



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 910**

April 6, 2010 – Offered by Representatives CLARK and MASON.

1     **AN ACT** *to amend* 16.75 (1) (a) 1.; and *to create* 15.105 (32), 16.24, 16.705 (1L),  
2           16.705 (9), 16.71 (5s), 16.75 (13), 20.505 (4) (kc), 66.0903 (5) (d), 66.0904 (5) (d)  
3           and 103.49 (3g) (d) of the statutes; **relating to:** establishment of a Wisconsin  
4           conservation corps program, authorizing a transfer of moneys appropriated to  
5           one or more state agencies, extending the time limit for emergency rule  
6           procedures, providing an exemption from emergency rule procedures, granting  
7           rule-making authority, and making an appropriation.

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

This substitute amendment 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 substitute amendment 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 employees who work in conservation activities, for a three-year term; two members of the faculty employed by a technical college district board, appointed by the state Technical College System Board, for three-year terms; one member representing the University of Wisconsin–Extension, for a three-year term; and one member of a nongovernmental organization that has expertise in youth training programs, for a three-year term.

Under the substitute amendment, DOA provides staff services to the board. The substitute amendment 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 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 board. The substitute amendment 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.

To finance the operation of the WCC Board and program, the substitute amendment permits the secretary of administration to transfer any amount of money appropriated from a sum certain appropriation to an executive branch agency to the board during the period beginning on the day the substitute amendment becomes law and ending on the date of publication of the 2011–13 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 and is subject to review, approval, or modification by the committee, but the committee may waive its right to review a proposed transfer.

The substitute amendment 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 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. A project may be sited only on public land in this state or land 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 substitute amendment permits local governments or nonprofit corporations to submit applications to sponsor projects. A project 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 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 University of Wisconsin (UW) two-year college, to familiarize the crew members with application and enrollment procedures, programs, and course offerings.

The substitute amendment 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 substitute amendment 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 manager must jointly submit the application with the sponsor 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 substitute amendment 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, 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 substitute amendment 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 substitute amendment 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 substitute amendment 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.

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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.

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.

19          **SECTION 2.** 16.24 of the statutes is created to read:

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

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

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

7           (a) “Board” means the Wisconsin conservation corps board.

8           (b) “College campus” has the meaning given under s. 36.05 (6m).

9           (c) “Local government” has the meaning given for “local governmental unit” in  
10          s. 16.97 (7).

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

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

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

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

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

24          **(4) MANAGEMENT AND SERVICES.** (a) The board shall contract with a nonprofit  
25          corporation that has demonstrated experience in natural resources conservation and

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

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

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

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

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

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

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

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

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

18           **(7) SCOPE OF PROJECTS.** (a) Projects may include new trail construction, trail  
19 rehabilitation, invasive species management, bridge and boardwalk construction,  
20 reforestation, timber stand improvement, stream bank stabilization, erosion control,  
21 rain garden installation, prairie restoration, historical site preservation, recreation  
22 site maintenance, wild land fire hazard reduction and fuels management, lake and  
23 stream restoration, boundary marking, fencing, landscaping, carpentry, and data  
24 collection for scientific research.

1 (b) 1. Except as authorized in subd. 2., no project may be sited on land that is  
2 not located in this state and owned by the federal or state government or a local  
3 government, or land in which one of those entities has an ownership interest.

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

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

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

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

23 (c) If the manager determines that funding for a proposed project would not be  
24 available under s. 16.22 (2) (h), the manager shall work with the sponsor to identify



1 funding sources and shall apply for and accept funding for projects from available  
2 sources.

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

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

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

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

22 **(12) ANNUAL REPORT.** Annually no later than March 31, the board shall submit  
23 a report to the chief clerk of each house of the legislature for distribution to the  
24 legislature under s. 13.172 (2), identifying Wisconsin conservation corps projects

1 completed in the preceding year or that are in the process of completion at the end  
2 of that year.

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

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

6 **SECTION 4.** 16.705 (9) of the statutes is created to read:

7 16.705 (9) Subsections (2) to (8) do not apply to procurements by an agency for  
8 contractual services to be performed by crew members as a part of a Wisconsin  
9 conservation corps project.

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

11 16.71 (5s) The department shall delegate to authority to the Wisconsin  
12 conservation corps board to enter into cooperative purchasing agreements under s.  
13 16.73 (1) on behalf of itself, the manager of the Wisconsin conservation corps  
14 program, or a sponsor of a Wisconsin conservation corps project.

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

16 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all  
17 materials, supplies, equipment, and contractual services to be provided to any  
18 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),  
19 (6), (7), (8), (9), (10e), ~~and (10m)~~ and (13) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964  
20 (8), 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), shall be awarded to the lowest  
21 responsible bidder, taking into consideration life cycle cost estimates under sub.  
22 (1m), when appropriate, the location of the agency, the quantities of the articles to  
23 be supplied, their conformity with the specifications, and the purposes for which they  
24 are required and the date of delivery.

