

SENATE BILL NO. 388

INTRODUCED BY ECK, VINCENT, GRADY, CODY, BRADLEY, NATHE,
CAMPBELL, REGAN, IVERSON, RAPP-SVRCEK, O'KEEFE, SCHYE,
CRIPPEN, COBB, BLAYLOCK, MANNING, HOFMAN, JACOBSON,
RASMUSSEN, BECK, MAZUREK, HALLIGAN, WEEDING, WALKER,
VAUGHN, HARP, B. BROWN, SEVERSON, BISHOP, COHEN,
YELLOWTAIL, KADAS, ADDY, RUSSELL, ELLIOTT, QUILICI,
MERCER, BENGTSON, HANSEN, REAM

IN THE SENATE

FEBRUARY 10, 1989

INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

FIRST READING.

FEBRUARY 17, 1989

COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

STATEMENT OF INTENT ADOPTED.

FEBRUARY 18, 1989

PRINTING REPORT.

FEBRUARY 20, 1989

SECOND READING, DO PASS AS AMENDED.

ENGROSSING REPORT.

FEBRUARY 21, 1989

THIRD READING, PASSED.
AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989

INTRODUCED AND REFERRED TO COMMITTEE
ON FISH & GAME.

FIRST READING.

MARCH 15, 1989

COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 27, 1989

PASSED CONSIDERATION FOR THE DAY.

MARCH 28, 1989

SECOND READING, CONCURRED IN AS
AMENDED.

MARCH 29, 1989

THIRD READING, CONCURRED IN.
AYES, 97; NOES, 0.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 1, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 4, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *388*
 2 INTRODUCED BY *Eck Vugant* *Smoky City Bradley*
 3 *Comp. Sec.* *Rep. South* *Ref. Sec. on* *Math* *Cell* *Dr. J.*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A MONTANA
 5 CONSERVATION CORPS WITHIN THE PARKS DIVISION OF THE
 6 DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AND PROVIDING AN
 7 EFFECTIVE DATE." *HARP* *Bob Brown* *Summer Bishop* *Ch.*
 8 *Yellowtail* *Kudos* *Aditya* *Tussell* *Ellert* *Julien*
 9 *Mercer* *Beyliss* *Stella* *Head* *Hansen* *Ream*
 STATEMENT OF INTENT

10 A statement of intent is required for this bill because
 11 [section 3] authorizes the department of fish, wildlife, and
 12 parks to adopt rules relating to the Montana conservation
 13 corps.

14 It is the intent of the legislature that the rules
 15 address the following:

16 (1) procedures for recruitment and employment of
 17 corpsmembers;

18 (2) procedures for review and approval of work
 19 experience projects;

20 (3) a corpsmember code of conduct and grievance
 21 procedure;

22 (4) standards and procedures to evaluate and report on
 23 the performance of corpsmembers and the corps program;

24 (5) training procedures and programs for corpsmembers;
 25 and

1 (6) other rules necessary to accomplish the purposes
 2 of the Montana conservation corps program.

3
 4 WHEREAS, Article IX, section 1, of the Montana
 5 Constitution states that the Legislature shall provide
 6 adequate remedies for the protection of the environmental
 7 life support system from degradation and provide adequate
 8 remedies to prevent unreasonable depletion and degradation
 9 of natural resources; and

10 WHEREAS, to maintain, protect, and conserve the
 11 valuable and nonrenewable resources of the state parks,
 12 programs need to be implemented that will assure
 13 preservation of state parks, economic productivity, and
 14 scenic beauty, as well as public health and safety and
 15 social benefit, as they continue to be subject to public
 16 use; and

17 WHEREAS, conservation work programs have proven highly
 18 successful and cost-effective in assisting in the
 19 protection, conservation, rehabilitation, and improvement of
 20 scenic, historical, archaeological, scientific, and
 21 recreational resources.

22 THEREFORE, the Legislature finds that:

23 (1) it is appropriate to provide a work experience
 24 program for unemployed or economically disadvantaged youth
 25 and adults that will enable them to serve society, learn

practical skills, and establish sound work records that will in turn provide opportunities for future employment and education; and

(2) benefits will accrue to the maintenance and economic productivity of the state park system, to the state economy, and to the participants who benefit from exposure to a fundamental work ethic through their experience in safeguarding and improving state resources as a result of corps employment opportunities.

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

NEW SECTION. Section 1. Montana conservation corps -- purpose and intent. (1) There is a Montana conservation corps within the parks division of the department of fish, wildlife, and parks.

(2) The purpose of the corps is to accomplish labor-intensive improvements to the state park system and to other public lands for which specific responsibilities are accepted through service contracts.

(3) It is the intent of the legislature that the corps grow in productive ways and that state agencies involved with the corps provide coordination of the conservation corps program. The legislature also intends that the Montana conservation corps program be operated in close cooperation with the job service and other federal human resource

programs in Montana.

NEW SECTION. Section 2. Definitions. As used in [this act], unless the context clearly requires otherwise, the following definitions apply:

(1) "Corps" means the Montana conservation corps.

(2) "Corps coordinator" means the person who acts as the corps administrative officer and employs the staff necessary to implement the provisions of this chapter.

(3) "Corpsmember" means a participant in the corps.

(4) "Crewleader" means a participant in the corps who supervises corpsmembers.

(5) "Department" means the department of fish, wildlife, and parks provided for in 2-15-3401.

(6) "Division" means the parks division of the department of fish, wildlife, and parks.

(7) "State agencies" means the departments of fish, wildlife, and parks; social and rehabilitation services; labor and industry; state lands; family services; and natural resources and conservation.

NEW SECTION. Section 3. Powers and duties of the division. The division, in cooperation with the department, shall:

(1) hire a corps coordinator and crewleaders;

(2) coordinate with state agencies to place eligible participants in work experience projects, including those

1 state general assistance (GA) and federal aid to families
2 with dependent children (AFDC) recipients utilizing grant
3 diversion funding and youth under state supervision;

4 (3) develop and approve work experience projects that
5 meet the requirements of [this act];

6 (4) ensure that work experience projects involve
7 labor-intensive improvements to public lands or facilities
8 that will result in a public value and have a potential to
9 yield revenue;

10 (5) execute contracts or cooperative agreements
11 containing the terms and conditions necessary and desirable
12 for the employment of corpsmembers in approved work
13 experience projects with federal, state, or local agencies,
14 persons, firms, partnerships, associations, or corporations;

15 (6) provide job search and application skills
16 services;

17 (7) authorize use of the corps for emergency projects,
18 including but not limited to natural disasters, fire
19 prevention and suppression, and rescue of lost or injured
20 persons, and provide adequate training to corpsmembers prior
21 to participation in an emergency project;

22 (8) apply for and accept grants or contributions of
23 funds or lands from any public or private donors, including
24 the acceptance of federal funds appropriated by the
25 legislature;

1 (9) purchase, rent, acquire, or obtain personal
2 property, supplies, instruments, tools, or equipment
3 necessary to complete work experience projects; and

4 (10) adopt rules and guidelines necessary to implement
5 the provisions of [this act] and to effectively administer
6 the program.

7 NEW SECTION. **Section 4. Work experience projects --**
8 **criteria -- standards -- coordinated services -- land use**
9 **exceptions.** (1) The division shall ensure that each work
10 experience project established pursuant to the authority
11 granted in [section 3] provides corpsmembers with job
12 training skills, which may include job search and
13 application skills, and with work experience related to the
14 conservation, improvement, or development of natural
15 resources or the enhancement, preservation, or maintenance
16 of public lands, waters, or facilities. Job training may be
17 provided by the work experience project or by other agencies
18 as provided in [section 3].

