

2009 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB910)

Received: 04/01/2010

Received By: **jkuesel**

Wanted: **As time permits**

Companion to LRB:

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

By/Representing: **Beau Stafford**

May Contact:

Drafter: **jkuesel**

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

Adl. Drafters: **pgrant**
gmalaise

Extra Copies: **Rep. Mason - 1**

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

ASA to AB-910

Instructions:

Per attached E mail, 3/31/10.

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 04/02/2010	nmatzke 04/02/2010		_____			
/1			nmatzke 04/02/2010	_____	cduerst 04/02/2010	cduerst 04/02/2010	
/2	jkuesel 04/05/2010	nmatzke 04/05/2010	mduchek 04/05/2010	_____	lparisi 04/05/2010	lparisi 04/05/2010	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

04-07-2010
1/2"

Beau Stafford
from Rep. Clark's Office
requested a FE by DOA
based on ASAI-AB910

Since DOA's original FE
on the bill has not been
released yet the LRB
can submit for a
"original" FE on the
Sub Amendment

Per Joint Rule 48(2)
MB

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/?	jkuesel 04/02/2010	nmatzke 04/02/2010		_____			
/1	jkuesel 4/5/10	1/2 nwn 4/5	nmatzke 04/02/2010	_____	cduerst 04/02/2010	cduerst 04/02/2010	

FE Sent For:

(Handwritten initials and signatures: nwn, jkuesel, nmatzke, cduerst)

<END>

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12/11	jkuesel 4/2/10	1/1 nwn 4/2	1/19 nwn	nwn/kmh 4/2			

FE Sent For:

<END>

Kuesel, Jeffery

From: Champagne, Rick
Sent: Wednesday, March 31, 2010 8:03 AM
To: Kuesel, Jeffery
Cc: Clark, Fred; Mason, Cory; Stafford, Beau; Grant, Peter; Malaise, Gordon
Subject: Redraft Instructions for WCC Bill--2009 AB 910

Jeff:

Reps. Clark and Mason held a working group session yesterday on 2009 AB 910--the WCC draft--to come up with drafting instructions for a substitute amendment. I attended the meeting, presented your issues, answered questions on the bill, and took drafting instructions. Below you will find the drafting instructions for the substitute amendment. The bill will be before the Joint Committee on Finance a week Friday and so they would like the amendment to review before that time. They have also expressed a wish that the substitute amendment not contain an LRB analysis.

SECTION 1: They are contemplating adding additional members to the WCC Board. For now, keep as is unless you hear otherwise.

SECTION 2: Eliminate this provision from draft.

SECTION 3: Eliminate from draft the definition of "public lands" in s. 16.24 (2) (e).

In s. 16.24 (4), specify that the nonprofit corporation that will manage the WCC program shall "hire or enroll" the work crews.

In s. 16.24 (5) (a) the intent is that only the nonprofit corporation that manages the WCC can submit applications to the WCC Board for approval. The nonprofit corporation will work with sponsors, but it is only the nonprofit corporation manager that submits the projects to the WCC Board for approval.

In s. 16.24 (5) (a) 3., provide that the educational opportunities provided to the work crews are individualized to each work crew member depending on his or her needs, qualifications, experiences, etc. In other words, the opportunities must be tailored to individual work crew members.

In 16.24 (5) (a) (4), provide that they must visit postsecondary educational institutions, such as technical colleges and the UW colleges. The would like specific references to technical colleges and UW colleges.

Eliminate s. 16.24 (6) from draft.

In s. 16.24 (10) (a), provide that the nonprofit corporation that manages the WCC program submits the application. The application must also provide that the funds received for a project are paid directly to the nonprofit corporation. Also, make certain that the applications can be for grants provided by any entity and not just the National and Community Service Board.

In s. 16.24 (10) (b), broaden to include all applications to any entity and provide that the grant is to the nonprofit corporation that manages the WCC.

In s. 16.24 (12) (b), broaden to not only technical colleges but UW colleges and any other postsecondary education institution.