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

1           16.75 **(13)** Subsection (1) does 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 8.** 20.505 (4) (kc) of the statutes is created to read:

5           20.505 **(4)** (kc) *Wisconsin conservation corps board; interagency transfers.* All  
6 moneys transferred to the Wisconsin conservation corps board from other state  
7 agencies and all moneys transferred under 2009 Wisconsin Act ... (this act), section  
8 12 (3), to be used for the general program operations of the board under s. 16.24.

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

10          66.0903 **(5)** (d) Work performed by crew members on a Wisconsin conservation  
11 corps project.

12          **SECTION 10.** 66.0904 (5) (d) of the statutes is created to read:

13          66.0904 **(5)** (d) Work performed by crew members on a Wisconsin conservation  
14 corps project.

15          **SECTION 11.** 103.49 (3g) (d) of the statutes is created to read:

16          103.49 **(3g)** (d) Work performed by crew members on a Wisconsin conservation  
17 corps project.

18          **SECTION 12. Nonstatutory provisions.**

19          (1) EMERGENCY RULES FOR OPERATION OF WISCONSIN CONSERVATION CORPS  
20 PROGRAM. The Wisconsin conservation corps board may promulgate all rules  
21 necessary for the operation of the Wisconsin conservation corps program under  
22 section 16.24 of the statutes as emergency rules under section 227.24 of the statutes.  
23 Notwithstanding section 227.24 (1) (c) of the statutes, emergency rules promulgated  
24 under this subsection may remain in effect for not more than one year and may be  
25 extended under section 227.24 (2) of the statutes. Notwithstanding section 227.24

1 (1) (a) and (3) of the statutes, the board is not required to provide evidence that  
2 promulgating a rule under this subsection as an emergency rule is necessary for the  
3 preservation of public peace, health, safety, or welfare and is not required to provide  
4 a finding of emergency for a rule promulgated under this subsection.

5 (2) INITIAL TERMS OF APPOINTED MEMBERS OF THE WISCONSIN CONSERVATION CORPUS  
6 BOARD.

7 (a) Notwithstanding the length of term specified for the member of the  
8 Wisconsin conservation corps board specified in section 15.105 (32) (e) of the statutes,  
9 as created by this act, the initial term for the member appointed under section 15.105  
10 (32) (e) of the statutes, as created by this act, shall expire on May 1, 2014.

11 (b) Notwithstanding the length of term specified for members of the Wisconsin  
12 conservation corps board specified in section 15.105 (32) (f) of the statutes, as created  
13 by this act, the initial term for one of the members appointed under section 15.105  
14 (32) (f) of the statutes, as created by this act, shall expire on May 1, 2013, and the  
15 initial term for the other member appointed under section 15.105 (32) (f) of the  
16 statutes, as created by this act, shall expire on May 1, 2012.

17 (c) Notwithstanding the length of term specified for the member of the  
18 Wisconsin conservation corps board specified in section 15.105 (32) (g) of the  
19 statutes, as created by this act, the initial term for the member appointed under  
20 section 15.105 (32) (g) of the statutes, as created by this act, shall expire on May 1,  
21 2013.

22 (d) Notwithstanding the length of term specified for the member of the  
23 Wisconsin conservation corps board specified in section 15.105 (32) (h) of the statutes,  
24 as created by this act, the initial term for the member appointed under section 15.105  
25 (32) (h) of the statutes, as created by this act, shall expire on May 1, 2014.

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

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

4           (b) Notwithstanding sections 20.115 to 20.875 and 25.40 (3) of the statutes, but  
5 subject to paragraphs (c) to (e), the secretary of administration may transfer any  
6 amount of money appropriated under one or more of those sections of the statutes  
7 from a sum certain appropriation to an executive branch agency to the appropriation  
8 under section 20.505 (4) (kc) of the statutes, as created by this act.

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

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

18           (e) Prior to making any transfer under paragraph (b), the secretary of  
19 administration shall notify the cochairpersons of the joint committee on finance in  
20 writing of the proposed transfer. If the cochairpersons do not notify the secretary  
21 that the committee has scheduled a meeting for the purpose of reviewing the  
22 proposed transfer within 14 working days after the date of the secretary’s  
23 notification, the secretary may make the proposed transfer. If, within 14 working  
24 days after the date of the secretary’s notification, the cochairpersons notify the  
25 secretary that the committee has scheduled a meeting for the purpose of reviewing

1 the proposed transfer, the secretary shall not make the proposed transfer unless the  
2 committee approves the proposed transfer or modifies and approves the proposed  
3 transfer. If the committee modifies and approves the proposed transfer, the secretary  
4 may make the proposed transfer only as modified by the committee.

5 (f) Paragraphs (a) to (e) do not apply after the date of publication of the 2011–13  
6 biennial budget act.

7 (END)