19 (2) Work experience projects must be selected
20 according to criteria that include but are not limited to:

21 (a) the extent to which the project will provide
22 environmental, natural resource, and state park system
23 benefits;

24 (b) the extent to which the project will provide
25 opportunities for public use and value of the land or

1 facility and on-the-job training for corpsmembers; and

2 (c) the extent to which the project will generate
3 additional revenue for the state or its subdivisions.

4 (3) Work sites of work experience projects must
5 conform to applicable health and safety standards required
6 for safe work environments.

7 (4) Whenever available and appropriate, job training
8 and placement services provided through other federal,
9 state, and locally funded programs, such as job training
10 partnership programs and job service, must be coordinated
11 with projects developed under [this act] to assist eligible
12 participants in finding employment. Coordinated services may
13 include but are not limited to the summer youth work
14 experience labor pool, job placement assistance, literacy
15 training, and job search and application skills. Whenever
16 possible, eligible participants without a high school
17 diploma shall receive coordinated services that provide an
18 opportunity to obtain a high school equivalency diploma.

19 (5) Work experience projects developed or approved and
20 funded by the division must be limited to public lands and
21 facilities except where improvements to other lands will
22 provide documented public value or benefit. Reimbursement
23 must be provided to the division for that portion of the
24 total cost that does not provide a public benefit. The
25 reimbursement must be retained by the division for use in

1 the corps program. In the case of emergencies and natural
2 disasters, projects may take place on land or at facilities
3 not owned by the department or by another state or local
4 agency without regard to public benefit and private
5 reimbursement.

6 NEW SECTION. **Section 5. Eligibility for employment in**
7 **program -- referrals.** (1) To be eligible to participate in
8 the Montana conservation corps program, a person must:

9 (a) be a citizen of the state as defined in 1-1-402;

10 (b) be 18 years of age or older to qualify for the
11 adult corps and at least 16 years of age and under 22 years
12 of age to qualify for the summer youth corps;

13 (c) be economically disadvantaged;

14 (d) with the exception of youth under state
15 supervision, be registered with job service for employment
16 or with a summer youth program operator;

17 (e) be capable of performing labor-intensive work; and

18 (f) not be attending a high school or postsecondary
19 institution full time and provide assurance that he did not
20 leave school for the purpose of participating in the
21 program. A full-time high school or postsecondary student
22 may participate in the program during authorized school
23 vacations.

24 (2) Eligibility for corpsmembers must be determined by
25 local job service offices and summer youth program

operators, who shall refer eligible participants to the division. If the number of corps positions is insufficient to place all eligible individuals who apply for participation in the program, the job service may, upon approval by the applicant, provide the name of an eligible individual to private sector employers or to job training programs requesting referrals.

NEW SECTION. Section 6. Term of enrollment -- compensation -- exemption from employee benefits. (1) A corpsmember will be placed for a period not to exceed 12 months. The division shall refer the names of corpsmembers who successfully complete their participation in the corps to the job service for assistance in securing private sector employment or for enrollment in additional job training programs. The division may also, upon approval of the corpsmember, provide the name of a corpsmember who successfully completes his participation in the corps to private sector employers requesting referrals.

(2) A corpsmember may not be scheduled to work for more than 40 hours per week. Job training and placement services determined by the department to be in accordance with the provisions of [this act] must be provided to corpsmembers during regular work hours. Corpsmembers must be compensated as provided in subsection (3) for participation in job training and placement service

programs.

(3) A corpsmember must be compensated at a rate set by the department that is not less than \$3.35 per hour.

(4) A corpsmember is not entitled to any employee benefits provided to permanent department or agency employees except for workers' compensation benefits that are provided through the funds appropriated to carry out [this act]. Service as a corpsmember does not qualify an individual for unemployment compensation benefits.

NEW SECTION. Section 7. Prohibited activities. (1) The division, in developing and approving work experience projects, shall ensure that:

(a) work available to participants is not available as the result of a labor dispute, strike, or lockout and will not be assigned to cause a layoff or downgrading or to prevent the return to work of an available competent employee; and

(b) a work experience project:

(i) does not impair existing contracts for service or collective bargaining agreements; and

(ii) is not inconsistent with the terms of a collective bargaining agreement without written concurrence of the labor organization and employer concerned.

(2) It is unlawful for a person to demand from any public officer, corpsmember, or crewleader an assessment or

LC 0930/01

1 percentage of any money or profit, or its equivalent in
2 support, service, or any other thing of value, with the
3 express or implied understanding that it will be used for
4 political purposes. Nothing contained in [this act] may be
5 construed to prohibit voluntary contributions to any
6 political committee or organization for legitimate political
7 purposes to the extent allowed by law.

8 NEW SECTION. **Section 8. Severability.** If a part of
9 [this act] is invalid, all valid parts that are severable
10 from the invalid part remain in effect. If a part of [this
11 act] is invalid in one or more of its applications, the part
12 remains in effect in all valid applications that are
13 severable from the invalid applications.

14 NEW SECTION. **Section 9. Effective date.** [This act] is
15 effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB388, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

SB388 would create a Montana Conservation Corps within the Parks Division of the Department of Fish, Wildlife and Parks.

ASSUMPTIONS:

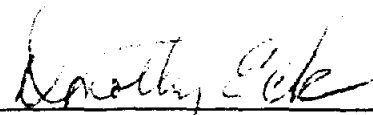
1. The Montana Conservation Corps (MCC) will be implemented beginning July 1, 1989, by the Department of Fish, Wildlife and Parks (DFWP), which will provide funding for:
 - 1.1. Administrative and support services to implement the legislation, include phase-in of up to 3.00 FTE by FY91;
 - 1.2. The portion of a corpsmember's compensation which is not eligible for other work experience/job assistance funding; and
 - 1.3. Building materials and supplies for each crew at approximately \$8,000 per crew.
 - 1.4. The amount budgeted by FWP is \$108,251 for FY90 and \$151,856 for FY91.
2. DFWP also requires spending authority of \$120,000 for FY90 and \$250,000 for FY91 in order to execute cooperative agreements or contracts with other state or federal agencies for the provision of MCC work experience projects.
3. DFWP projects there will be at least three adult and four summer youth crews of ten corpsmembers each during the 1991 biennium.
4. The following assumptions are made regarding the Department of Labor and Industry:
 - 4.1. There will be no fiscal impact to the Dept. of Labor.
 - 4.2. All Job Training Partnership Act (JTPA) funds are allocated by councils through a two-year Request for Proposal (RFP) process.
 - 4.3. Since JTPA Summer Youth Programs allow for work experience in the public sector, the MCC could be a work site for JTPA participants.
 - 4.4. JTPA Summer Youth Program operators have local control over the establishment and execution of work site agreements, choosing any site that will provide the best training and experience to meet the needs of their clients. The operators may use any amount of funds they choose up to their grant amount at any particular work site.



RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE

2/17/89



DOROTHY ECK, PRIMARY SPONSOR

DATE

2/18/89

Fiscal Note for SB388, as introduced

5. The following assumptions are made regarding the Department of Social and Rehabilitation Services:
- 5.1. There will be no fiscal impact to the Dept. of SRS.
 - 5.2. The Montana IV-A State Plan of Operation for the Aid to Families with Dependent Children Program (AFDC) was recently amended to allow for the operation of a Work Supplementation Program (WSP) for which administration rules have been filed.
 - 5.3. SRS will support to use of WSP in the MCC for hard-to-place AFDC recipients who meet the eligibility criteria of AFDC grant receipt of at least \$150 per month in the month prior to entering the program, AFDC for six of the past twelve months and completion of a four-week job search program. DFWP will receive \$150 per month per participant as a stipend for training expenditures. Participation will be voluntary and limited to six months.
6. The Department of Natural Resources and Conservation foresees only limited and intermittent participation in the MCC at this time.
7. There are no other known fiscal impacts.

