovernmental service agreements, either on its own behalf or on behalf of the manager or a sponsor. See proposed s. 16.24 (11). 5) *State procurement laws*: This draft specifically permits the

FWS DIA ✓

WCC board to enter into a contractual services agreement for management of the WCC program without public notice and solicitation of bids and without complying with state contractual service procedures. The draft also requires an outside manager to be retained, notwithstanding current law which permits, but does not require, state agencies to enter into contractual services agreements, and then only if the services can be more economically or efficiently performed by contract. See proposed changes to ss. 16.705 and 16.75, stats.

A.S. 3

3. This draft, in proposed s. 16.24 (4) (b), prohibits the WCC board from displacing the services of a state or local government employee. It does not preclude the displacement of seasonal or other limited-term employees who may or may not be retained from year to year. It also provides no penalty or enforcement mechanism to address potential violations. If you would like to permit an employee or former employee who believes that his or her position was displaced to appeal the matter to the personnel commission, where such commissions exist, we can add such a provision.

INS  
D2A

Jeffery T. Kuesel  
Managing Attorney  
Phone: (608) 266-6778

Earnings and interest from the normal school fund are used to pay for the operations of the WCC and the payment of grants under s. 24.89 (4). Please note that generally moneys in the school fund and the normal school fund must be used solely for the support of the public schools. See, *Vincent v. Voight*, 236 Wis.2d 588, 614 N.W.2d 388 (2000). I understand that moneys from the normal school fund have been diverted for other purposes in recent years. Again, you may wish to speak with BCPL about this issue.

Rick A. Champagne  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-3819/2dmi  
JTK.....

for  
4567/1

INS DZA

AG, (4) The previous draft provided for a project sponsor to erect a plaque and to provide a wrap-up report and follow-up reports only when a project receives funding from the youth corps program. Looking at the purpose of these plaques and reports and recalling my discussions with you regarding their purposes, it did not make sense to me to limit these plaques and reports only to those instances in which a project received youth corps funding. As the draft now reads, a project may have funding from the conservation fund, from program revenue, or from the normal school fund. Therefore, I have revised proposed s. 16.24 (12) so that it applies regardless of the source of project funding. Please let me know if this is not in accord with your intent.

(end ins DZA)

INS DIA

Kuesel, Jeffery

From: Kuesel, Jeffery  
Sent: Monday, March 22, 2010 10:27 AM  
To: Rep. Clark; Rep. Mason  
Cc: Selkove, Vicky; Stafford, Beau  
Subject: WCC

Reps. Clark and Mason:

Here are the outstanding issues that I am dealing with:  
#2. JCF review and approval: As I understand it, we would need to change the draft to create the WCC board sooner than July 1, 2011 (and to provide some funding sooner as well). The staff and board would then prepare an implementation plan for the passive review of JCF. We need both an new effective date for at least some portions of the draft and we need a somewhat later date by which time the plan should be submitted to JCF. Under passive review, if JCF wants to meet, the WCC could not be implemented until the meeting is held and the implementation plan is either approved or approved with modifications.

#3. As the draft stands, DOA is responsible for payroll and accounting functions for the board and the board's staff. If you want to have DOA perform this function for sponsors as well, we need to change the draft. I should note that such a provision would be unusual and complicated because these sponsors are governed by different laws and ordinances than those that apply to the state. In fact, if I were DOA and I had to do this, I would contract this function out to an employment services company.

I'm also sending you separately a copy of the Drafters Note that will accompany LRB 36 92.