SECTION 9, 10, 11,12, and 13: Eliminate all of these provisions from the draft. Instead, for funding purposes, create a PR-S C appropriation that consists of moneys transferred to this appropriation by the secretary of administration from appropriations and funds identified by the secretary. The new appropriation will have the same purpose as the one in s. 20.505 (4) (q) in the bill. The secretary must come up with a plan to transfer moneys to this appropriation and submit the plan to JFC no later than 90 days after bill's effective date. The plan is submitted under a passive review

arrangement and will identify the funding sources and amounts. A more permanent source of future funding will be addressed in the 2011-13 biennial budget.

SECTION 17: Move up the dates for the expiration of the terms of the initial WCC Board members to reflect the fact that the bill will take effect upon publication and not on July 1, 2011.

SECTION 18: Eliminate this section from the draft.

You may address your questions directly to Reps. Clark and Mason and Beau Stafford on Rep. Clark's staff. Thanks.

Rick

Kuesel, Jeffery

From: Stafford, Beau
Sent: Wednesday, March 31, 2010 4:18 PM
To: Kuesel, Jeffery
Subject: RE: Sub or Simple

That sounds great Jeff! Thanks!

Beau Stafford
Office of Representative Fred Clark
42nd Assembly District
608-266-7746
Beau.stafford@legis.wi.gov

From: Kuesel, Jeffery
Sent: Wednesday, March 31, 2010 1:11 PM
To: Stafford, Beau
Subject: RE: Sub or Simple

Beau,
I will proceed. I will enter the draft under Rep. Clark with an E -mail copy to Rep. Mason, if that's OK. If you have further instructions, please let me know. If not, I will go ahead and we can redraft to incorporate any changes that come later.

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

From: Stafford, Beau
Sent: Wednesday, March 31, 2010 12:30 PM
To: Kuesel, Jeffery
Subject: Sub or Simple

Jeff-

Reps Clark and Mason want to do a substitute amendment.

Thanks!

Beau Stafford
Office of Representative Fred Clark
42nd Assembly District
608-266-7746
Beau.stafford@legis.wi.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

50388/1
LRB-4567/1

Fr: 4/2 2PM

JTK/RAC/PG/GMM:jld&nwn:jf

Assembly Substitute AND

TV

2009 ASSEMBLY BILL 910

March 29, 2010 - Introduced by Representatives CLARK, MASON, MOLEPSKE JR., BLACK, POCAN, SHILLING, HUBLER, VRUWINK, DANOU, ZIGMUNT, HRAYCHUCK, SEIDEL, ROYS, DEXTER, HIXSON, HILGENBERG, RICHARDS, SMITH, YOUNG, HEBL, POPE-ROBERTS, KESSLER, MILROY, PASCH, BERCEAU, ZIEGELBAUER and TURNER, cosponsored by Senator HOLPERIN. Referred to Joint Committee on Finance.

(regenerate)

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, ^{authorizing a transfer of moneys appropriated to} extending the time limit for emergency rule procedures, providing an ^{one}
6 exemption from emergency rule procedures, granting rule-making authority, ^{or}
7 and making ^{an} appropriations. ^{state} ^{agencies}

substitute amendment
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

ASSEMBLY BILL 910

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, for assisting work crew members in making full use of all benefits provided under such a youth corps program, and for visiting a technical 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 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

engages

*TWS
2H*

*and
The sponsor of the project*

postsecondary institutions such as

manager

two or University of Wisconsin (UW) 4-year college

individualized

if the project qualifies as a youth corps program

WCC

the local community assist with the

Suited to the qualifications needs of the members

ASSEMBLY BILL 910

substitute amendment

for funding. If funding is provided by NCSB, the ~~board~~ ^{manager} must ~~also make a grant to the sponsor~~ ^{use the funds} to assist the sponsor in training the work crews.

~~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.~~

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.