FISCAL IMPACT:Expenditures:

Dept. of Fish, Wildlife	Current Law	FY90		Current Law	FY91	
		Proposed Law	Difference		Proposed Law	Difference
Personal Services	\$ -0-	\$136,979	\$136,979	\$ -0-	\$295,574	\$295,574
Operating Expenses	-0-	91,272	91,272	-0-	106,282	106,282
Total	\$ -0-	\$228,251	\$228,251	\$ -0-	\$401,856	\$401,856

Funding:

FWP State Special	\$ -0-	\$108,251	\$108,251	\$ -0-	\$151,856	\$151,856
Federal and Other	-0-	120,000	120,000	-0-	250,000	250,000
Total	\$ -0-	\$228,251	\$228,251	\$ -0-	\$401,856	\$401,856

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

DFWP anticipates a return of \$1.25 to \$1.93 for each public dollar spent on the MCC, based on similar programs in other states. Upgraded parks facilities will improve parks services and generate more revenues where user fees are charged. Fee-for-service contracts with federal agencies that have land-management responsibilities in Montana may also become part of the MCC Program.

TECHNICAL NOTES:

1. If General Assistance recipients are to participate in the MCC, as they do in other states, a change will be required in Title 53 to provide statutory authority to operate WSP in the General Relief Program.
2. Although AFDC recipients participate in conservation corps in other states which have been used as models in drafting Section 6, pages 9-10 of this proposed legislation, SRS is uncertain whether this will be acceptable to the federal government for AFDC participants.

APPROVED BY COMM.
ON FISH AND GAME

SENATE BILL NO. 388

INTRODUCED BY ECK, VINCENT, GRADY, CODY, BRADLEY, NATHE,
CAMPBELL, REGAN, IVERSON, RAPP-SVRCEK, O'KEEFE, SCHYE,
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MERCER, BENGTON, HANSEN, REAM

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A MONTANA
CONSERVATION CORPS WITHIN THE PARKS DIVISION OF THE
DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AND PROVIDING AN
EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because
[section 3] authorizes the department of fish, wildlife, and
parks to adopt rules relating to the Montana conservation
corps.

It is the intent of the legislature that the rules
address the following:

- (1) procedures for recruitment and employment of
corpsmembers;
- (2) procedures for review and approval of work
experience projects;

(3) a corpsmember code of conduct and grievance
procedure;

(4) standards and procedures to evaluate and report on
the performance of corpsmembers and the corps program;

(5) training procedures and programs for corpsmembers;
and

(6) other rules necessary to accomplish the purposes
of the Montana conservation corps program.

WHEREAS, Article IX, section 1, of the Montana
Constitution states that the Legislature shall provide
adequate remedies for the protection of the environmental
life support system from degradation and provide adequate
remedies to prevent unreasonable depletion and degradation
of natural resources; and

WHEREAS, to maintain, protect, and conserve the
valuable and nonrenewable resources of the state parks,
programs need to be implemented that will assure
preservation of state parks, economic productivity, and
scenic beauty, as well as public health and safety and
social benefit, as they continue to be subject to public
use; and

WHEREAS, conservation work programs have proven highly
successful and cost-effective in assisting in the
protection, conservation, rehabilitation, and improvement of

1 scenic, historical, archaeological, scientific, and
2 recreational resources.

3 THEREFORE, the Legislature finds that:

4 (1) it is appropriate to provide a work experience
5 program for unemployed or economically disadvantaged youth,
6 and adults, AND VOLUNTEERS WHO WOULD WORK WITHOUT PAY that
7 will enable them to serve society, learn practical skills,
8 and establish sound work records that will in turn provide
9 opportunities for future employment and education; and

10 (2) benefits will accrue to the maintenance and
11 economic productivity of the state park system, to the state
12 economy, and to the participants who benefit from exposure
13 to a fundamental work ethic through their experience in
14 safeguarding and improving state resources as a result of
15 corps employment opportunities.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 NEW SECTION. Section 1. Montana conservation corps --
19 purpose and intent. (1) There is a Montana conservation
20 corps within the parks division of the department of fish,
21 wildlife, and parks.

22 (2) The purpose of the corps is to accomplish
23 labor-intensive improvements to the state park system and to
24 other public lands for which specific responsibilities are
25 accepted through service contracts.

1 (3) It is the intent of the legislature that the corps
2 grow in productive ways and that state agencies involved
3 with the corps provide coordination of the conservation
4 corps program. The legislature also intends that the Montana
5 conservation corps program be-operated-in-close-cooperation
6 CONTRACT with the job service and--other--federal-human
7 resource--programs--in--Montana OR THE HUMAN RESOURCE
8 DEVELOPMENT COUNCIL, AS DEFINED IN 53-10-501.

9 NEW SECTION. Section 2. Definitions. As used in [this
10 act], unless the context clearly requires otherwise, the
11 following definitions apply:

12 (1) "Corps" means the Montana conservation corps.

13 (2) "Corps coordinator" means the person who acts as
14 the corps administrative officer and employs the staff
15 necessary to implement the provisions of this chapter.

16 (3) "Corpsmember" means a participant in the corps.

17 (4) "Crewleader" means a participant in the corps who
18 supervises corpsmembers.

19 (5) "Department" means the department of fish,
20 wildlife, and parks provided for in 2-15-3401.

21 (6) "Division" means the parks division of the
22 department of fish, wildlife, and parks.

23 (7) "State agencies" means the departments of fish,
24 wildlife, and parks; social and rehabilitation services;
25 labor and industry; state lands; family services; and

1 natural resources and conservation.

2 NEW SECTION. Section 3. Powers and duties of the
3 division. The division, in cooperation with the department,
4 shall:

5 (1) hire a corps coordinator and-crewleaders;

6 (2) coordinate with state agencies to place eligible
7 participants in work experience projects, including those
8 state general assistance (GA) and federal aid to families
9 with dependent children (AFDC) recipients utilizing grant
10 diversion funding and youth under state supervision
11 UTILIZING PAYMENTS FROM THE DEPARTMENT OF FAMILY SERVICES;

12 (3) develop and approve work experience projects that
13 meet the requirements of [this act];

14 (4) ensure that work experience projects involve
15 labor-intensive improvements to public lands or facilities
16 that will result in a public value and have a potential to
17 yield revenue;

18 (5) execute contracts or cooperative agreements
19 containing the terms and conditions necessary and desirable
20 for the employment of CREWLEADERS AND corpsmembers in
21 approved work experience projects with federal, state, or
22 local agencies, persons, firms, partnerships, associations,
23 or corporations;

24 (6) provide-job-search-and-application-skills-services
25 DEVELOP PROCEDURES FOR AWARDING INCENTIVE VOUCHERS;

1 (7) authorize use of the corps for emergency projects,
2 including but not limited to natural disasters, fire
3 prevention and suppression, and rescue of lost or injured
4 persons, and provide adequate training to corpsmembers prior
5 to participation in an emergency project;

6 (8) apply for and accept grants or contributions of
7 SERVICES, funds, or lands from any public or private donors,
8 including the acceptance of federal funds appropriated by
9 the legislature;

10 (9) purchase, rent, acquire, or obtain personal
11 property, supplies, instruments, tools, or equipment
12 necessary to complete work experience projects; and

13 (10) adopt rules and guidelines necessary to implement
14 the provisions of [this act] and to effectively administer
15 the program.

