

HOUSE BILL NO. 660

INTRODUCED BY PETERSON
BY REQUEST OF THE JOINT SUBCOMMITTEE ON
GENERAL GOVERNMENT AND TRANSPORTATION

IN THE HOUSE

MARCH 4, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
	FIRST READING.
MARCH 18, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 19, 1993	PRINTING REPORT.
MARCH 23, 1993	SECOND READING, DO PASS.
MARCH 24, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 93; NOES, 7.
MARCH 25, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 26, 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, 33; NOES, 16.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 14, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 15, 1993	THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 660
2 INTRODUCED BY Peterson
3 BY REQUEST OF THE JOINT SUBCOMMITTEE ON
4 GENERAL GOVERNMENT AND TRANSPORTATION
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A MONTANA
7 COMMUNITY, CONSERVATION, AND VOLUNTEER SERVICE CORPS TO
8 PROVIDE A VARIETY OF PUBLIC SERVICE OPPORTUNITIES FOR
9 MONTANANS; ASSIGNING ADMINISTRATION AND COORDINATION
10 RESPONSIBILITIES TO THE GOVERNOR'S OFFICE; CREATING AN
11 ADVISORY COUNCIL ON COMMUNITY SERVICE; ESTABLISHING SPECIAL
12 REVENUE ACCOUNTS AND PROVIDING A STATUTORY APPROPRIATION;
13 AMENDING SECTIONS 17-7-502 AND 23-1-301, MCA; AND PROVIDING
14 AN IMMEDIATE EFFECTIVE DATE."

16 STATEMENT OF INTENT

17 A statement of intent is required for this bill because
18 [section 6] authorizes five state agencies to adopt rules
19 relating to the Montana community service corps.

20 It is the intent of the legislature that a variety of
21 opportunities be developed, enhanced, and coordinated that
22 maximize the resources and abilities of citizens of Montana
23 to renew the ethic of civic involvement and responsibility
24 by:

- 25 (1) encouraging Montanans, regardless of age, income,

or ability, to engage in full-time or part-time service;

(2) involving youth in programs that benefit the state and improve their own lives;

(3) enabling young adults to make a sustained commitment to service; and

(4) involving participants in activities to help meet human, educational, environmental, service, and public safety needs that would not otherwise be performed by paid workers.

10 It is also the intent of the legislature that the rules
11 address the following:

- 12 (1) procedures for recruitment and involvement in
13 service;
14 (2) procedures for review and approval of volunteer or
15 work experience projects;
16 (3) a service code of conduct and grievance procedure;
17 (4) standards and procedures to evaluate and report on
18 the performance of participants and projects;
19 (5) training guidelines for service leaders and
20 participants;
21 (6) requirements necessary to ensure cooperation and
22 compliance with any federal programs or requirements related
23 to national public service legislation; and
24 (7) other requirements necessary to accomplish the
25 purposes of the Montana community, conservation, and

volunteer service corps.

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 "Montana Community Service Act".

NEW SECTION. **Section 2.** Definitions. As used in [sections 1 through 9], unless the context requires otherwise, the following definitions apply:

(1) "Advisory council" means the advisory council on community service appointed by the governor to assist in implementation of [sections 1 through 9].

(2) "Community service" means any kind of public service that provides a benefit to the state of Montana, any of its political subdivisions, or a tribal government or that benefits disadvantaged or low-income persons, disabled persons, or senior citizens of Montana.

(3) "Coordinator" means the person appointed by the governor as the community service coordinator to administer and coordinate the provisions of [sections 1 through 9].

(4) "Corps" means the Montana community service corps, which includes any corps established under [sections 1 through 9] and the Montana conservation corps created under 23-1-301.

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

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

(7) "Lead agency" means the department of fish, wildlife, and parks for conservation corps, the office of the superintendent of public instruction for elementary and secondary education service corps, the Montana university system for postsecondary education corps, and the department of military affairs for national guard conservation and service corps.

(8) "Program" means the Montana community service corps program, which includes all of the corps, educational projects, and volunteer projects established under [sections 1 through 9] and under the Montana conservation corps in 23-1-301.

