



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4206/1
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2021 ASSEMBLY BILL 784

January 4, 2022 - Introduced by Representatives NEUBAUER, MOORE OMOKUNDE, HONG, ANDERSON, ANDRACA, BROSTOFF, CABRERA, CONLEY, CONSIDINE, EMERSON, HEBL, B. MEYERS, MILROY, OHNSTAD, POPE, S. RODRIGUEZ, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK and VINING, cosponsored by Senators LARSON, AGARD, JOHNSON, ERPENBACH, ROYS, L. TAYLOR and SMITH. Referred to Committee on Government Accountability and Oversight.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 16.75 (1) (a) 1.; and *to create* 15.105 (34), 16.24, 16.705 (1b)
2 (e), 16.705 (10), 20.505 (1) (bm) and 20.505 (1) (kt) of the statutes; **relating to:**
3 creating the Wisconsin Climate Corps program, granting rule-making
4 authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This bill creates the Wisconsin Climate Corps (WCC) program to provide workers to assist with the restoration and rebuilding of natural lands, climate resiliency projects, and weatherization and energy efficiency projects in homes and to provide employment training and career pathways for underserved communities. The bill directs the Wisconsin Climate Corps Board, which is created under the bill and attached to the Department of Administration, to contract with a nonprofit corporation (manager) that has demonstrated experience in grant program writing and administration, natural resource restoration and rebuilding, and youth training, education, and employment to manage and administer the program. Under the bill, the manager must remain neutral with respect to any union organizing activities of workers in the program.

The bill provides that a WCC project must be designed to carry out a specific goal within a defined period of time and must be focused on the restoration and rebuilding of natural lands, weatherization and energy efficiency projects in homes, or other climate resiliency projects in urban and rural areas of this state.

The bill allows local governments, tribal governments, nonprofit corporations, and executive branch agencies to sponsor projects. The manager is required to

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administer the grant program, including reviewing applications, approving projects, and negotiating agreements with sponsors to provide work crews to complete eligible projects, and to submit an annual report to DOA regarding each project. The board may provide grants for projects approved by the manager. Under the bill, the cumulative amount of administrative costs in connection with a grant may not exceed 10 percent of the amount of the grant.

The bill provides a preference for work crew members on a WCC project to be at least 16 and not more than 30 years old and a requirement that at least 50 percent of the work crew members on each project be from underserved populations in this state, as determined by the manager. The bill also provides that workers on projects must be paid at least \$15 per hour worked and receive a housing stipend and health insurance coverage.

The bill requires each sponsor of a WCC project to erect a permanent plaque at each work site that is on property owned by the federal government, the state, a local government, a tribal government, or a nonprofit entity identifying the site as a WCC project.

The bill allows DOA to retain its manager and allows 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 under which contractual services may be obtained.

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

The bill also provides additional funding for special education aid the Department of Public Instruction pays to school districts, independent charter schools, cooperative educational service agencies, and county children with disabilities education boards.

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

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

- 1 **SECTION 1.** 15.105 (34) of the statutes is created to read:
- 2 15.105 (34) WISCONSIN CLIMATE CORPS BOARD. There is created a Wisconsin
- 3 climate corps board that is attached to the department of administration under s.
- 4 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.

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- 1 (c) The secretary of administration or his or her designee.
- 2 (d) The secretary of workforce development or his or her designee.
- 3 (e) One representative to the assembly, appointed by the speaker of the
4 assembly.
- 5 (f) One representative to the assembly, appointed by the minority leader of the
6 assembly.
- 7 (g) One senator, appointed by the president of the senate.
- 8 (h) One senator, appointed by the minority leader of the senate.
- 9 (i) One member of a nongovernmental organization that has expertise in
10 conservation matters or climate resilience or that represents employees who work
11 in conservation activities or climate resilience, appointed for a 3-year term.
- 12 (j) One member of a nongovernmental organization that has expertise in youth
13 training programs, appointed for a 3-year term.
- 14 (k) One member appointed by the Great Lakes Inter-Tribal Council, Inc.

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

16 **16.24 Climate corps. (1) DEFINITIONS.** In this section:

- 17 (a) “Board” means the Wisconsin climate corps board.
- 18 (b) “Local government” has the meaning given for “local governmental unit” in
19 s. 16.97 (7).
- 20 (c) “Manager” means the nonprofit corporation with which the department
21 executes a contract to manage the Wisconsin climate corps program under sub. (3).
- 22 (d) “Nonprofit corporation” means a nonstock, nonprofit corporation described
23 under section 501 (c) (3) or (4) of the Internal Revenue Code that is exempt from the
24 federal income tax under section 501 (a) of that code and organized under the laws
25 of this state.

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1 (e) “Project” means a planned undertaking of the Wisconsin climate corps for
2 a sponsor to carry out a specific goal within a defined period of time that is focused
3 on the restoration and rebuilding of natural lands, weatherization and energy
4 efficiency projects in homes, or other climate resiliency projects in urban and rural
5 areas of this state.

6 (f) “Sponsor” means a local government, tribal government, or nonprofit
7 corporation or an executive branch agency, as defined in s. 16.70 (4), that proposes
8 to undertake a project.

9 **(2) ESTABLISHMENT OF PROGRAM.** There is established the Wisconsin climate
10 corps program. The purpose of the program is to provide workers to assist with the
11 restoration and rebuilding of natural lands, the weatherization of homes, energy
12 efficiency projects for homes, and other climate resiliency projects in both rural and
13 urban areas and to provide employment training, professional development, and
14 career pathways for underserved communities in this state.

15 **(3) BOARD DUTIES.** The board shall contract with a nonprofit corporation to
16 administer and manage the Wisconsin climate corps program. The nonprofit
17 corporation shall be operating on a statewide basis on the effective date of this
18 subsection [LRB inserts date], and have demonstrated experience in grant
19 program writing and administration, natural resource restoration and rebuilding,
20 and youth training, education, and employment.

21 **(4) CONTRACT TERMS.** The contract under sub. (3) shall require the manager to
22 do all of the following:

23 (a) Develop a project application form.

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1 (b) Review project applications submitted by sponsors, approve projects, and
2 negotiate agreements with sponsors to provide work crews to complete eligible
3 projects.

4 (c) Require projects to be sited on land that is located in this state.

5 (d) Require projects to be for one or more of the purposes specified under sub.
6 (5) or for any other similar project, as determined by the manager.

7 (e) Give preference to members of a work crew on a project who are at least 16
8 years of age and not more than 30 years of age.

9 (f) Require that at least 50 percent of the members of a work crew come from
10 an underserved population in this state, as determined by the manager.

11 (g) Prohibit any employee or contractor from performing services under the
12 Wisconsin climate corps program if those services displace the services of any
13 individual who is employed by this state in a position, as defined in s. 230.03 (11), or
14 who is employed by a local government in a permanent position.

15 (h) Pay each worker on a project at least \$15 per hour worked.

16 (i) Provide each worker on a project with a housing stipend of not less than \$100
17 per week or provide housing to each worker.

18 (j) Provide each worker on a project with health insurance coverage that is
19 equivalent to a gold level health plan purchased on the American health benefit
20 exchange, as described in 42 USC 18031, in this state.

21 (k) Remain neutral with respect to any labor organizing among workers on a
22 project.

23 (L) Require each sponsor, upon completion of a project, to erect a permanent
24 plaque at each project work site located on land owned by the federal or state

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1 government, a local government, a tribal government, or a nonprofit entity that
2 identifies the site as a Wisconsin climate corps project.

3 (m) Submit an annual report to the department, no later than January 31,
4 identifying, to the greatest extent practicable, information regarding the location of
5 each project, a brief description of each project, and the training provided to
6 employees. The manager shall also provide to the department any information the
7 department considers necessary to complete the report under sub. (11) and may
8 recommend improvements to the program.

9 **(5) SCOPE OF PROJECTS.** Projects may include any of the following:

10 (a) Coordination of flood resilience activities in urban and rural watershed
11 areas of this state.

12 (b) Restoration of natural outdoor spaces in underserved areas of this state, as
13 determined by the manager.

14 (c) Planting trees in urban areas of this state, on tribal lands, and on other state
15 or local lands.

16 (d) Assisting in the building of community gardens in underserved areas of this
17 state, as determined by the manager, and on tribal lands and training in the
18 maintenance of such gardens.