ASSEMBLY BILL 910

SECTION 1

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

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

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

7 ~~SECTION 2. 16.22 (2) (h) of the statutes is amended to read:~~ ✓

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

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

16 **16.24 Wisconsin conservation corps. (1) ESTABLISHMENT OF PROGRAM.**

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

21 (2) DEFINITIONS. In this section:

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

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

(c)(b) "Local government" has the meaning given for "local governmental unit" in

23
24 s. 16.97 (7). ✓

ASSEMBLY BILL 910

1 (b)(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 (e)(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~~ ^{also} train and supervise all work crews ~~under~~
19 ~~sub. (g)~~ 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

*sub. (g) The manager shall retain all work crew members under
except that the manager shall enroll any work crew
members who are participants in a youth corps program.*

ASSEMBLY BILL 910

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. ^{The manager} (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 ^{the sponsor of the project, together with} a detailed plan for ~~working~~ on the project. ^{(the work to be perform}
- 9 2. An enumeration of the number of work crews that will work on the project
10 and ^{as to whether} an affirmation ~~that~~ work crew members would be eligible to participate in a
11 youth corps program and ^{an affirmation that the work crew members will} satisfy the requirements under sub. (2)(8). ✓
- 12 3. A plan for training ~~of~~ the work crew members, providing transportation to
13 each project work site, making available ^{individualized} educational opportunities for work crew
14 members ^{while they are working} on the project, and for assisting work crew
15 members ^{who are participating in a youth corps program} in making full use of all benefits provided under a ^{the} youth corps program. ^{experience} and ^{needs}
- 16 4. A plan for the crew members to visit ^{Postsecondary institutions, such as} a technical college ^{or enrolled to work} at least once every
17 3 months while they are employed ^{of} on a project in order to familiarize them with ^{the} members ✓
18 application and enrollment procedures, programs, and course offerings. ✓

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

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

or a college campus
of the University of
Wisconsin system

ASSEMBLY BILL 910

1 (6) (7) STAFF SUPPORT. The department shall provide all staff support necessary for
2 the operation of the Wisconsin conservation corps ^{board} ~~program~~.

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

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

17 (9) (10) ~~YOUTH CORPS FUNDING~~ ^{OF PROJECTS} (a) If the ^{CS} ~~board~~ ^{manager} determines that an application ^{a project proposed in}
18 submitted under sub. (4) is an appropriate project and that work crew members
19 ^{on the project} would be eligible to participate in a youth corps program and satisfy the
20 requirements under sub. (9), the ^{manager} ~~board~~ shall ~~jointly~~ ^{submit} the application ~~with the~~
21 ~~sponsor~~ ^{to the national and community service board for a grant} for ~~funding~~ under s. 16.22 (2)

22 (h).
23 (b) If an application ^{a grant} ~~is approved~~ ^{is approved} for ~~funding~~ by the national and community
24 service board under s. 16.22 (2) (h), the ^{manager} ~~board~~ shall ~~provide a grant to the sponsor~~ ^{accept the grant for the board} to
25 assist the sponsor in training the work crews. ^{and shall use the grant}

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

ASSEMBLY BILL 910

SECTION 3

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

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

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

12 (b) Submit a report to the board identifying the number of work crew members
 13 who enrolled at a technical college ^{↑ a college campus of the University of Wisconsin} upon completion of a project in which they were
 14 ~~employed~~ ^{engaged} and the status of each such work crew member as of the first anniversary
 15 after completion of each project [↓] including whether the crew member was graduated
 16 from high school, has received a declaration of equivalency of high school graduation,
 17 or is employed and if employed, in what capacity. ✓

*Wisconsin
systems
or any
other
postsecondary
educational
institution*

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

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

24 16.705 (1L) Subsection (1) does not apply to the agreement for the management
 25 of the Wisconsin conservation corps program under s. 16.24 ⁽⁴⁾ ~~(6)~~. ✓

ASSEMBLY BILL 910

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

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

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

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

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

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

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

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

JWS
9-23

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

ASSEMBLY BILL 910

SECTION 9

2009-10 2010-11

20.505 Administration, department of

(4) ATTACHED DIVISIONS AND OTHER BODIES

(q) Wisconsin conservation corps

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

(qm) Wisconsin conservation corps

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

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

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

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

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

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

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

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

ASSEMBLY BILL 910

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

ASSEMBLY BILL 910

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, ²⁰¹⁴2015.

