HOUSE BILL NO. 579

INTRODUCED BY RUSSELL, SCHYE, BROOKE, BOHLINGER

IN THE HOUSE

FEBRUARY 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
•	FIRST READING.
MARCH 10, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
MARCH 11, 1993	PRINTING REPORT,
MARCH 13, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 15, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 17, 1993	SECOND READING, DO PASS AS AMENDED.
MARCH 18, 1993	ENGROSSING REPORT.
MARCH 19, 1993	THIRD READING, PASSED. AYES, 81; NOES, 18.
MARCH 22, 1993	TRANSMITTED TO SENATE.
IN	THE SENATE
MARCH 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
APRIL 5, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 6, 1993	SECOND READING, CONCURRED IN.
APRIL 7, 1993	THIRD READING, CONCURRED IN. AYES, 32; NOES, 17.

IN THE HOUSE

RETURNED TO HOUSE WITH AMENDMENTS.

APRIL 14, 1993

SECOND READING, AMENDMENTS CONCURRED IN.

APRIL 15, 1993

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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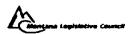
1	House BILL NO. 579
2	INTRODUCED BY R. 15ell Lehr Brade
3	Bollinger
4	A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MONTANA
5	STUDENT VOLUNTEER PROGRAM; ESTABLISHING A SPECIAL REVENUE
6	FUND IN WHICH TO DEPOSIT FUNDS FROM PRIVATE AND CORPORATE
7	DONORS AND FOUNDATIONS AND FROM FEDERAL GRANT PROGRAMS;
8	USING THE FUND TO PROVIDE LIVING ALLOWANCES AND TO PROVIDE
9	TUITION VOUCHERS OR PARTIAL STUDENT LOAN REPAYMENTS FOR
10	INDIVIDUALS PERFORMING FULL-TIME VOLUNTEER WORK FOR PRIVATE
11	NONPROFIT HUMAN AND SOCIAL SERVICE ORGANIZATIONS;
12	STATUTORILY APPROPRIATING THE FUND; CREATING A MONTANA
13	STUDENT VOLUNTEER PROGRAM COMMITTEE TO IMPLEMENT THE
14	PROGRAM; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN
15	IMMEDIATE EPPECTIVE DATE."
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17	STATEMENT OF INTENT
18	A statement of intent is required for this bill because

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A statement of intent is required for this bill because [section 9] grants rulemaking authority to the department of commerce.

It is the intent of the legislature that the department of commerce have authority to adopt rules to implement [sections 7 and 8], including specific authority to adopt rules regarding:

(1) determination of funding sources;



- (2) policies and procedures for solicitation of funds;
- 2 (3) application of the criteria set forth in [sections
- 3 1 through 9] to the process of determining worksite
- 4 eligibility;

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- (4) application of the criteria set forth in {sections 1 through 9} to the process of determining eligibility of applicants for selection as volunteers;
- 8 (5) criteria and procedures for determination of the 9 types (i.e., student loan repayment, tuition voucher, living 10 allowance, etc.) and amounts of awards to be disbursed to 11 program participants; and
- 12 (6) policies and procedures for making the public aware
 13 of the program's existence, its components, its policies,
 14 and its purpose.
- 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
- NEW SECTION. Section 1. Short title. [Sections 1 through 9] may be cited as the "Heritage of Montana 19 Enterprise Act".
- NEW SECTION. Section 2. Purposes -- program. (1) The purposes of [sections 1 through 9] are to facilitate public service and to encourage Montana's college students to remain in Montana to pursue their education. These purposes
- 24 are addressed by establishing a fund to solicit, collect,
- 25 and administer money gathered from private and corporate

- donors, foundations, and the federal government to be used
 to provide tuition vouchers or partial student loan
 repayments and to provide living expense allowances to
 individuals who perform full-time volunteer work for private
 nonprofit human and social service organizations in
- 7 (2) To carry out the purposes provided in subsection 8 (1), there is created a Montana student volunteer program. 9 The program must commence in the summer of 1994.

Montana's communities.

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- NEW SECTION. Section 3. Montana student volunteer program fund. There is a Montana student volunteer program trust fund account in the state special revenue fund. Funds deposited in the account must be used solely for the purposes of the Montana student volunteer program. The funds in the account are statutorily appropriated, as provided in 17-7-502, to the Montana student volunteer program committee.
- NEW SECTION. Section 4. Gifts and grants to program.