16 NEW SECTION. Section 4. Work experience projects --
17 criteria -- standards -- coordinated services -- land use
18 exceptions. (1) The division shall ensure that each work
19 experience project established pursuant to the authority
20 granted in [section 3] provides corpsmembers with job
21 training skills, which may include job search and
22 application skills, and with work experience related to the
23 conservation, improvement, or development of natural
24 resources or the enhancement, preservation, or maintenance
25 of public lands, waters, or facilities. Job training may be

1 provided by the work experience project or by other agencies
2 as provided in [section 3].

3 (2) Work experience projects must be selected
4 according to criteria that include but are not limited to:

5 (a) the extent to which the project will provide
6 environmental, natural resource, and state park system
7 benefits;

8 (b) the extent to which the project will provide
9 opportunities for public use and value of the land or
10 facility and on-the-job training for corpsmembers; and

11 (c) the extent to which the project will generate
12 additional revenue for the state or its subdivisions.

13 (3) Work sites of work experience projects must
14 conform to applicable health and safety standards required
15 for safe work environments.

16 (4) Whenever available and appropriate, job training
17 and placement services provided through other federal,
18 state, and locally funded programs, such as job training
19 partnership programs and job service, must be coordinated
20 with projects developed under [this act] to assist eligible
21 participants in finding employment. Coordinated services may
22 include but are not limited to the summer youth work
23 experience labor pool, job placement assistance, literacy
24 training, and job search and application skills. Whenever
25 possible, eligible participants without a high school

1 diploma shall receive coordinated services that provide an
2 opportunity to obtain a high school equivalency diploma.

3 (5) Work experience projects developed or approved and
4 funded by the division must be limited to public lands and
5 facilities except where improvements to other lands will
6 provide documented public value or benefit. Reimbursement
7 must be provided to the division for that portion of the
8 total cost ~~that does not provide a public benefit~~ OF WORK ON
9 NONPUBLIC LANDS. The reimbursement must be retained by the
10 division for use in the corps program OR FOR INCENTIVE
11 VOUCHERS. In the case of emergencies and natural disasters,
12 projects may take place on land or at facilities not owned
13 by the department or by another state or local agency
14 without regard to public benefit and private reimbursement.

15 NEW SECTION. Section 5. Eligibility for employment in
16 program -- referrals. (1) To be eligible to participate in
17 the Montana conservation corps program, a person must:

18 (a) be a citizen of the state as defined in 1-1-402;

19 (b) be 18 years of age or older to qualify for the
20 adult corps and at least 16 years of age and under 22 years
21 of age to qualify for the summer youth corps;

22 (c) ~~be economically disadvantaged;~~

23 (d) ~~with the exception of youth under state~~
24 ~~supervision, be registered with job service for employment~~
25 ~~or with a summer youth program operator;~~

1 ~~{e}~~(C) be capable of performing labor-intensive work;
 2 and
 3 ~~{f}--not--be--attending--a-high-school--or--postsecondary~~
 4 ~~institution--full-time--and--provide--assurance--that--he--did--not~~
 5 ~~leave--school--for--the--purpose--of--participating--in--the~~
 6 ~~program--A--full-time--high-school--or--postsecondary--student~~
 7 ~~may--participate--in--the--program--during--authorized--school~~
 8 ~~vacations.~~

9 (D) MEET THE REQUIREMENT OF THE JOB SERVICE AND THE
 10 HUMAN RESOURCE DEVELOPMENT COUNCIL, AS DEFINED IN 53-10-501,
 11 FOR PARTICIPATION IN JOB TRAINING PROGRAMS, BE ASSIGNED BY
 12 THE DEPARTMENT OF FAMILY SERVICES AS A YOUTH UNDER STATE
 13 SUPERVISION, OR BE ACCEPTED AS AN UNPAID VOLUNTEER.

14 (2) Eligibility for corpsmembers must be determined by
 15 local job service offices and summer youth program
 16 operators, ~~who shall refer eligible participants to the~~
 17 ~~division.~~ If the number of corps positions is insufficient
 18 to place all eligible individuals who apply for
 19 participation in the program, the job service may, upon
 20 approval by the applicant, provide the name of an eligible
 21 individual to private sector employers or to job training
 22 programs requesting referrals.

23 NEW SECTION. Section 6. Term of enrollment --
 24 compensation -- exemption from employee benefits. (1) A
 25 corpsmember will be placed for a period not to exceed 12

1 months. The division PROGRAM OPERATOR shall refer the names
 2 of corpsmembers who successfully complete their
 3 participation in the corps to the job service for assistance
 4 in securing private sector employment or for enrollment in
 5 additional job training programs. The division PROGRAM
 6 OPERATOR may also, upon approval of the corpsmember, provide
 7 the name of a corpsmember who successfully completes his
 8 participation in the corps to private sector employers
 9 requesting referrals.

10 (2) A corpsmember may not be scheduled to work for
 11 more than 40 hours per week. Job training and placement
 12 services ~~determined by the department to be in accordance~~
 13 ~~with the provisions of this act~~ must be provided to
 14 corpsmembers during regular work hours. Corpsmembers must
 15 be compensated as provided in subsection (3) for
 16 participation in job training and placement service
 17 programs.

18 (3) A corpsmember must be compensated at a rate set by
 19 the department that is not less than \$3.35 per hour THE
 20 FEDERAL MINIMUM WAGE.

21 (4) A corpsmember is not entitled to any employee
 22 benefits provided to permanent department or agency
 23 employees except for HOLIDAY PAY AND workers' compensation
 24 benefits that are provided through the funds appropriated to
 25 carry out [this act]. Service as a corpsmember does not

1 qualify an individual for unemployment compensation
2 benefits.

3 (5) IF FUNDS ARE AVAILABLE, A PERSON WHO IS EMPLOYED
4 AS A CORPSMEMBER FOR THE FULL PERIOD OF ENROLLMENT AND WHO
5 RECEIVES A SATISFACTORY EMPLOYMENT EVALUATION MAY BE AWARDED
6 AN INCENTIVE VOUCHER VALID FOR UP TO 3 YEARS AT ANY MONTANA
7 INSTITUTION OF HIGHER EDUCATION OR VOCATIONAL-TECHNICAL
8 CENTER.

9 NEW SECTION. Section 7. Prohibited activities. (1)
10 The division, in developing and approving work experience
11 projects, shall ensure that:

12 (a) work available to participants is not available as
13 the result of a labor dispute, strike, or lockout and will
14 not be assigned to cause a layoff or downgrading or to
15 prevent the return to work of an available competent
16 employee; and

17 (b) a work experience project:

18 (i) does not impair existing contracts for service or
19 collective bargaining agreements; and

20 (ii) is not inconsistent with the terms of a collective
21 bargaining agreement without written concurrence of the
22 labor organization and employer concerned.

23 (2) It is unlawful for a person to demand from any
24 public officer, corpsmember, or crewleader an assessment or
25 percentage of any money or profit, or its equivalent in

1 support, service, or any other thing of value, with the
2 express or implied understanding that it will be used for
3 political purposes. Nothing contained in [this act] may be
4 construed to prohibit voluntary contributions to any
5 political committee or organization for legitimate political
6 purposes to the extent allowed by law.

7 NEW SECTION. Section 8. Severability. If a part of
8 [this act] is invalid, all valid parts that are severable
9 from the invalid part remain in effect. If a part of [this
10 act] is invalid in one or more of its applications, the part
11 remains in effect in all valid applications that are
12 severable from the invalid applications.