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, ²⁰¹³2014, 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, ²⁰¹²2013.

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

ASSEMBLY BILL 910

SECTION 18

1

(1) The treatment of section 20.505 (4) (q) and (qm) of the statutes takes effect
on June 30, 2011.

2

3

(END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0388/lins
JTK.....

INS 9-23:

SECTION 1. 20.505 (4) (kc) of the statutes is created to read:

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

use A.R. M
use A.R. Z

INS 12-21:

create A.R. Z → ~~§~~ TRANSFER OF MONEYS TO WISCONSIN CONSERVATION CORPS BOARD. (a) 1. In this subsection, "executive branch agency" has the meaning given under section 16.70 (4) of the statutes.

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

use AR C → to (e) use AR D

create A.R. C → (c) ~~§~~ No moneys may be transferred under paragraph (b) from an appropriation derived from federal revenues. No moneys may be transferred under paragraph (b) if the transfer would violate the state or federal constitution, any state or federal law not specified in paragraph (b), or a requirement imposed by the federal government as a condition to receipt of aids by this state.

use AR B

use AR B → (d) The secretary of administration shall not transfer moneys under paragraph (b) from an appropriation to the department of transportation under section 20.395

lps: chg. comp.
use AR B.

(3) (bq), (cq), or (cr) of the statutes, other than moneys for department operations and services engaged under section 84.01 (13) of the statutes.

create
A.R. D

→ (d) Prior to making any transfer under paragraph (b), the secretary of administration shall notify the cochairpersons of the joint committee on finance in writing of the proposed transfer. If the cochairpersons do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed transfer within 14 working days after the date of the secretary's notification, the secretary may make the proposed transfer. If, within 14 working days after the date of the secretary's notification, the cochairpersons notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed transfer, the secretary shall not make the proposed transfer unless the committee approves the proposed transfer or modifies and approves the proposed transfer. If the committee modifies and approves the proposed transfer, the secretary may make the proposed transfer only as modified by the committee.

use A.R. B

(f) Paragraph ~~does not~~ apply after the date of publication of the 2011-13 biennial budget act.

insert
handwriting here

INS 2A:

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.[✓]

Kuesel, Jeffery

From: Kuesel, Jeffery
Sent: Monday, April 05, 2010 8:35 AM
To: Clark, Fred
Subject: RE: LRBs0388/1 (ASA to AB-910)

Rep. Clark,
 I understand #1. ✓

Regarding #2, I don't have any language to restore other than a definition of "public lands" that was removed. However, I can create new language restricting the location of projects to the lands you describe. OK ✓

I don't understand #3. The 240-slot set aside was from NCSB - federally funded jobs for this state. I don't have a definition of "youth conservation corps" that I can use with this part. *OK to delete*

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

From: Clark, Fred
Sent: Monday, April 05, 2010 7:55 AM
To: Kuesel, Jeffery
Cc: Stafford, Beau; Selkowe, Vicky
Subject: RE: LRBs0388/1 (ASA to AB-910)

Hi Jeff:

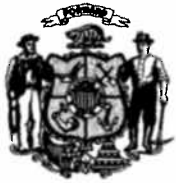
Thanks for sending this rcap. I'm not sure if this got to you Friday - but related to the changes you laid out, below are alterations that Rep. Mason and I discussed last week. Please let me know if we still have time to make these changes and get it out by tomorrow.

- 1). RE: Board make up, Cory and I spoke about this yesterday. I would like to add 1 member representing **UW Extension**. We should also add 1 member representative of a non-profit doing **youth training programs** (use the same language as the conservation NGO rep).
- 2). We want to restore language about crews working on public lands, inclusive of any lands on which there is a public ownership interest (public financing or easement, etc.), and should also be incidentally inclusive of limited work on other lands if such work is directly related to accomplishing a project on lands where there is a public ownership interest.
- 3). Keep the language on 240 crew members, however change 240 to a minimum of 300, and change WCC to "youth conservation corps." The idea is to keep the allocation, but not specifically target WCC.