(9) "Volunteer" means a person performing services under [sections 1 through 9] for an association, not-for-profit corporation, hospital, school, or state, local, or tribal governmental entity without compensation, except that partial or full reimbursement may be made for actual expenses incurred.

NEW SECTION. **Section 3.** Office of community service.

(1) There is an office of community service, which is headed by a coordinator and established in the office of the governor.

(2) The coordinator must be appointed by the governor,

1 after consultation with the advisory council. The
2 coordinator serves at the pleasure of the governor.

3 (3) The coordinator shall, with the advice of the
4 advisory council, assist the governor in the planning,
5 coordination, operation, and evaluation of programs within
6 state government or under grants, donations, bequests, or
7 other resources received by and administered through state
8 government for Montana community services.

9 (4) The coordinator is responsible for the submission
10 of applications for federal grants and for funding from any
11 other sources for the creation or operation of corps and
12 volunteer projects. The coordinator shall ensure
13 accountability for all resources received.

14 (5) The coordinator, together with the advisory
15 council, shall integrate and develop state plans for all
16 services provided under [sections 1 through 9], including
17 but not limited to the office of public instruction's serve
18 America program, the Montana university system innovative
19 projects, the Montana conservation corps established in
20 23-1-301, the department of military affairs' corps
21 involvement, and other community and volunteer service
22 programs.

23 NEW SECTION. **Section 4. Advisory council on community**
24 **service.** (1) The governor shall appoint an advisory council
25 on community service composed of 15 members, a majority of

1 whom must represent state agencies involved in implementing
2 the provisions of [sections 1 through 9].

3 (2) Members must include a representative from tribal
4 government and from departments in the following functional
5 areas of Montana state agencies:

- 6 (a) natural resources;
- 7 (b) human services;
- 8 (c) labor;
- 9 (d) K-12 education;
- 10 (e) higher education; and
- 11 (f) military affairs.

12 (3) Members may include representatives from local
13 government, not-for-profit agencies, federal agencies,
14 business, labor unions, volunteer groups, and private
15 citizens.

16 (4) To the extent possible, membership of the advisory
17 council must be balanced according to race, ethnicity, age,
18 gender, and disabilities.

19 (5) The advisory council shall assist in the
20 development of state community service plans, coordination
21 of projects and activities, integration of services,
22 dissemination of information, recruitment of corpsmembers
23 and volunteers, recruitment and training of crewleaders,
24 development of materials, and evaluation of and
25 accountability for the services provided.

NEW SECTION. Section 5. Montana community service corps program -- purpose and intent. (1) There is a Montana community service corps program within the governor's office.

(2) The purpose of the program is to:

(a) renew the ethic of civic responsibility in the state;

(b) encourage the citizens of the state, regardless of age or income, to engage in full-time or part-time service to the state;

(c) call young people to serve in projects that will benefit the state and improve their life chances through the acquisition of literacy, job skills, and interpersonal skills;

(d) build on the existing organizational framework of state and local governmental entities to expand full-time and part-time service opportunities in a wide variety of programs for all citizens, particularly youth and older Montanans;

(e) involve participants in activities that would not otherwise be performed by employed workers; and

(f) establish corps to accomplish labor-intensive improvements to public or low-income properties or to provide services for the benefit of the state, its communities, and its people through service contracts that

specify the work to be performed by the corps.

NEW SECTION. Section 6. Duties and powers of lead agencies. (1) In addition to the office of community service in the governor's office, the following lead agencies are responsible for developing and implementing community service opportunities consistent with the mission and functions of each agency:

(a) The office of public instruction is the lead agency for corps and volunteer projects in elementary and secondary public, private, and home schools in Montana, including activities sponsored by schools or community-based agencies, to involve school-age youth, including dropouts and out-of-school youth, in service to the community, as well as for programs that involve adult volunteers in the schools. A school district is expected to be the first agency that informs students about the many opportunities to participate in broader community service under [sections 1 through 9] through the federal serve America grants and any other revenue received for purposes consistent with [sections 1 through 9].

(b) The Montana university system is the lead agency to assist institutions of higher education in Montana, explore new ways to integrate service into the curriculum, support model community service programs on campus, develop teacher and volunteer training programs, and involve students in

community service. The community service may complement a student's course of study through the federal higher education innovative projects grants and any other revenue received for purposes consistent with [sections 1 through 9].