**Jeffery Kuesel**  
Managing Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison WI 53701-2037  
(608) 266-6778  
jeffery.kuesel@legis.state.wi.us

JCF  
this would require

program budgeting

(do not  
or sponsors) the manager  
This should require  
relatively little effort  
for DOT and should be  
manageable with the use  
of DOT's existing staff.  
This is the normal model for  
attached boards in state government

You requested that there be a provision providing for preparation of an implementation plan together with passive review and approval of the plan by the Joint Committee on Finance. If we insert such a provision as NO # (JCF)

(end Ins DIA)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4567/1dn  
JTK&RAC:nwn&jld:jf

March 23, 2010

Representative Clark:

1. This draft contains two sum certain appropriations [proposed s. 20.505 (4) (q) and (qm)] that, together with the program revenue appropriation in proposed s. 20.505 (4) (jm), constitute the funding for the operations and programs of the Wisconsin Conservation Corps Board. Because the 2011-13 biennial budget act (like all biennial budget acts) will repeal and recreate the appropriation schedule in s. 20.005 (3), stats., any sum certain appropriation for the next fiscal biennium will be eliminated by that act unless that act also contains the same appropriations. Because the proposed program revenue appropriation contained in this draft is continuing and is not dependent upon that act to specify a funding level, it will probably not be affected by that act. However, since the proposed sum certain appropriations in this draft are dependent upon that act to specify a funding level for the 2011-13 fiscal biennium, this draft makes these appropriations effective on the last day of the 2009-11 fiscal biennium so that they will be in force before the new budget act takes effect. This may help to ensure that these appropriations will be considered "cost to continue" rather than "new" appropriations, giving them a slightly better chance of surviving the 2011-13 budget decision-making process. It will also enable the WCC board to commence operations on July 1, 2011 even if (as has usually been the pattern in recent decades) the 2011-13 biennial budget act is not enacted by July 1, 2011.

2. You requested a provision providing for preparation of an "implementation plan" together with passive review and approval of the plan by the Joint Committee on Finance (JCF). If we insert such a provision, as I understand it, we would need to change the draft to create the WCC board sooner than July 1, 2011 (and to provide some funding sooner as well). The staff and board would then prepare the implementation plan for the passive review of JCF. This would require both a new effective date for at least some portions of the draft and a somewhat later deadline by which time the plan should be submitted to JCF. Under passive review, if JCF wants to meet, the WCC program could not be implemented until the meeting is held and the implementation plan is either approved or approved with modifications.

3. As the draft stands, DOA is responsible for budgeting, payroll, and accounting functions for the board and the board's staff (but not the manager's or sponsors' staffs). This would require relatively little effort for DOA and should be manageable with the use of DOA's existing staff. This is the normal model for attached boards in state

government. If you want to have DOA perform this function for sponsors as well, we need to change the draft. I should note that such a provision would be unusual and complicated because these sponsors are governed by different laws and ordinances than those that apply to the state. In fact, if I were DOA and I had to do this, I would contract this function out to an employment services company.

4. You requested a variety of provisions that interlock with other laws: 1) *Unemployment insurance*: UI coverage for nonprofit organizations employing 4 or more persons is controlled by federal law. Federal law contains some exclusions for individuals engaged in work relief or work training or individuals employed to address emergencies. See 26 USC 3309. 2) *Worker's compensation*: Existing state law provides employees of nonprofit organizations with worker's compensation protection. 3) *Prevailing wage law*: This draft exempts services performed by WCC crews from coverage under state and local prevailing wage laws. See the proposed changes to ss. 66.0903, 66.0904, and 103.49 (3g), stats. 4) *State agency collaboration, cooperative purchasing, and intergovernmental agreements*: This draft specifically permits the WCC board to request and enter into interchange assistance with other state agencies, enter into cooperative purchasing agreements, and intergovernmental service agreements, either on its own behalf or on behalf of the manager or a sponsor. See proposed s. 16.24 (11). 5) *State procurement laws*: This draft specifically permits the WCC board to enter into a contractual services agreement for management of the WCC program without public notice and solicitation of bids and without complying with state contractual service procedures. The draft also requires an outside manager to be retained, notwithstanding current law which permits, but does not require, state agencies to enter into contractual services agreements, and then only if the services can be more economically or efficiently performed by contract. See proposed changes to ss. 16.705 and 16.75, stats.

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**Duerst, Christina**

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**From:** Gill, Andrew  
**Sent:** Tuesday, March 23, 2010 12:03 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-4567/1 Topic: Wisconsin Conservation Corps

Please Jacket LRB 09-4567/1 for the ASSEMBLY.