13 NEW SECTION. Section 9. Effective date. [This act] is
14 effective July 1, 1989.

-End-

SENATE BILL NO. 388

INTRODUCED BY ECK, VINCENT, GRADY, CODY, BRADLEY, NATHE,
CAMPBELL, REGAN, IVERSON, RAPP-SVRCEK, O'KEEFE, SCHYE,
CRIPPEN, COBB, BLAYLOCK, MANNING, HOFMAN, JACOBSON,
RASMUSSEN, BECK, MAZUREK, HALLIGAN, WEEDING, WALKER,
VAUGHN, HARP, B. BROWN, SEVERSON, BISHOP, COHEN,
YELLOWTAIL, KADAS, ADDY, RUSSELL, ELLIOTT, QUILICI,
MERCER, BENGTSON, HANSEN, REAM

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A MONTANA
CONSERVATION CORPS WITHIN THE PARKS DIVISION OF THE
DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AND PROVIDING AN
EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because
[section 3] authorizes the department of fish, wildlife, and
parks to adopt rules relating to the Montana conservation
corps.

It is the intent of the legislature that the rules
address the following:

(1) procedures for recruitment and employment of
corpsmembers;

(2) procedures for review and approval of work
experience projects;

(3) a corpsmember code of conduct and grievance
procedure;

(4) standards and procedures to evaluate and report on
the performance of corpsmembers and the corps program;

(5) training procedures and programs for corpsmembers;
and

(6) other rules necessary to accomplish the purposes
of the Montana conservation corps program.

WHEREAS, Article IX, section 1, of the Montana
Constitution states that the Legislature shall provide
adequate remedies for the protection of the environmental
life support system from degradation and provide adequate
remedies to prevent unreasonable depletion and degradation
of natural resources; and

WHEREAS, to maintain, protect, and conserve the
valuable and nonrenewable resources of the state parks,
programs need to be implemented that will assure
preservation of state parks, economic productivity, and
scenic beauty, as well as public health and safety and
social benefit, as they continue to be subject to public
use; and

WHEREAS, conservation work programs have proven highly
successful and cost-effective in assisting in the
protection, conservation, rehabilitation, and improvement of

scenic, historical, archaeological, scientific, and recreational resources.

THEREFORE, the Legislature finds that:

(1) it is appropriate to provide a work experience program for unemployed or economically disadvantaged youth, and adults, AND VOLUNTEERS WHO WOULD WORK WITHOUT PAY that will enable them to serve society, learn practical skills, and establish sound work records that will in turn provide opportunities for future employment and education; and

(2) benefits will accrue to the maintenance and economic productivity of the state park system, to the state economy, and to the participants who benefit from exposure to a fundamental work ethic through their experience in safeguarding and improving state resources as a result of corps employment opportunities.

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

NEW SECTION. Section 1. Montana conservation corps -- purpose and intent. (1) There is a Montana conservation corps within the parks division of the department of fish, wildlife, and parks.

(2) The purpose of the corps is to accomplish labor-intensive improvements to the state park system and to other public lands for which specific responsibilities are accepted through service contracts.

(3) It is the intent of the legislature that the corps grow in productive ways and that state agencies involved with the corps provide coordination of the conservation corps program. The legislature also intends that the Montana conservation corps program ~~be-operated-in-close-cooperation~~ CONTRACT with the job service ~~and--other--federal-human~~ resource--programs--in--Montana OR THE HUMAN RESOURCE DEVELOPMENT COUNCIL, AS DEFINED IN 53-10-501.

NEW SECTION. Section 2. Definitions. As used in [this act], unless the context clearly requires otherwise, the following definitions apply:

(1) "Corps" means the Montana conservation corps.

(2) "Corps coordinator" means the person who acts as the corps administrative officer and employs the staff necessary to implement the provisions of this chapter.

(3) "Corpsmember" means a participant in the corps.

(4) "Crewleader" means a participant in the corps who supervises corpsmembers.

(5) "Department" means the department of fish, wildlife, and parks provided for in 2-15-3401.

(6) "Division" means the parks division of the department of fish, wildlife, and parks.

(7) "State agencies" means the departments of fish, wildlife, and parks; social and rehabilitation services; labor and industry; state lands; family services; and

1 natural resources and conservation.

2 NEW SECTION. Section 3. Powers and duties of the
3 division. The division, in cooperation with the department,
4 shall:

5 (1) hire a corps coordinator ~~and-crewleaders~~;

6 (2) coordinate with state agencies to place eligible
7 participants in work experience projects, including those
8 state general assistance (GA) and federal aid to families
9 with dependent children (AFDC) recipients utilizing grant
10 diversion funding and youth under state supervision
11 UTILIZING PAYMENTS FROM THE DEPARTMENT OF FAMILY SERVICES;

12 (3) develop and approve work experience projects that
13 meet the requirements of [this act];

14 (4) ensure that work experience projects involve
15 labor-intensive improvements to public lands or facilities
16 that will result in a public value and have a potential to
17 yield revenue;

18 (5) execute contracts or cooperative agreements
19 containing the terms and conditions necessary and desirable
20 for the employment of CREWLEADERS AND corpsmembers in
21 approved work experience projects with federal, state, or
22 local agencies, persons, firms, partnerships, associations,
23 or corporations;

24 (6) ~~provide-job-search-and-application-skills-services~~
25 DEVELOP PROCEDURES FOR AWARING INCENTIVE VOUCHERS;

1 (7) authorize use of the corps for emergency projects,
2 including but not limited to natural disasters, fire
3 prevention and suppression, and rescue of lost or injured
4 persons, and provide adequate training to corpsmembers prior
5 to participation in an emergency project;

6 (8) apply for and accept grants or contributions of
7 SERVICES, funds, or lands from any public or private donors,
8 including the acceptance of federal funds appropriated by
9 the legislature;

10 (9) purchase, rent, acquire, or obtain personal
11 property, supplies, instruments, tools, or equipment
12 necessary to complete work experience projects; and

13 (10) adopt rules and guidelines necessary to implement
14 the provisions of [this act] and to effectively administer
15 the program.

16 NEW SECTION. Section 4. Work experience projects --
17 criteria -- standards ---coordinated-services -- land use
18 exceptions. (1) The division shall ensure that each work
19 experience project established pursuant to the authority
20 granted in [section 3] provides corpsmembers with job
21 training skills, which may include job search and
22 application skills, and with work experience related to the
23 conservation, improvement, or development of natural
24 resources or the enhancement, preservation, or maintenance
25 of public lands, waters, or facilities. Job training may be

1 provided by the work experience project or by other agencies
2 as provided in [section 3].

3 (2) Work experience projects must be selected
4 according to criteria that include but are not limited to:

5 (a) the extent to which the project will provide
6 environmental, natural resource, and state park system
7 benefits;

8 (b) the extent to which the project will provide
9 opportunities for public use and value of the land or
10 facility and on-the-job training for corpsmembers; and

11 (c) the extent to which the project will generate
12 additional revenue for the state or its subdivisions.

13 (3) Work sites of work experience projects must
14 conform to applicable health and safety standards required
15 for safe work environments.

16 ~~{4}--Whenever-available-and-appropriate,--job--training~~
17 ~~and--placement--services--provided--through--other--federal,~~
18 ~~state,--and--locally--funded--programs,--such--as--job--training~~
19 ~~partnership--programs--and--job--service,--must--be--coordinated~~
20 ~~with--projects--developed--under--{this--act}--to--assist--eligible~~
21 ~~participants--in--finding--employment. Coordinated services may~~
22 ~~include--but--are--not--limited--to--the--summer--youth--work~~
23 ~~experience--labor--pool,--job--placement--assistance,--literacy~~
24 ~~training,--and--job--search--and--application--skills. Whenever~~
25 ~~possible,--eligible--participants--without--a--high--school~~

1 ~~diploma--shall--receive--coordinated--services--that--provide--an~~
2 ~~opportunity--to--obtain--a--high--school--equivalency--diploma.~~

3 ~~{5}{4}~~ Work experience projects developed or approved
4 and funded by the division must be limited to public lands
5 and facilities except where improvements to other lands will
6 provide documented public value or benefit. Reimbursement
7 must be provided to the division for that portion of the
8 total cost ~~that does not provide a public benefit~~ OF WORK ON
9 NONPUBLIC LANDS. The reimbursement must be retained by the
10 division for use in the corps program OR FOR INCENTIVE
11 VOUCHERS. In the case of emergencies and natural disasters,
12 projects may take place on land or at facilities not owned
13 by the department or by another state or local agency
14 without regard to public benefit and private reimbursement.

15 NEW SECTION. Section 5. Eligibility for employment in
16 program -- referrals. (1) To be eligible to participate in
17 the Montana conservation corps program, a person must:

18 (a) be a citizen of the state as defined in 1-1-402;
19 (b) be 18 years of age or older to qualify for the
20 adult corps and at least 16 years of age and under 22 years
21 of age to qualify for the summer youth corps;

22 ~~{c}--be--economically--disadvantaged;~~

23 ~~{d}--with--the--exception--of--youth--under--state~~
24 ~~supervision,--be--registered--with--job--service--for--employment~~
25 ~~or--with--a--summer--youth--program--operator;~~

1 ~~(e)(C)~~ be capable of performing labor-intensive work;
 2 and
 3 ~~(f)---not---be---attending---a-high-school-or-postsecondary~~
 4 ~~institution-full-time-and-provide-assurance-that-he-did-not~~
 5 ~~leave-school-for-the-purpose-of-participating-in-the~~
 6 ~~program--A-full-time-high-school-or-postsecondary--student~~
 7 ~~may-participate-in-the-program-during-authorized-school~~
 8 ~~vacations.~~

9 (D) MEET THE REQUIREMENT OF THE JOB SERVICE AND THE
 10 HUMAN RESOURCE DEVELOPMENT COUNCIL, AS DEFINED IN 53-10-501,
 11 FOR PARTICIPATION IN JOB TRAINING PROGRAMS, BE ASSIGNED BY
 12 THE DEPARTMENT OF FAMILY SERVICES AS A YOUTH UNDER STATE
 13 SUPERVISION, OR BE ACCEPTED AS AN UNPAID VOLUNTEER.

14 (2) Eligibility for corpsmembers must be determined by
 15 local job service offices and summer youth program
 16 operators, ~~who shall refer eligible participants to the~~
 17 ~~division.~~ If the number of corps positions is insufficient
 18 to place all eligible individuals who apply for
 19 participation in the program, the job service may, upon
 20 approval by the applicant, provide the name of an eligible
 21 individual to private sector employers or to job training
 22 programs requesting referrals.

23 NEW SECTION. Section 6. Term of enrollment --
 24 compensation -- exemption from employee benefits. (1) A
 25 corpsmember will be placed for a period not to exceed 12

1 months. The ~~division~~ PROGRAM OPERATOR shall refer the names
 2 of corpsmembers who successfully complete their
 3 participation in the corps to the job service for assistance
 4 in securing private sector employment or for enrollment in
 5 additional job training programs. The ~~division~~ PROGRAM
 6 OPERATOR may also, upon approval of the corpsmember, provide
 7 the name of a corpsmember who successfully completes his
 8 participation in the corps to private sector employers
 9 requesting referrals.

10 (2) A corpsmember may not be scheduled to work for
 11 more than 40 hours per week. Job training and placement
 12 services ~~determined by the department to be in accordance~~
 13 ~~with the provisions of this act~~ must be provided to
 14 corpsmembers during regular work hours. Corpsmembers must
 15 be compensated as provided in subsection (3) for
 16 participation in job training and placement service
 17 programs.

18 (3) A corpsmember must be compensated at a rate set by
 19 the department that is not less than \$3.95 ~~per hour~~ THE
 20 FEDERAL MINIMUM WAGE.

21 (4) A corpsmember is not entitled to any employee
 22 benefits provided to permanent department or agency
 23 employees except for HOLIDAY PAY AND workers' compensation
 24 benefits that are provided through the funds appropriated to
 25 carry out [this act]. Service as a corpsmember does not

1 qualify an individual for unemployment compensation
2 benefits.

3 (5) IF FUNDS ARE AVAILABLE, A PERSON WHO IS EMPLOYED
4 AS A CORPSMEMBER FOR THE FULL PERIOD OF ENROLLMENT AND WHO
5 RECEIVES A SATISFACTORY EMPLOYMENT EVALUATION MAY BE AWARDED
6 AN INCENTIVE VOUCHER VALID FOR UP TO 3 YEARS AT ANY MONTANA
7 INSTITUTION OF HIGHER EDUCATION OR VOCATIONAL-TECHNICAL
8 CENTER.

9 NEW SECTION. Section 7. Prohibited activities. (1)

10 The division, in developing and approving work experience
11 projects, shall ensure that:

12 (a) work available to participants is not available as
13 the result of a labor dispute, strike, or lockout and will
14 not be assigned to cause a layoff or downgrading or to
15 prevent the return to work of an available competent
16 employee; and

17 (b) a work experience project:

18 (i) does not impair existing contracts for service or
19 collective bargaining agreements; and

20 (ii) is not inconsistent with the terms of a collective
21 bargaining agreement without written concurrence of the
22 labor organization and employer concerned.

23 (2) It is unlawful for a person to demand from any
24 public officer, corpsmember, or crewleader an assessment or
25 percentage of any money or profit, or its equivalent in

1 support, service, or any other thing of value, with the
2 express or implied understanding that it will be used for
3 political purposes. Nothing contained in [this act] may be
4 construed to prohibit voluntary contributions to any
5 political committee or organization for legitimate political
6 purposes to the extent allowed by law.

7 NEW SECTION. SECTION 8. COORDINATION REQUIREMENTS --

8 CONSOLIDATION OF PROGRAMS AUTHORIZED. (1) THE GOVERNOR SHALL
9 ASSURE THAT PROGRAM ACTIVITIES UNDER [THIS ACT] ARE
10 COORDINATED WITH PROGRAMS ADMINISTERED UNDER THE FEDERAL JOB
11 TRAINING PARTNERSHIP ACT AND ANY OTHER RELEVANT EMPLOYMENT,
12 TRAINING, EDUCATION, OR WORK PROGRAM IN THIS STATE.

13 (2) THE GOVERNOR MAY CONSOLIDATE THE PROGRAM
14 ESTABLISHED IN [SECTION 1] WITH OTHER PROGRAMS IN ORDER TO
15 MAXIMIZE COORDINATION OF PROGRAM ACTIVITIES AS REQUIRED IN
16 SUBSECTION (1) AND TO PREVENT OVERLAPPING AND DUPLICATION OF
17 SERVICES.

18 NEW SECTION. Section 9. Severability. If a part of
19 [this act] is invalid, all valid parts that are severable
20 from the invalid part remain in effect. If a part of [this
21 act] is invalid in one or more of its applications, the part
22 remains in effect in all valid applications that are
23 severable from the invalid applications.

24 NEW SECTION. Section 10. Effective date. [This act]
25 is effective July 1, 1989.

-End-

-12-

STANDING COMMITTEE REPORT

March 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that SENATE BILL 388 (third reading copy -- blue), with statement of intent included, be concurred in as amended.

Signed: Bob Ream
Bob Ream, Chairman

[REP. VINCENT WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 5, line 4.