Please let us know if there is time to make these changes.

Fred

04/05/2010



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0388/12

JTK/PG/GMM:jld&nwn:jf&nn

MON 4/5 - 3PM

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

Regen.

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.

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; ~~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.

JNS 2A

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. 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

JNS 2B

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.

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

1 15.105 (32) WISCONSIN CONSERVATION CORPS BOARD. There is created a Wisconsin
2 conservation corps board that is attached to the department of administration under
3 s. 15.03, consisting of the following:

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

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

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

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

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

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

14 **SECTION 2.** 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) "College campus" has the meaning given under s. 36.05 (6m).

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

Handwritten notes: JNS, 4-13, with an arrow pointing to SECTION 2.

1 (d) "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 (e) "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 (f) "Sponsor" means a local government or a nonprofit corporation that proposes
9 to undertake a project.

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

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

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

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

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

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

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

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

23 4. A plan for the crew members to visit postsecondary institutions, such as a
24 technical college or a college campus of the University of Wisconsin System, at least
25 once every 3 months while they are employed or enrolled to work on a project in order

1 to familiarize them with application and enrollment procedures, programs, and
2 course offerings.

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

7 (6) STAFF SUPPORT. The department shall provide all staff support necessary for
8 the operation of the board.

9 (7) ^{SCOPE OF PROJECTS. (a)} ~~PROJECT PURPOSES~~ Projects may include new trail construction, trail
10 rehabilitation, invasive species management, bridge and boardwalk construction,
11 reforestation, timber stand improvement, stream bank stabilization, erosion control,
12 rain garden installation, prairie restoration, historical site preservation, recreation
13 site maintenance, wild land fire hazard reduction and fuels management, lake and
14 stream restoration, boundary marking, fencing, landscaping, carpentry, and data
15 collection for scientific research.

WS
7-17
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16
17
18

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

23 (9) FUNDING OF PROJECTS. (a) If the manager determines that a project proposed
24 in an application submitted under sub. (4) is an appropriate project and that work
25 crew members on the project would be eligible to participate in a youth corps program

1 and satisfy the requirements under sub. (8), the manager shall submit the
2 application to the national and community service board for a grant under s. 16.22
3 (2) (h).

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

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

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

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

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

22 (b) Submit a report to the board identifying the number of work crew members
23 who enrolled at a technical college, a college campus of the University of Wisconsin
24 System, or any other postsecondary educational institution upon completion of a
25 project in which they were engaged and the status of each such work crew member

1 as of the first anniversary after completion of each project, including whether the
2 crew member was graduated from high school, has received a declaration of
3 equivalency of high school graduation, or is employed and if employed, in what
4 capacity.

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

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

11 16.705 (1L) Subsection (1) does not apply to the agreement for the management
12 of the Wisconsin conservation corps program under s. 16.24 (4).

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

14 16.705 (9) Subsections (2) to (8) do 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 5.** 16.71 (5s) of the statutes is created to read:

18 16.71 (5s) The department shall delegate to authority to the Wisconsin
19 conservation corps board to enter into cooperative purchasing agreements under s.
20 16.73 (1) on behalf of itself, the manager of the Wisconsin conservation corps
21 program, or a sponsor of a Wisconsin conservation corps project.

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

23 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
24 materials, supplies, equipment, and contractual services to be provided to any
25 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),

1 (6), (7), (8), (9), (10e), ~~and (10m)~~ and (13) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964
2 (8), 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), shall be awarded to the lowest
3 responsible bidder, taking into consideration life cycle cost estimates under sub.
4 (1m), when appropriate, the location of the agency, the quantities of the articles to
5 be supplied, their conformity with the specifications, and the purposes for which they
6 are required and the date of delivery.

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

8 16.75 (13) Subsection (1) does not apply to procurements by an agency for
9 contractual services to be performed by crew members as a part of a Wisconsin
10 conservation corps project.