 The Montana student volunteer program committee may accept contributions, gifts, and grants, in money or otherwise, on behalf of the Montana student volunteer program. Upon receipt, contributions, monetary gifts, and grants must be deposited into the Montana student volunteer program trust fund account established by (section 3).
- 25 NEW SECTION. Section 5. Montana student volunteer

- program committee -- terms of office. (1) There is a Montana
 student volunteer program committee.
- 3 (2) The committee consists of seven members, appointed 4 as follows:
- 5 (a) a representative of the department of commerce, 6 appointed by the director:
- 7 (b) a representative of the department of family8 services, appointed by the director;
- 9 (c) a member of the board of regents, appointed by
 10 majority vote of the board:
- 11 (d) a representative from either a participating or an 12 eligible worksite, appointed by the governor:
- 13 (e) a full-time student enrolled in any unit of the
 14 Montana university system, appointed by the commissioner of
 15 higher education; and
- (f) two representatives of the private sector,
 appointed by the governor.
- 18 (3) At least one member of the committee must be a
 19 Native American.
- 20 (4) A vacancy on the committee is for the unexpired
 21 term and must be filled in the same manner as the original
 22 appointment.
- (5) The committee shall elect a presiding officer and avice presiding officer.
- 25 (6) The committee shall meet at least twice yearly,

LC 0729/01

LC 0729/01

- 1 once in July and once in January, beginning in July 1993.
 - Additional meetings may be called by the presiding officer
- 3 or the vice presiding officer.
- 4 (7) Members of the board serve without pay but are 5 entitled to reimbursement for travel, meals, and lodging
- 6 pursuant to 2-18-501 through 2-18-503.
- 7 NEW SECTION. Section 6. Term of office. Committee
- 8 members serve staggered 2-year terms beginning on January 1
- 9 of the year following their appointment.
- 10 NEW SECTION. Section 7. Powers and duties of
- 11 committee. (1) The Montana student volunteer program
- 12 committee shall solicit donations from private and corporate
- donors, foundations, the federal government, and any other
- 14 funding sources it considers appropriate to fund the
- 15 program's initial planning and organization, as well as its
- 16 operation. Donations must be deposited in the Montana
 - student volunteer program trust fund account.

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- 18 (2) The committee shall review applications for
- 19 prospective worksites. Worksite applicants must be
- 20 designated as eligible or ineligible. Eligible worksites
- 21 must, at minimum, be private, nonprofit, nongovernmental,
- 22 and nonsectarian human or social service agencies whose
- 23 principal mission is to provide free or at-cost services to
- 24 underprivileged individuals and families in Montana's
- 25 communities. In determining the eligibility of worksites,

- the committee shall consider each worksite's potential for:
- 2 (a) enabling volunteers to perform meaningful and
- 3 worthwhile work of value to the community and the state: and
- 4 (b) providing a meaningful and worthwhile experience to
- 5 the volunteers, including evidence of the worksite's ability
 - and willingness to provide supervision, support, guidance,
- 7 and evaluation to volunteers. The committee shall maintain
- 8 and publish a record of all eligible worksites.
- 9 (3) The committee shall review and accept or reject
- 10 applications for participation in the program. To be
- eligible a candidate shall, at minimum:
- 12 (a) be a Montana resident:
- (b) have completed at least 2 years of postsecondary education;
- 15 (c) be 18 years of age or older prior to commencement
- 16 of actual volunteer service;
- 17 (d) be selected by an eligible worksite; and
- 18 (e) demonstrate the interest, willingness, and ability
 - necessary to perform the services required by the
- 20 prospective worksite.

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- 21 (4) Eligible worksites may conduct interviews of
- 22 potential volunteers and, in accordance with criteria
- 23 submitted to the committee, select volunteers that will, in
- 24 their estimation, best suit their needs.
- 25 NEW SECTION. Section 8. Determination of awards. (1)

80-11-310;

90-4-215;

- 1 Bach volunteer must receive a periodic allowance to help
 2 defray living expenses incurred during the volunteer
 3 assignment. The amounts to which volunteers are entitled
 4 under this section must be determined and adjusted
 5 periodically by the committee.
- 6 (2) In addition, each volunteer may choose:
 - (a) to receive a tuition voucher; or

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- 8 (b) to have a portion of outstanding student loans
 9 repaid by the program in an amount equal to one-half the
 10 value of the tuition voucher to which the volunteer would be
 11 entitled.
- NEW SECTION. Section 9. Rulemaking authority. The department of commerce, in consultation with the Montana student volunteer program committee, shall adopt rules to implement [sections 7 and 8].
- 16 NEW SECTION. Section 10. Transition. In order to
 17 provide for staggered terms, members initially appointed to
 18 the Montana student volunteer program committee pursuant to
 19 (section 5(2)(a) through (2)(c)) shall hold office for a
 20 period of 3 years.
- Section 11. Section 17-7-502, MCA, is amended to read:
- 22 "17-7-502. Statutory appropriations -- definition -23 requisites for validity. (1) A statutory appropriation is an
 24 appropriation made by permanent law that authorizes spending
 25 by a state agency without the need for a biennial