Strike: "shall"

Insert: "may"

2. Page 5.

Following: line 23

Insert: "(6) execute contracts or cooperative agreements with federal, state, or local agencies, persons, partnerships, associations, or corporations for the purpose of administering the requirements of [this act];"

Renumber: subsequent subsections

HOUSE

SB 388

COMMITTEE OF THE WHOLE AMENDMENT
SENATE BILL 388
Representative John Vincent

March 27, 1989 12:26 pm
Page 1 of 1

Mr. Chairman: I move to amend SENATE BILL 388 (third reading copy -- blue).

Signed: 
Representative John Vincent

And, that such amendment to SENATE BILL 388 read as follows:

1. Page 9, line 13.
Following: "SUPERVISION,"
Insert: "be unemployed,"

ADOPT

REJECT

HOUSE
SB 388

SENATE BILL NO. 388

INTRODUCED BY ECK, VINCENT, GRADY, CODY, BRADLEY, NATHE,
CAMPBELL, REGAN, IVERSON, RAPP-SVRCEK, O'KEEFE, SCHYE,
CRIPPEN, COBB, BLAYLOCK, MANNING, HOFMAN, JACOBSON,
RASMUSSEN, BECK, MAZUREK, HALLIGAN, WEEDING, WALKER,
VAUGHN, HARP, B. BROWN, SEVERSON, BISHOP, COHEN,
YELLOWTAIL, KADAS, ADDY, RUSSELL, ELLIOTT, QUILICI,
MERCER, BENGTSON, HANSEN, REAM

A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A MONTANA
CONSERVATION CORPS WITHIN THE PARKS DIVISION OF THE
DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AND PROVIDING AN
EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because
[section 3] authorizes the department of fish, wildlife, and
parks to adopt rules relating to the Montana conservation
corps.

It is the intent of the legislature that the rules
address the following:

(1) procedures for recruitment and employment of
corpsmembers;

(2) procedures for review and approval of work
experience projects;

(3) a corpsmember code of conduct and grievance
procedure;

(4) standards and procedures to evaluate and report on
the performance of corpsmembers and the corps program;

(5) training procedures and programs for corpsmembers;
and

(6) other rules necessary to accomplish the purposes
of the Montana conservation corps program.

WHEREAS, Article IX, section 1, of the Montana
Constitution states that the Legislature shall provide
adequate remedies for the protection of the environmental
life support system from degradation and provide adequate
remedies to prevent unreasonable depletion and degradation
of natural resources; and

WHEREAS, to maintain, protect, and conserve the
valuable and nonrenewable resources of the state parks,
programs need to be implemented that will assure
preservation of state parks, economic productivity, and
scenic beauty, as well as public health and safety and
social benefit, as they continue to be subject to public
use; and

WHEREAS, conservation work programs have proven highly
successful and cost-effective in assisting in the
protection, conservation, rehabilitation, and improvement of

1 scenic, historical, archaeological, scientific, and
2 recreational resources.

3 THEREFORE, the Legislature finds that:

4 (1) it is appropriate to provide a work experience
5 program for unemployed or economically disadvantaged youth,
6 and adults, AND VOLUNTEERS WHO WOULD WORK WITHOUT PAY that
7 will enable them to serve society, learn practical skills,
8 and establish sound work records that will in turn provide
9 opportunities for future employment and education; and

10 (2) benefits will accrue to the maintenance and
11 economic productivity of the state park system, to the state
12 economy, and to the participants who benefit from exposure
13 to a fundamental work ethic through their experience in
14 safeguarding and improving state resources as a result of
15 corps employment opportunities.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 NEW SECTION. Section 1. Montana conservation corps --
19 purpose and intent. (1) There is a Montana conservation
20 corps within the parks division of the department of fish,
21 wildlife, and parks.

22 (2) The purpose of the corps is to accomplish
23 labor-intensive improvements to the state park system and to
24 other public lands for which specific responsibilities are
25 accepted through service contracts.

1 (3) It is the intent of the legislature that the corps
2 grow in productive ways and that state agencies involved
3 with the corps provide coordination of the conservation
4 corps program. The legislature also intends that the Montana
5 conservation corps program be-operated-in-close--cooperation
6 CONTRACT with the job service and--other--federal-human
7 resource--programs--in--Montana OR THE HUMAN RESOURCE
8 DEVELOPMENT COUNCIL, AS DEFINED IN 53-10-501.

9 NEW SECTION. Section 2. Definitions. As used in [this
10 act], unless the context clearly requires otherwise, the
11 following definitions apply:

12 (1) "Corps" means the Montana conservation corps.

13 (2) "Corps coordinator" means the person who acts as
14 the corps administrative officer and employs the staff
15 necessary to implement the provisions of this chapter.

16 (3) "Corpsmember" means a participant in the corps.

17 (4) "Crewleader" means a participant in the corps who
18 supervises corpsmembers.

19 (5) "Department" means the department of fish,
20 wildlife, and parks provided for in 2-15-3401.

21 (6) "Division" means the parks division of the
22 department of fish, wildlife, and parks.

23 (7) "State agencies" means the departments of fish,
24 wildlife, and parks; social and rehabilitation services;
25 labor and industry; state lands; family services; and

1 natural resources and conservation.

2 NEW SECTION. Section 3. Powers and duties of the
3 division. The division, in cooperation with the department,
4 ~~shall~~ MAY:

5 (1) hire a corps coordinator and crewleaders;

6 (2) coordinate with state agencies to place eligible
7 participants in work experience projects, including those
8 state general assistance (GA) and federal aid to families
9 with dependent children (AFDC) recipients utilizing grant
10 diversion funding and youth under state supervision
11 UTILIZING PAYMENTS FROM THE DEPARTMENT OF FAMILY SERVICES;

12 (3) develop and approve work experience projects that
13 meet the requirements of [this act];

14 (4) ensure that work experience projects involve
15 labor-intensive improvements to public lands or facilities
16 that will result in a public value and have a potential to
17 yield revenue;

18 (5) execute contracts or cooperative agreements
19 containing the terms and conditions necessary and desirable
20 for the employment of CREWLEADERS AND corpsmembers in
21 approved work experience projects with federal, state, or
22 local agencies, persons, firms, partnerships, associations,
23 or corporations;

24 (6) EXECUTE CONTRACTS OR COOPERATIVE AGREEMENTS WITH
25 FEDERAL, STATE, OR LOCAL AGENCIES, PERSONS, PARTNERSHIPS,

1 ASSOCIATIONS, OR CORPORATIONS FOR THE PURPOSE OF
2 ADMINISTERING THE REQUIREMENTS OF [THIS ACT];

3 ~~{6}{7} provide--job--search--and--application--skills~~
4 ~~services~~ DEVELOP PROCEDURES FOR AWARDING INCENTIVE VOUCHERS;

5 ~~{7}{8}~~ authorize use of the corps for emergency
6 projects, including but not limited to natural disasters,
7 fire prevention and suppression, and rescue of lost or
8 injured persons, and provide adequate training to
9 corpsmembers prior to participation in an emergency project;

10 ~~{8}{9}~~ apply for and accept grants or contributions of
11 SERVICES, funds, or lands from any public or private donors,
12 including the acceptance of federal funds appropriated by
13 the legislature;

14 ~~{9}{10}~~ purchase, rent, acquire, or obtain personal
15 property, supplies, instruments, tools, or equipment
16 necessary to complete work experience projects; and

17 ~~{10}{11}~~ adopt rules and guidelines necessary to
18 implement the provisions of [this act] and to effectively
19 administer the program.