(c) The department of fish, wildlife, and parks is the lead agency for corps, community, and volunteer projects in conservation and natural resource settings that are designed to support and enhance state parks, wildlife, watchable wildlife, productivity of state lands, streams and lakes, county and city parks, scenic beauty and access, trails and signs, visitor information centers and rest areas, fairgrounds, and any other conservation-related projects that involve teenagers, young adults, or special community service members, such as adults or senior citizens who provide special skills for a project.

(d) The department of military affairs is the lead agency for corps, community, and volunteer projects that are designed to involve the national guard in leadership or support roles for service through the provision of organizational and leadership skills, equipment, crewleaders, and other support, as well as the command and coordination of corps that may be mobilized for emergency projects, such as fire suppression or search and rescue.

(e) The governor may designate other lead agencies,

after consultation with the coordinator and the advisory council, for community service projects that focus on improving the quality of life for all Montanans, particularly low-income persons, senior citizens, homebound persons, disabled persons, or institutionalized persons, through preparing and delivering meals, assisting with shopping or other tasks, repairing and painting homes of qualifying persons, providing transportation to and from health care and other appointments, providing respite care, cataloging library books, assisting rural health care providers, providing recreational aides, arranging for tutoring and literacy training, restoring historical photographs, and offering other human service support and community services.

(2) Each lead agency shall ensure that service opportunities that result in a public value are developed for everyone, regardless of race, creed, national origin, or geographical location, by providing leadership through its own network and by forming partnerships with other public or private nonprofit entities.

(3) Each lead agency shall coordinate and integrate its plans with and through the office of community service.

(4) Projects developed or approved and funded by a lead agency must be limited to service projects that provide community service, conservation service, educational

1 service, or other public service and that provide documented
2 public value or benefit.

3 (5) Lead agencies may:

4 (a) designate or, subject to the availability of
5 appropriation authority, hire an agency corps coordinator to
6 implement its responsibilities under [sections 1 through 9];

7 (b) develop and approve work experience and volunteer
8 projects that meet the requirements of [sections 1 through
9 9];

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

16 (d) execute contracts or cooperative agreements with
17 federal, state, or local agencies, persons, firms,
18 partnerships, associations, or corporations for the purpose
19 of administering the requirements of [sections 1 through 9];

20 (e) under the supervision of the office of community
21 service, apply for and accept grants or contributions of
22 services, funds, or lands from any public or private donors,
23 including appropriations;

24 (f) develop procedures for participants to achieve
25 incentive vouchers, education, credit toward education,

1 skill training, scholarships, housing benefits, or other
2 benefits upon completion of their term of service;

3 (g) purchase, rent, acquire, or obtain personal
4 property, supplies, instruments, tools, or equipment
5 necessary to complete work experience or volunteer projects;

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

11 (i) adopt rules and guidelines necessary to implement
12 the provisions of [sections 1 through 9] and to effectively
13 administer the program.

14 **NEW SECTION. Section 7. Prohibited activities.** (1) The
15 office of community service and lead agencies, in developing
16 and approving work experience and volunteer projects, shall
17 ensure that:

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

23 (b) a work experience project:

24 (i) does not impair existing contracts for service or
25 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, agency, employee, 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. [Sections 1 through 9] may not 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. Office of community service -- accounts. (1) There is an account in the state special revenue fund. The office of community service and all participating lead agencies shall deposit any fee, grant, donation, or reimbursement received under [sections 1 through 9] into the account to be used to pay expenses for administering and providing service projects.

(2) There is an account in the federal special revenue fund. The office of community service and all participating lead agencies shall deposit any federal revenue received under the National and Community Service Act of 1990, Public Law 101-610, as amended, and any other federal revenue received related to the purposes and implementation of the

provisions of [sections 1 through 9] into the account to be used to pay expenses for administering and providing service projects.

(3) Reimbursement may be provided to state agencies for work on private property or for other public service. In the case of emergencies and natural disasters, projects may take place on properties not owned by a public agency without regard to private reimbursement.

(4) The money in the state special and federal special revenue accounts is statutorily appropriated, as provided in 17-7-502, to the office of community service.