- l legislative appropriation or budget amendment.
- 2 (2) Except as provided in subsection (4), to be 3 effective, a statutory appropriation must comply with both 4 of the following provisions:
- 5 (a) The law containing the statutory authority must be listed in subsection (3).
- 7 (b) The law or portion of the law making a statutory 8 appropriation must specifically state that a statutory 9 appropriation is made as provided in this section.
- (3) The following laws are the only laws containing 10 statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 11 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 12 15-23-706; 15-25-123; 15-31-702; 15-36-112; 13 14 15-65-121: 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 15 16 17-7-304: 19-5-404: 19-6-709: 19-8-504: 19-9-702: 19-9-1007; 17 19-10-205; 19-10-305: 19-10-506: 19-11-512: 19-11-513: 18 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 19 20-6-406: 20-8-111: 20-9-361: 20-26-1503; 22-3-811: 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 20 37-51-501; 21 23-7-301; 23-7-402; 27-12-206: 37-43-204; 39-71-2504: 44-13-102; 53-6-150; 53-24-206; 22 44-12-206: 23 61-5-121: 67-3-205: 75-1-1101: 75-5-507: 75-5-1108:

77-1-808:

85-1-220:

80-2-103:

90-3-301;

76-12-123:

82-11-161;

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75-11-313:

82-11-136;

- 1 90-6-331; 90-7-220; [section 3]; and 90-9-306.
- 2 (4) There is a statutory appropriation to pay the
- 3 principal, interest, premiums, and costs of issuing, paying,
- 4 and securing all bonds, notes, or other obligations, as due,
- 5 that have been authorized and issued pursuant to the laws of
- 6 Montana. Agencies that have entered into agreements
- 7 authorized by the laws of Montana to pay the state
- 8 treasurer, for deposit in accordance with 17-2-101 through
- 9 17-2-107, as determined by the state treasurer, an amount
- 10 sufficient to pay the principal and interest as due on the
- ll bonds or notes have statutory appropriation authority for
- 12 the payments. (In subsection (3): pursuant to sec. 7, Ch.
- 13 567, L. 1991, the inclusion of 19-6-709 terminates upon
- 14 death of last recipient eligible for supplemental benefit;
- 15 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
- 16 22-3-811 terminates June 30, 1993.)"
- 17 NEW SECTION. Section 12. Effective date. [This act] is
- 18 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0579, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating a Montana student volunteer program; establishing a special revenue fund in which to deposit funds from private and corporate donors and foundations and from federal grant programs. Statutorily appropriating the fund; creating a Montana student volunteer program committee to implement the program.

ASSUMPTIONS:

Department of Commerce:

- 1. Grants and donations are statutorily appropriated to the Montana student volunteer program committee for operating costs, tuition vouchers, student loan repayments & living expense allowances for student volunteers funded by the committee.
- 2. 25 pages of rules will be adopted in FY94 and 5 pages of rules will be adopted in FY95.
- 3. Publicity and advertising for the program will cost \$1,000 per year.
- 4. The committee will hold 3 meetings in FY94 and 3 meetings in FY95.
- 5. Grants will be made starting in the summer of 1994.
- 6. Secretarial contract will be required each year in the amount \$480.

Montana University System:

- 1. The Montana student volunteer program would be responsible for the board members expenses.
- 2. The Montana student volunteer program would transfer from its funds to the Montana University System the full value of the tuition vouchers.
- 3. The Montana student volunteer program would use funds from its account to pay lenders half the value of tuition vouchers used to repay student loans.

FISCAL IMPACT:

Department of Commerce:

		FY '94			FY '95	
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Expenditures:						
Operating	0	4,539	4,639	0	3,939	3,939
Grants	0	5,361	5.361	0	11,061	11,061
Total	0	10,000	10,000	0	15,000	15,000
Funding:						
Special Revenue	O	10,000	10,000	0	15,000	15,000
(continued)			•		,	,

DAVID LEWIS, BUDGET DIRECTOR DATE

Office of Budget and Program Planning

ANGELA RUSSELL, PRIMARY SPONSOR

Fiscal Note for HB0579, as intro

HB 579

Fiscal Note Request, <u>HB0579</u>, as introduced Form BD-15 page 2 (continued)

FISCAL IMPACT:

Montana University System: None

TECHNICAL NOTES:

- 1. The "committee" does not appear to be attached to an agency of state government as required by law.
- This program fits with the more comprehensive Montana Community Service Act [LC 1573] which proposes living allowances and vouchers for students be administered through the Montana University System, pursuant to the National and Community Service Act of 1990 (P.L. 101-610, as amended). Coordination of the two measures may be beneficial.

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APPROVED BY COMMITTEE ON APPROPRIATIONS

INTRODUCED BY RISSELL Lehre Practe holetinace

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MONTANA STUDENT VOLUNTEER PROGRAM; ESTABLISHING A SPECIAL REVENUE FUND IN WHICH TO DEPOSIT FUNDS FROM PRIVATE AND CORPORATE DONORS AND FOUNDATIONS AND FROM FEDERAL GRANT PROGRAMS; USING THE FUND TO PROVIDE LIVING ALLOWANCES AND TO PROVIDE TUITION VOUCHERS OR PARTIAL STUDENT LOAN REPAYMENTS FOR INDIVIDUALS PERFORMING FULL-TIME VOLUNTEER WORK FOR PRIVATE NONPROFIT HUMAN AND SOCIAL SERVICE ORGANIZATIONS; STATUTORILY APPROPRIATING THE FUND: CREATING A MONTANA STUDENT VOLUNTEER PROGRAM COMMITTEE TO IMPLEMENT PROGRAM; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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STATEMENT OF INTENT

A statement of intent is required for this bill because [section 9] grants rulemaking authority to the department of commerce.