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

12 20.505 (4) (kc) *Wisconsin conservation corps board; interagency transfers.* All
13 moneys transferred to the Wisconsin conservation corps board from other state
14 agencies and all moneys transferred under 2009 Wisconsin Act (this act), section
15 12 (3), to be used for the general program operations of the board under s. 16.24.

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

17 66.0903 (5) (d) Work performed by crew members on a Wisconsin conservation
18 corps project.

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

20 66.0904 (5) (d) Work performed by crew members on a Wisconsin conservation
21 corps project.

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

23 103.49 (3g) (d) Work performed by crew members on a Wisconsin conservation
24 corps project.

25 **SECTION 12. Nonstatutory provisions.**

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

12 (2) INITIAL TERMS OF APPOINTED MEMBERS OF THE WISCONSIN CONSERVATION CORPS
 13 BOARD.

14 (a) Notwithstanding the length of term specified for ^{the} a member of the Wisconsin
 15 conservation corps board ^{specified in} under section 15.105 (32) (e) of the statutes, as created by
 16 this act, the initial term for the member appointed under section 15.105 (32) (e) of
 17 the statutes, as created by this act, shall expire on May 1, 2014. ✓

18 (b) Notwithstanding the length of term specified for members of the Wisconsin
 19 conservation corps board ^{specified in} under section 15.105 (32) (f) ^f of the statutes, as created by
 20 this act, the initial term for one of the members appointed under section 15.105 (32)
 21 (f) of the statutes, as created by this act, shall expire on May 1, 2013, and the initial
 22 term for the other member appointed under section 15.105 (32) (f) of the statutes, as
 created by this act, shall expire on May 1, 2012.

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

23
 FW 5
 24
 11-23

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

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

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

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

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

1 committee approves the proposed transfer or modifies and approves the proposed
2 transfer. If the committee modifies and approves the proposed transfer, the secretary
3 may make the proposed transfer only as modified by the committee.

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

6 (END)

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0388/2ins
JTK.....

INS 2A:

- > ; 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.✓

INS 2B:

A project may ~~only~~ be sited ^{only} on public land in this state ^{stet.} 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.

INS 4-13:

- > (g) One member representing the University of Wisconsin-extension, for a 3-year term.✓

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

INS 7-15:

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

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

INS 11-23:

~~(g)~~ Notwithstanding the length of term specified for ^{the} members of the Wisconsin conservation corps board ~~under~~ ^{specified in} section 15.105 (32) (g) of the statutes, as created by this act, the initial term for the member appointed under section 15.105 (32) (g) of the statutes, as created by this act, shall expire on May 1, 2013.

~~(h)~~ Notwithstanding the length of term specified for ^{the} members of the Wisconsin conservation corps board ~~under~~ ^{specified in} section 15.105 (32) (h) of the statutes, as created by this act, the initial term for the member appointed under section 15.105 (32) (h) of the statutes, as created by this act, shall expire on May 1, 2014.



HELP

Edit the Request

Add A New Request

Results: The request has been submitted to the Fiscal Estimate Coordinator with no draft/bill attached.

LRB Number: ! 09s0388/2

Introduction Number: ASA1-AB910

Description:

Comment: Per Joint Rule 48 (2) ... please have DOA prepare an "original" fiscal estimate based on ASA1-AB910.

Public: checked if the request and draft/bill are to be public

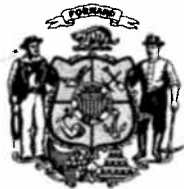
DRAFT/BILL: Not Attached

ATTACH A RELATED DOCUMENT

Browse to choose the document you would like to attach. Click ATTACH to add the document to the request.

Note: The filename for the attachment must be 50 characters or less.

04-07-2010
MB



State of Wisconsin
2009-2010 LEGISLATURE

CORRECTIONS IN:

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

Prepared by the Legislative Reference Bureau
(April 12, 2010)

1. Page 10, line 11: delete "delegate to" and substitute "delegate".

(END)

CCC
to
ASA 1
to
AB 910

(Date)

#. Page 10, line 11: delete "delegate to" and
substitute "de legate".

(END)

LRB 0388/2ccc-1
NWN:

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~~^{or} 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: