

1 House BILL NO. 625
 2 INTRODUCED BY Metcalf Peter Holmes Faery
 3 BY REQUEST OF THE DEPARTMENT OF COMMUNITY AFFAIRS
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING STATE
 6 DEPARTMENTS AND AGENCIES TO RECRUIT, TRAIN, AND ACCEPT
 7 VOLUNTEERS FOR STATE SERVICE; PROVIDING BENEFITS FOR
 8 VOLUNTEERS; AND PROVIDING AN EFFECTIVE DATE."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Definitions. As used in this act, the
 12 following definitions apply:

13 (1) "Volunteer" means a person who of his or her own
 14 free will provides goods or services to a state department
 15 or agency with no monetary or material compensation.

16 (2) "Regular-service volunteer" means a person engaged
 17 in specific voluntary service activities on an ongoing or
 18 continuous basis.

19 (3) "Occasional-service volunteer" means a person who
 20 offers to provide a one-time or occasional voluntary
 21 service.

22 Section 2. Scope of act — status of volunteers. (1)
 23 Each state department or state agency, through the head,
 24 secretary, or executive director of the department or
 25 agency, is authorized to recruit, train, and accept the

1 services of volunteers, including regular-service
 2 volunteers, occasional-service volunteers, or material
 3 donors, to assist in programs administered by the department
 4 or agency.

5 (2) Volunteers recruited, trained, or accepted by a
 6 state department or agency are not subject to the provisions
 7 of law relating to state employment, to collective
 8 bargaining agreements between the state and an employees'
 9 association or union, or to laws relating to hours of work,
 10 rate of compensation, leave time, and employee benefits,
 11 except those consistent with [section 5]. However, all
 12 volunteers must comply with applicable department or agency
 13 rules.

14 (3) Each department or agency using the services of
 15 volunteers is authorized to provide incidental
 16 reimbursements, consistent with the provisions of [section
 17 5], including transportation costs, lodging, and
 18 subsistence, as the department or agency finds necessary to
 19 assist volunteers in performing their functions. No
 20 department or agency may expend or authorize an expenditure
 21 in excess of the amount provided for to the department or
 22 agency by appropriation in a fiscal year.

23 Section 3. No replacement of staff. In no instance may
 24 a regular-service volunteer or occasional-service volunteer
 25 be placed in a staff position which has been properly funded

1 for either a part-time or full-time employee.

2 Section 4. Responsibilities of departments and
3 agencies. Each department or agency utilizing the services
4 of volunteers shall:

5 (1) take such actions as are necessary and appropriate
6 to develop meaningful opportunities for volunteers involved
7 in state-administered programs;

8 (2) take such actions as are necessary to insure that
9 volunteers understand their duties and responsibilities;

10 (3) take such actions as are necessary and appropriate
11 to insure a receptive climate for citizen volunteers;

12 (4) provide for the recognition of volunteers who have
13 offered continuous and outstanding service to
14 state-administered programs;

15 (5) recognize prior volunteer service as valid work
16 experience to fulfill state employment requirements for
17 training and experience.

18 Section 5. Volunteer benefits. (1) Meals may be
19 furnished without charge to regular-service volunteers
20 serving state departments and to occasional-service
21 volunteers at the discretion of the department head,
22 provided the scheduled assignment extends over an
23 established meal period.

24 (2) Lodging, if available, may be furnished
25 temporarily in case of a department emergency, at no charge

1 to regular-service volunteers.

2 (3) Transportation reimbursement may be furnished
3 those volunteers whose presence is determined to be
4 necessary to the department. Volunteers may use state
5 vehicles in the performance of department-related duties.

6 (4) No department may expend or authorize any
7 expenditure in excess of the amount provided for by
8 appropriation in a fiscal year.

9 Section 6. Department and agency reports. Each
10 department or agency using the services of volunteers may
11 compile and submit in its annual report to the governor the
12 following information:

13 (1) the total number, location, and duties of all
14 volunteers, including regular-service volunteers,
15 occasional-service volunteers, and material donors; and

16 (2) the total number of annual hours of services
17 provided to the department or agency by all volunteers,
18 including regular-service volunteers, occasional-service
19 volunteers, and material donors.

-End-

STATE OF MONTANA

REQUEST NO. 328-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 5, 19 77, there is hereby submitted a Fiscal Note for House Bill 625 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 625 is an act authorizing state departments and agencies to recruit, train, and accept volunteers for state service; providing benefits for volunteers and providing an effective date.

ASSUMPTIONS:

1. The effective date of HB 625 is July 1, 1977.
2. Will require the Volunteer Bureau, Human Resources Division to provide technical assistance and support to the various state departments for development of volunteerism within state government.
3. To meet the provision of HB 625, to expand the capabilities of state agencies through the use of volunteers, the Volunteer Bureau/Division of Human Resources, DCA, would need \$12,500 for FY78 and \$12,500 for FY79.
4. The federal grant the Bureau currently receives to promote, develop, and provide technical assistance for volunteer programming would be insufficient to meet the cost of travel, expand library resource materials and provide training materials and space, necessary to meet the provisions of the proposed legislation.

FISCAL IMPACT:

	<u>FY78</u>	<u>FY79</u>
Personal Services	\$ 6,201	\$ 6,635
Operating Expense	<u>6,703</u>	<u>6,703</u>
Additional cost of proposed legislation	<u>\$12,904</u>	<u>\$13,338</u>

TECHNICAL NOTE:

Section 2, subsection 2, should specify the state's liability with regards to accidents, mishaps, etc., that occur to volunteers working under state supervision. The question as to whether or not volunteers are entitled to Worker's Compensation benefits is not addressed.

Richard L. Frary
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: Feb. 8, 1977

Committee on State Administration

Objection Raised to
Adverse Committee Report

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