19 (e) Assisting in weatherization and energy efficiency projects for homes.

20 (f) Activities to improve climate resilience, equity, and environmental justice
21 in this state, as determined by the manager.

22 **(6) WORK CREWS.** The work crew members on a project shall constitute the
23 Wisconsin climate corps. Each work crew shall have a crew leader. The manager
24 shall determine the size of work crews.

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1 **(7) STAFF SUPPORT.** The department shall provide all staff support to the board
2 that is necessary for the operation of the Wisconsin climate corps program.

3 **(8) RULES.** The board shall promulgate rules for the operation of the Wisconsin
4 climate corps program.

5 **(9) GRANTS.** From the appropriation under s. 20.505 (1) (bm), the board may
6 award a grant for a proposed project that is approved by the manager. The
7 cumulative amount of administrative costs charged by the board, the manager, and
8 the sponsor in connection with a grant awarded under this subsection may not exceed
9 10 percent of the amount of the grant.

10 **(10) ANNUAL AUDIT.** Annually, no later than January 31, the department shall
11 audit the Wisconsin climate corps program and include the information in its report
12 to the legislature under sub. (11).

13 **(11) ANNUAL REPORT.** Annually, no later than March 31, the department shall
14 submit a report to the chief clerk of each house of the legislature for distribution to
15 the legislature under s. 13.172 (2) identifying Wisconsin climate corps projects that
16 were completed in the preceding year or that were in the process of completion at the
17 end of that year. The report shall also include the locations of all such projects.

18 **(12) INTERGOVERNMENTAL COOPERATION.** The board may, on behalf of the
19 manager or a sponsor, enter into a cooperative purchasing agreement under s. 16.73
20 (1). The board may request cooperative assistance from other state agencies in
21 carrying out its program responsibilities as provided in s. 20.901 (1) (a). The
22 department may enter into an intergovernmental service agreement under s.
23 66.0301 on behalf of itself, the manager, an applicant, or a sponsor.

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

25 16.705 **(1b)** (e) The Wisconsin climate corps board under s. 16.24 (3).

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

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

5 **SECTION 5.** 16.75 (1) (a) 1. of the statutes is amended to read:

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

16 **SECTION 6.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
 17 the following amounts for the purposes indicated:

	2021-22	2022-23
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18 **20.505 Administration, department of**

19 (1) SUPERVISION AND MANAGEMENT

20 (bm) Climate corps program sponsor

21 grants	GPR	C	50,000,000	-0-
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1 (kt) Climate corps program sponsor

2 grants administration PR C -0- -0-

3 **SECTION 7.** 20.505 (1) (bm) of the statutes is created to read:

4 20.505 (1) (bm) *Climate corps program sponsor grants.* As a continuing
5 appropriation, the amounts in the schedule to provide Wisconsin climate corps
6 program sponsor grants under s. 16.24 (9).

7 **SECTION 8.** 20.505 (1) (kt) of the statutes is created to read:

8 20.505 (1) (kt) *Climate corps program sponsor grants administration.* The
9 amounts in the schedule for the administration of the Wisconsin climate corps
10 program sponsor grants. All moneys received from administrative costs charged
11 under s. 16.24 (9) shall be credited to this appropriation account.

12 **SECTION 9. Fiscal changes.**

13 (1) SPECIAL EDUCATION AID. In the schedule under s. 20.005 (3) for the
14 appropriation to the department of public instruction under s. 20.255 (2) (b), the
15 dollar amount for fiscal year 2021-22 is increased by \$15,800,000 and the dollar
16 amount for fiscal year 2022-23 is increased by \$15,800,000 to increase funding for
17 aids for special education under s. 115.88.

18 (2) UW SYSTEM; GENERAL PROGRAM OPERATIONS. In the schedule under s. 20.005
19 (3) for the appropriation to the Board of Regents of the University of Wisconsin
20 System under s. 20.285 (1) (a), the dollar amount for fiscal year 2021-22 is increased
21 by \$4,000,000 and the dollar amount for fiscal year 2022-23 is increased by
22 \$4,000,000 for the purpose for which the appropriation is made.

23 (END)