20 NEW SECTION. Section 4. Work experience projects --
21 criteria -- standards ~~---coordinated-services~~ -- land use
22 exceptions. (1) The division shall ensure that each work
23 experience project established pursuant to the authority
24 granted in [section 3] provides corpsmembers with job
25 training skills, which may include job search and

1 application skills, and with work experience related to the
2 conservation, improvement, or development of natural
3 resources or the enhancement, preservation, or maintenance
4 of public lands, waters, or facilities. Job training may be
5 provided by the work experience project or by other agencies
6 as provided in [section 3].

7 (2) Work experience projects must be selected
8 according to criteria that include but are not limited to:

9 (a) the extent to which the project will provide
10 environmental, natural resource, and state park system
11 benefits;

12 (b) the extent to which the project will provide
13 opportunities for public use and value of the land or
14 facility and on-the-job training for corpsmembers; and

15 (c) the extent to which the project will generate
16 additional revenue for the state or its subdivisions.

17 (3) Work sites of work experience projects must
18 conform to applicable health and safety standards required
19 for safe work environments.

20 ~~{4}--Whenever--available--and--appropriate,--job--training~~
21 ~~and--placement--services--provided--through--other--federal,~~
22 ~~state,--and--locally--funded--programs,--such--as--job--training~~
23 ~~partnership--programs--and--job--service,--must--be--coordinated~~
24 ~~with--projects--developed--under--{this--act}--to--assist--eligible~~
25 ~~participants--in--finding--employment. Coordinated services may~~

1 ~~include--but--are--not--limited--to--the--summer--youth--work~~
2 ~~experience--labor--pool,--job--placement--assistance,--literacy~~
3 ~~training,--and--job--search--and--application--skills,--Whenever~~
4 ~~possible,--eligible--participants--without--a--high--school~~
5 ~~diploma--shall--receive--coordinated--services--that--provide--an~~
6 ~~opportunity--to--obtain--a--high--school--equivalency--diploma.~~

7 ~~{5}{4}~~ Work experience projects developed or approved
8 and funded by the division must be limited to public lands
9 and facilities except where improvements to other lands will
10 provide documented public value or benefit. Reimbursement
11 must be provided to the division for that portion of the
12 total cost ~~that--does--not--provide--a--public--benefit~~ OF WORK ON
13 NONPUBLIC LANDS. The reimbursement must be retained by the
14 division for use in the corps program OR FOR INCENTIVE
15 VOUCHERS. In the case of emergencies and natural disasters,
16 projects may take place on land or at facilities not owned
17 by the department or by another state or local agency
18 without regard to public benefit and private reimbursement.

19 NEW SECTION. Section 5. Eligibility for employment in
20 program -- referrals. (1) To be eligible to participate in
21 the Montana conservation corps program, a person must:

22 (a) be a citizen of the state as defined in 1-1-402;
23 (b) be 18 years of age or older to qualify for the
24 adult corps and at least 16 years of age and under 22 years
25 of age to qualify for the summer youth corps;

~~(c) be economically disadvantaged;~~

~~(d) with the exception of youth under state supervision, be registered with job service for employment or with a summer youth program operator;~~

(e) (C) be capable of performing labor-intensive work; and

~~(f) not be attending a high school or postsecondary institution full time and provide assurance that he did not leave school for the purpose of participating in the program; A full time high school or postsecondary student may participate in the program during authorized school vacations;~~

(D) MEET THE REQUIREMENT OF THE JOB SERVICE AND THE HUMAN RESOURCE DEVELOPMENT COUNCIL, AS DEFINED IN 53-10-501, FOR PARTICIPATION IN JOB TRAINING PROGRAMS, BE ASSIGNED BY THE DEPARTMENT OF FAMILY SERVICES AS A YOUTH UNDER STATE SUPERVISION, BE UNEMPLOYED, OR BE ACCEPTED AS AN UNPAID VOLUNTEER.

(2) Eligibility for corpsmembers must be determined by local job service offices and summer youth program operators, who shall refer eligible participants to the division. If the number of corps positions is insufficient to place all eligible individuals who apply for participation in the program, the job service may, upon approval by the applicant, provide the name of an eligible

individual to private sector employers or to job training programs requesting referrals.

NEW SECTION. Section 6. Term of enrollment -- compensation -- exemption from employee benefits. (1) A corpsmember will be placed for a period not to exceed 12 months. The division PROGRAM OPERATOR shall refer the names of corpsmembers who successfully complete their participation in the corps to the job service for assistance in securing private sector employment or for enrollment in additional job training programs. The division PROGRAM OPERATOR may also, upon approval of the corpsmember, provide the name of a corpsmember who successfully completes his participation in the corps to private sector employers requesting referrals.

(2) A corpsmember may not be scheduled to work for more than 40 hours per week. Job training and placement services ~~determined by the department to be in accordance with the provisions of this act~~ must be provided to corpsmembers during regular work hours. Corpsmembers must be compensated as provided in subsection (3) for participation in job training and placement service programs.

(3) A corpsmember must be compensated at a rate set by the department that is not less than \$3.35 per hour THE FEDERAL MINIMUM WAGE.

(4) A corpsmember is not entitled to any employee benefits provided to permanent department or agency employees except for HOLIDAY PAY AND workers' compensation benefits that are provided through the funds appropriated to carry out [this act]. Service as a corpsmember does not qualify an individual for unemployment compensation benefits.

(5) IF FUNDS ARE AVAILABLE, A PERSON WHO IS EMPLOYED AS A CORPSMEMBER FOR THE FULL PERIOD OF ENROLLMENT AND WHO RECEIVES A SATISFACTORY EMPLOYMENT EVALUATION MAY BE AWARDED AN INCENTIVE VOUCHER VALID FOR UP TO 3 YEARS AT ANY MONTANA INSTITUTION OF HIGHER EDUCATION OR VOCATIONAL-TECHNICAL CENTER.

NEW SECTION. Section 7. Prohibited activities. (1)

The division, in developing and approving work experience projects, shall ensure that:

(a) work available to participants is not available as the result of a labor dispute, strike, or lockout and will not be assigned to cause a layoff or downgrading or to prevent the return to work of an available competent employee; and

(b) a work experience project:

(i) does not impair existing contracts for service or collective bargaining agreements; and

(ii) is not inconsistent with the terms of a collective

bargaining agreement without written concurrence of the labor organization and employer concerned.

(2) It is unlawful for a person to demand from any public officer, corpsmember, or crewleader an assessment or percentage of any money or profit, or its equivalent in support, service, or any other thing of value, with the express or implied understanding that it will be used for political purposes. Nothing contained in [this act] may be construed to prohibit voluntary contributions to any political committee or organization for legitimate political purposes to the extent allowed by law.

NEW SECTION. SECTION 8. COORDINATION REQUIREMENTS --

CONSOLIDATION OF PROGRAMS AUTHORIZED. (1) THE GOVERNOR SHALL ASSURE THAT PROGRAM ACTIVITIES UNDER [THIS ACT] ARE COORDINATED WITH PROGRAMS ADMINISTERED UNDER THE FEDERAL JOB TRAINING PARTNERSHIP ACT AND ANY OTHER RELEVANT EMPLOYMENT, TRAINING, EDUCATION, OR WORK PROGRAM IN THIS STATE.

(2) THE GOVERNOR MAY CONSOLIDATE THE PROGRAM ESTABLISHED IN [SECTION 1] WITH OTHER PROGRAMS IN ORDER TO MAXIMIZE COORDINATION OF PROGRAM ACTIVITIES AS REQUIRED IN SUBSECTION (1) AND TO PREVENT OVERLAPPING AND DUPLICATION OF SERVICES.

NEW SECTION. Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this

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1 act] is invalid in one or more of its applications, the part
2 remains in effect in all valid applications that are
3 severable from the invalid applications.

4 NEW SECTION. **Section 10.** Effective date. [This act]
5 is effective July 1, 1989.

-End-