It is the intent of the legislature that the department of commerce have authority to adopt rules to implement [sections 7 and 8], including specific authority to adopt rules regarding:

(1) determination of funding sources;



- (2) policies and procedures for solicitation of funds;
- 2 (3) application of the criteria set forth in [sections
- 3 through 91 to the process of determining worksite eligibility:
- (4) application of the criteria set forth in [sections 5 1 through 91 to the process of determining eligibility of 6 applicants for selection as volunteers; 7
- 8 (5) criteria and procedures for determination of the 9 types (i.e., student loan repayment, tuition voucher, living allowance, etc.) and amounts of awards to be disbursed to 10 program participants; and 11
- (6) policies and procedures for making the public aware 12 13 of the program's existence, its components, its policies, 14 and its purpose.

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

17 NEW SECTION. Section 1. Short title. [Sections 1 through 91 may be cited as the "Heritage of Montana 1 B

19 Enterprise Act".

NEW SECTION. Section 2. Purposes -- program. (1) The 20 21 purposes of (sections 1 through 9) are to facilitate public

service and to encourage Montana's college students to 22

remain in Montana to pursue their education. These purposes 23

are addressed by establishing a fund to solicit, collect, 24

and administer money gathered from private and corporate 25

SECOND READING

to provide tuition vouchers or partial student loan repayments and to provide living expense allowances to individuals who perform full-time volunteer work for private

donors, foundations, and the federal government to be used

- nonprofit human and social service organizations in
- Montana's communities.
- 7 (2) To carry out the purposes provided in subsection 8 (1), there is created a Montana student volunteer program.
- 9 The program must commence in the summer of 1994.
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- 17 committee.

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- 19 The Montana student volunteer program committee may accept
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- 21 behalf of the Montana student volunteer program. Upon
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- 6 appointed by the director;
- 7 (b) a representative of the department of family
- 8 services, appointed by the director;
- 9 (c) a member of the board of regents, appointed by
- 10 majority vote of the board;
- 11 (d) a representative from either a participating or an
- 12 eligible worksite, appointed by the governor;
- 13 (e) a full-time student enrolled in any unit of the
- 14 Montana university system, appointed by the commissioner of
- 15 higher education; and
- 16 (f) two representatives of the private sector,
- 17 appointed by the governor.
- 18 (3) At least one member of the committee must be a
- 19 Native American.
- 20 (4) A vacancy on the committee is for the unexpired
- 21 term and must be filled in the same manner as the original
- 22 appointment.
- 23 (5) The committee shall elect a presiding officer and a
- 24 vice presiding officer.
- 25 (6) The committee shall meet at least twice yearly,

- 1 once in July and once in January, beginning in July 1993.
- 2 Additional meetings may be called by the presiding officer
- 3 or the vice presiding officer.
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- 24 underprivileged individuals and families in Montana's
- 25 communities. In determining the eligibility of worksites,

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- 3 worthwhile work of value to the community and the state; and
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 - and willingness to provide supervision, support, guidance,
- 7 and evaluation to volunteers. The committee shall maintain
- 8 and publish a record of all eligible worksites.
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37-51-501;

- Each volunteer must receive a periodic allowance to help defray living expenses incurred during the volunteer assignment. The amounts to which volunteers are entitled under this section must be determined and adjusted periodically by the committee.
 - (2) In addition, each volunteer may choose:
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- (b) to have a portion of outstanding student loans repaid by the program in an amount equal to one-half the value of the tuition voucher to which the volunteer would be entitled.
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- NEW SECTION. Section 10. Transition. In order to provide for staggered terms, members initially appointed to the Montana student volunteer program committee pursuant to [section 5(2)(a) through (2)(c)] shall hold office for a period of 3 years.
 - Section 11. Section 17-7-502, MCA, is amended to read:
- 22 "17-7-502. Statutory appropriations -- definition -23 requisites for validity. (1) A statutory appropriation is an
 24 appropriation made by permanent law that authorizes spending
 25 by a state agency without the need for a biennial

- l legislative appropriation or budget amendment.
- 2 (2) Except as provided in subsection (4), to be
 3 effective, a statutory appropriation must comply with both
 4 of the following provisions:
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- 7 (b) The law or portion of the law making a statutory 8 appropriation must specifically state that a statutory 9 appropriation is made as provided in this section.
- 10 (3) The following laws are the only laws containing
 11 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
- 12 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
- 13 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
- 14 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
- 15 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
- 16 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
- 17 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
- 18 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
- 19 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811;
- 20 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;
- 22 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206;

27-12-206;

37-43-204:

23-7-402;

23-7-301:

- 23 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108;
- 24 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310;
- 25 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215;

- 1 90-6-331; 90-7-220; [section 3]; and 90-9-306.
- 2 (4) There is a statutory appropriation to pay the
- 3 principal, interest, premiums, and costs of issuing, paying,
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- 5 that have been authorized and issued pursuant to the laws of
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- 13 567, L. 1991, the inclusion of 19-6-709 terminates upon
- 14 death of last recipient eligible for supplemental benefit;
- and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
- 16 22-3-811 terminates June 30, 1993.)*

- 17 NEW SECTION. Section 12. Effective date. (This act) is
- 18 effective on passage and approval.

-End-

L	HOUSE BILL NO. 579
2	INTRODUCED BY RUSSELL, SCHYE, BROOKE, BOHLINGER
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.2	STATUTORILY APPROPRIATING THE FUND; CREATING A MONTANA
L3	STUDENT VOLUNTEER PROGRAM COMMITTEE TO IMPLEMENT THE
L 4	PROGRAM; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN
15	IMMEDIATE EFFECTIVE DATE."
16	
17	STATEMENT OF INTENT
18	A statement of intent is required for this bill because
19	[section 9] grants rulemaking authority to the department of
20	commerce.
21	It is the intent of the legislature that the department
22	of commerce have authority to adopt rules to implement
23	[sections 7 and 8], including specific authority to adopt
24	rules regarding:
25	(1) determination of funding sources;

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and procedures for solicitation of funds; 1 ion of the criteria set forth in [sections to the process of determining worksite ion of the criteria set forth in {sections , 6 to the process of determining eligibility of election as volunteers; and procedures for determination of the lent loan repayment, tuition voucher, living 10 and amounts of awards to be disbursed to 11 ints: and 12 and procedures for making the public aware 13 existence, its components, its policies, 14 15 THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Short title. [Sections 17 be cited as the "Heritage of Montana 18 19 Section 2. Purposes -- program. (1) The 20 21 tions 1 through 9) are to facilitate public 22 encourage Montana's college students to 23 remain in Montana to pursue their education. These purposes 24 are addressed by establishing a fund to solicit, collect,

and administer money gathered from private and corporate

- donors, foundations, and the federal government to be used to provide tuition vouchers or partial student loan repayments and to provide living expense allowances to individuals who perform full-time volunteer work for private nonprofit human and social service organizations in Montana's communities.
- 7 (2) To carry out the purposes provided in subsection 8 (1), there is created a Montana student volunteer program. 9 The program must commence in the summer of 1994.

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- NEW SECTION. Section 3. Montana student volunteer program fund. There is a Montana student volunteer program trust fund account in the state special revenue fund. Funds deposited in the account must be used solely for the purposes of the Montana student volunteer program. The funds in the account are statutorily appropriated, as provided in 17-7-502, to the Montana student volunteer program committee.
- NEW SECTION. Section 4. Gifts and grants to program. The Montana student volunteer program committee may accept contributions, gifts, and grants, in money or otherwise, on behalf of the Montana student volunteer program. Upon receipt, contributions, monetary gifts, and grants must be deposited into the Montana student volunteer program trust fund account established by [section 3].
- 25 NEW SECTION. Section 5. Montana student volunteer

- program committee -- terms of office. (1) There is a Montana
- 2 student volunteer program committee.
- 3 (2) The committee consists of seven members, appointed 4 as follows:
- 5 (a) a representative of the department of commerce, 6 appointed by the director:
- 7 (b) a representative of the department of family
 8 services, appointed by the director;
- 9 (c) a member of the board of regents, appointed by 10 majority vote of the board;
- 11 (d) a representative from either a participating or an 12 eligible worksite, appointed by the governor;
- (e) a full-time student enrolled in any unit of the

 Montana university system, appointed by the commissioner-of

 higher-education UNIVERSITY SYSTEM STUDENT BODY GOVERNMENTS;
- 16 and

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- 17 (f) two representatives of the private sector,
- 18 appointed by the governor.
- 19 (3) At least one member of the committee must be a
- 20 Native American.
- 21 (4) A vacancy on the committee is for the unexpired
- 22 term and must be filled in the same manner as the original
 - appointment.
- 24 (5) The committee shall elect a presiding officer and a
- 25 vice presiding officer.

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- 1 (6) The committee shall meet at least twice yearly,
 2 once in July and once in January, beginning in July 1993.
 3 Additional meetings may be called by the presiding officer
 4 or the vice presiding officer.
- 5 (7) Members of the board serve without pay but are 6 entitled to reimbursement for travel, meals, and lodging 7 pursuant to 2-18-501 through 2-18-503.
- 8 NEW SECTION. Section 6. Term of office. Committee
 9 members serve staggered 2-year terms beginning on January 1
 10 of the year following their appointment.

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- NEW SECTION. Section 7. Powers and duties of committee. (1) The Montana student volunteer program committee shall solicit donations from private and corporate donors, foundations, the federal government, and any other funding sources it considers appropriate to fund the program's initial planning and organization, as well as its operation. Donations must be deposited in the Montana student volunteer program trust fund account.
- (2) The committee shall review applications for prospective worksites. Worksite applicants must be designated as eligible or ineligible. Eligible worksites must, at minimum, be private, nonprofit, nongovernmental, and nonsectarian human or social service agencies whose principal mission is to provide free or at-cost services to underprivileged individuals and families in Montana's

- 1 communities. In determining the eligibility of worksites,
- the committee shall consider each worksite's potential for:
- 3 (a) enabling volunteers to perform meaningful and
- 4 worthwhile work of value to the community and the state; and
- 5 (b) providing a meaningful and worthwhile experience to
- 6 the volunteers, including evidence of the worksite's ability
- 7 and willingness to provide supervision, support, guidance,
- 8 and evaluation to volunteers. The committee shall maintain
- 9 and publish a record of all eligible worksites.
- 10 (3) The committee shall review and accept or reject
 11 applications for participation in the program. To be
- 12 eligible a candidate shall, at minimum;
 - (a) be a Montana resident;

- (b) have completed at least 2 years of postsecondary education:
- 16 (c) be 18 years of age or older prior to commencement 17 of actual volunteer service;
- 18 (d) be selected by an eligible worksite; and
- 19 (e) demonstrate the interest, willingness, and ability 20 necessary to perform the services required by the 21 prospective worksite.
- (4) Eligible worksites may conduct interviews of
 potential volunteers and, in accordance with criteria
- 24 submitted to the committee, select volunteers that will, in
- 25 their estimation, best suit their needs.

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- NEW SECTION. Section 8. Determination of awards. (1)

 Each volunteer must receive a periodic allowance to help

 defray living expenses incurred during the volunteer

 assignment. The amounts to which volunteers are entitled

 under this section must be determined and adjusted

 periodically by the committee.
 - (2) In addition, each volunteer may choose:
 - (a) to receive a tuition voucher; or

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- 9 (b) to have a portion of outstanding student loans
 10 repaid by the program in an amount equal to one-half the
 11 value of the tuition voucher to which the volunteer would be
 12 entitled.
 - NEW SECTION. Section 9. Rulemaking authority. The department of commerce, in consultation with the Montana student volunteer program committee, shall adopt rules to implement [sections 7 and 8].
 - NEW SECTION. Section 10. Transition. In order to provide for staggered terms, members initially appointed to the Montana student volunteer program committee pursuant to [section 5(2)(a) through (2)(c)] shall hold office for a period of 3 years.
- Section 11. Section 17-7-502, MCA, is amended to read:
- 23 *17-7-502. Statutory appropriations -- definition -24 requisites for validity. (1) A statutory appropriation is an
 25 appropriation made by permanent law that authorizes spending

- by a state agency without the need for a biennial
 legislative appropriation or budget amendment.
- 3 (2) Except as provided in subsection (4), to be 4 effective, a statutory appropriation must comply with both 5 of the following provisions:
- 6 (a) The law containing the statutory authority must be 7 listed in subsection (3).
- 8 (b) The law or portion of the law making a statutory
 9 appropriation must specifically state that a statutory
 10 appropriation is made as provided in this section.

(3) The following laws are the only laws containing

- 12 statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 13 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
- 14 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
- 15 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
- 16 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
- 17 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
- 18 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-108;
- 19 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-911;
- 20 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811;
- 21 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;
- 22 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501;
- 23 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; 24 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108.
- 24 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108;
- 25 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310;

- 1 82-11-136: 82-11-161; 85-1-220; 90-3-301; 90-4-215; 2
 - 90-6-331; 90-7-220; [section 3]; and 90-9-306.
- 3 (4) There is a statutory appropriation to pay the
- principal, interest, premiums, and costs of issuing, paying,
- 5 and securing all bonds, notes, or other obligations, as due,
- 6 that have been authorized and issued pursuant to the laws of
 - Montana. Agencies that have entered into agreements
- authorized by the laws of Montana to pay the
- 9 treasurer, for deposit in accordance with 17-2-101 through
- 10 17-2-107, as determined by the state treasurer, an amount
- 11 sufficient to pay the principal and interest as due on the
- 12 bonds or notes have statutory appropriation authority for
- 13 the payments. (In subsection (3): pursuant to sec. 7, Ch.
- 14 567, L. 1991, the inclusion of 19-6-709 terminates upon
- death of last recipient eligible for supplemental benefit; 15
- and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 16
- 17 22-3-811 terminates June 30, 1993.)"

- NEW SECTION. Section 12. Effective date. [This act] is 18
- 19 effective on passage and approval.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1 April 3, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 579 (third reading copy -- blue), respectfully report that House Bill No. 579 be amended as follows and as so amended be concurred in.

That such amendments read:

1. Page 9, line 18. Following: line 17

Insert: "NEW SECTION. Section 12. Coordination instruction. If House Bill No. 660 is passed and approved and if it creates an office of community service, then all references to the department of commerce in [this act] are changed to references to the office of community service."

Renumber: subsequent section

-END-

SENATE

Mr Amd. Coord. W Sec. of Senate

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2	INTRODUCED BY RUSSELL, SCHYE, BROOKE, BOHLINGER
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4	A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MONTANA
5	STUDENT VOLUNTEER PROGRAM; ESTABLISHING A SPECIAL REVENUE
6	FUND IN WHICH TO DEPOSIT FUNDS FROM PRIVATE AND CORPORATE
7	DONORS AND FOUNDATIONS AND FROM FEDERAL GRANT PROGRAMS;
8	USING THE FUND TO PROVIDE LIVING ALLOWANCES AND TO PROVIDE
9	TUITION VOUCHERS OR PARTIAL STUDENT LOAN REPAYMENTS FOR
0	INDIVIDUALS PERFORMING FULL-TIME VOLUNTEER WORK FOR PRIVATE
.1	NONPROFIT HUMAN AND SOCIAL SERVICE ORGANIZATIONS;
. 2	STATUTORILY APPROPRIATING THE FUND; CREATING A MONTANA
. 3	STUDENT VOLUNTEER PROGRAM COMMITTEE TO IMPLEMENT THE
4	PROGRAM; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN
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17	STATEMENT OF INTENT
18	A statement of intent is required for this bill because
19	[section 9] grants rulemaking authority to the department of
20	commerce.
21	It is the intent of the legislature that the department
22	of commerce have authority to adopt rules to implement
23	[sections 7 and 8], including specific authority to adopt
24	rules regarding:

(1) determination of funding sources;

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1	(2) policies and procedures for solicitation of funds;
2	(3) application of the criteria set forth in [sections
3	1 through 9) to the process of determining worksite
4	eligibility;
5	(4) application of the criteria set forth in [sections
6	1 through 9] to the process of determining eligibility of
7	applicants for selection as volunteers;
8	(5) criteria and procedures for determination of the
9	types (i.e., student loan repayment, tuition voucher, living
10	allowance, etc.) and amounts of awards to be disbursed to
11	program participants; and
12	(6) policies and procedures for making the public aware
13	of the program's existence, its components, its policies,
14	and its purpose.
15	
16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
17	NEW SECTION. Section 1. Short title. [Sections 1
18	through 9) may be cited as the "Heritage of Montana
19	Enterprise Act".
20	NEW SECTION. Section 2. Purposes program. (1) The
21	purposes of [sections 1 through 9] are to facilitate public
22	service and to encourage Montana's college students to
23	remain in Montana to pursue their education. These purposes
24	are addressed by establishing a fund to solicit, collect,
25	and administer money gathered from private and corporate

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- donors, foundations, and the federal government to be used to provide tuition vouchers or partial student loan repayments and to provide living expense allowances to individuals who perform full-time volunteer work for private nonprofit human and social service organizations in
- 7 (2) To carry out the purposes provided in subsection 8 (1), there is created a Montana student volunteer program. 9 The program must commence in the summer of 1994.

Montana's communities.

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- NEW SECTION. Section 3. Montana student volunteer program fund. There is a Montana student volunteer program trust fund account in the state special revenue fund. Funds deposited in the account must be used solely for the purposes of the Montana student volunteer program. The funds in the account are statutorily appropriated, as provided in 17-7-502, to the Montana student volunteer program committee.
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- 7 (b) a representative of the department of family8 services, appointed by the director;
- 9 (c) a member of the board of regents, appointed by 10 majority vote of the board;
- 11 (d) a representative from either a participating or an 12 eligible worksite, appointed by the governor;
- 13 (e) a full-time student enrolled in any unit of the
 14 Montana university system, appointed by the commissioner-of
 15 higher-education UNIVERSITY SYSTEM STUDENT BODY GOVERNMENTS;
 16 and
- 17 (f) two representatives of the private sector, 18 appointed by the governor.
- 19 (3) At least one member of the committee must be a 20 Native American.
- 21 (4) A vacancy on the committee is for the unexpired 22 term and must be filled in the same manner as the original 23 appointment.
- (5) The committee shall elect a presiding officer and avice presiding officer.

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(6) The committee shall meet at least twice yearly, once in July and once in January, beginning in July 1993.
Additional meetings may be called by the presiding officer or the vice presiding officer.

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- 5 (7) Members of the board serve without pay but are 6 entitled to reimbursement for travel, meals, and lodging 7 pursuant to 2-18-501 through 2-18-503.
- 8 <u>NEW SECTION.</u> **Section 6.** Term of office. Committee 9 members serve staggered 2-year terms beginning on January 1 10 of the year following their appointment.
 - NEW SECTION. Section 7. Powers and duties of committee. (1) The Montana student volunteer program committee shall solicit donations from private and corporate donors, foundations, the federal government, and any other funding sources it considers appropriate to fund the program's initial planning and organization, as well as its operation. Donations must be deposited in the Montana student volunteer program trust fund account.
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- 1 communities. In determining the eligibility of worksites,
- 2 the committee shall consider each worksite's potential for:
- 3 (a) enabling volunteers to perform meaningful and 4 worthwhile work of value to the community and the state; and
- 5 (b) providing a meaningful and worthwhile experience to 6 the volunteers, including evidence of the worksite's ability
- 7 and willingness to provide supervision, support, quidance,
- 8 and evaluation to volunteers. The committee shall maintain
- 9 and publish a record of all eligible worksites.
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- 11 applications for participation in the program. To be
 - eligible a candidate shall, at minimum:
- 13 (a) be a Montana resident;
- 14 (b) have completed at least 2 years of postsecondary
 15 education;
- 16 (c) be 18 years of age or older prior to commencement 17 of actual volunteer service;
- 18 (d) be selected by an eligible worksite; and
- 19 (e) demonstrate the interest, willingness, and ability 20 necessary to perform the services required by the
- 21 prospective worksite.
- 22 (4) Eligible worksites may conduct interviews of
- 23 potential volunteers and, in accordance with criteria
- 24 submitted to the committee, select volunteers that will, in
- 25 their estimation, best suit their needs.

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- 1 NEW SECTION. Section 8. Determination of awards. (1) 2 Each volunteer must receive a periodic allowance to help defray living expenses incurred during the volunteer 3 assignment. The amounts to which volunteers are entitled 4 5 under this section must be determined and adjusted periodically by the committee.
 - (2) In addition, each volunteer may choose:
 - (a) to receive a tuition voucher; or

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- 9 (b) to have a portion of outstanding student loans 10 repaid by the program in an amount equal to one-half the 11 value of the tuition voucher to which the volunteer would be 12 entitled.
- NEW SECTION. Section 9. Rulemaking authority. 13 department of commerce, in consultation with the Montana 14 student volunteer program committee, shall adopt rules to 15 implement [sections 7 and 8]. 16
- NEW SECTION. Section 10. Transition. In order to 17 18 provide for staggered terms, members initially appointed to the Montana student volunteer program committee pursuant to 19 20 [section 5(2)(a) through (2)(c)] shall hold office for a period of 3 years. 21
- 22 Section 11. Section 17-7-502, MCA, is amended to read:
- 23 *17-7-502. Statutory appropriations -- definition --24 requisites for validity. (1) A statutory appropriation is an 25 appropriation made by permanent law that authorizes spending

- 1 by a state agency without the need for a biennial legislative appropriation or budget amendment. 2
- (2) Except as provided in subsection (4), to 3 4 effective, a statutory appropriation must comply with both of the following provisions:
- 6 (a) The law containing the statutory authority must be 7 listed in subsection (3).
- (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory 9 appropriation is made as provided in this section. 10
- 11 (3) The following laws are the only laws containing 12 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
- 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 14
- 15 15-70-101; 16-1-404; 16-1-410; 16-1-411; 15-65-121;
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- 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109:
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- 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 21

23-7-402;

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27-12-206;

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- 25 75-11-313; 76-12-123; 77~1-808; 80-2-103; 80-11-310;

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37-43-204;

37-51-501:

75-5-1108;

- 1 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215;
- 2 90-6-331; 90-7-220; [section 3]; and 90-9-306.
- 3 (4) There is a statutory appropriation to pay the
- 4 principal, interest, premiums, and costs of issuing, paying,
- and securing all bonds, notes, or other obligations, as due,
- 6 that have been authorized and issued pursuant to the laws of
- 7 Montana. Agencies that have entered into agreements
- 8 authorized by the laws of Montana to pay the state
- 9 treasurer, for deposit in accordance with 17-2-101 through
- 10 17-2-107, as determined by the state treasurer, an amount
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- 13 the payments. (In subsection (3): pursuant to sec. 7. Ch.
- 14 567, L. 1991, the inclusion of 19-6-709 terminates upon
- 15 death of last recipient eliqible for supplemental benefit;
- 16 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
- 17 22-3-811 terminates June 30, 1993.)"
- 18 NEW SECTION. SECTION 12. COORDINATION INSTRUCTION. IF
- 19 HOUSE BILL NO. 660 IS PASSED AND APPROVED AND IF IT CREATES
- 20 AN OFFICE OF COMMUNITY SERVICE, THEN ALL REFERENCES TO THE
- 21 DEPARTMENT OF COMMERCE IN [THIS ACT] ARE CHANGED TO
- 22 REFERENCES TO THE OFFICE OF COMMUNITY SERVICE.
- 23 NEW SECTION. Section 13. Effective date. (This act) is
- 24 effective on passage and approval.

-End-