(5) The office of community service may transfer funds to participating state agencies for approved community service projects, and lead agencies may transfer funds between each other for cooperative projects. Disbursement authority follows any transfers.

(6) Administrative costs from statutorily appropriated funds may not exceed 20%. Funds for additional personal services, operating costs, and equipment costs may be appropriated.

NEW SECTION. Section 9. Indemnification for Montana community service act. The provisions of 2-9-305 apply to community service crewleaders, corpsmembers, and volunteers for actions arising from the discharge of assigned community service functions or duties.

Section 10. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition --
requisites for validity. (1) A statutory appropriation is an
 appropriation made by permanent law that authorizes spending
 by a state agency without the need for a biennial
 legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be
 effective, a statutory appropriation must comply with both
 of the following provisions:

(a) The law containing the statutory authority must be
 listed in subsection (3).

(b) The law or portion of the law making a statutory
 appropriation must specifically state that a statutory
 appropriation is made as provided in this section.

(3) The following laws are the only laws containing
 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;
 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;
 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
 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;

23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501;
 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206;
 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108;
 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310;
 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215;
 90-6-331; 90-7-220; and 90-9-306; and [section 8].

(4) There is a statutory appropriation to pay the
 principal, interest, premiums, and costs of issuing, paying,
 and securing all bonds, notes, or other obligations, as due,
 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 state
 treasurer, for deposit in accordance with 17-2-101 through
 17-2-107, as determined by the state treasurer, an amount
 sufficient to pay the principal and interest as due on the
 bonds or notes have statutory appropriation authority for
 the payments. (In subsection (3): pursuant to sec. 7, Ch.
 567, L. 1991, the inclusion of 19-6-709 terminates upon
 death of last recipient eligible for supplemental benefit;
 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
 22-3-811 terminates June 30, 1993.)"

Section 11. Section 23-1-301, MCA, is amended to read:

"23-1-301. Montana conservation corps -- purpose and
intent. (1) There is a Montana conservation corps within the
 parks division of the department of fish, wildlife, and

1 parks. The corps is part of the Montana community,
 2 conservation, and volunteer service corps provided for under
 3 [sections 1 through 9] and is subject to the oversight of
 4 the office of community service.

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

10 (3) It is the intent of the legislature that the corps
 11 grow in productive ways and that state agencies involved
 12 with the corps provide coordination of the conservation
 13 corps program and the programs established under [sections 1
 14 through 9]. The legislature also intends that the Montana
 15 conservation corps program have the authority to contract
 16 with the job service or the human resource development
 17 council, as defined in 53-10-501."

18 NEW SECTION. Section 12. Coordination requirements --
 19 consolidation of programs. The governor shall ensure that
 20 program activities under [sections 1 through 9] be
 21 coordinated with similar programs administered under federal
 22 acts and programs already established in this state. The
 23 governor may consolidate the program established in [section
 24 5] with other programs in order to maximize coordination of
 25 programs and to prevent overlapping and duplication of

1 services.

2 NEW SECTION. Section 13. Severability. If a part of
 3 [this act] is invalid, all valid parts that are severable
 4 from the invalid part remain in effect. If a part of [this
 5 act] is invalid in one or more of its applications, the part
 6 remains in effect in all valid applications that are
 7 severable from the invalid applications.

8 NEW SECTION. Section 14. Effective date. [This act] is
 9 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 HB0660, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: A bill establishing community, conservation, and volunteer service corps, under a short title of Montana Community Service Act, to provide a variety of public service opportunities for Montanans; assigning administration and coordination responsibilities to the Governor's office; creating an advisory council on community service; establishing special revenue accounts and providing a statutory appropriation.

ASSUMPTIONS:

Governor's Office:

1. The bill creates an office of community service in the Governor's Office for coordination and development of a wide variety of community and conservation service opportunities for volunteer and paid corps, with participation of a broad spectrum of representatives serving on a advisory council.
2. The office will receive primarily federal and private state special revenue, which is statutorily appropriated. An application for federal funds was submitted last month and it appears likely that additional federal revenue will be made available over the next six months and again the following year, but there is no way to predict how much revenue might be received for community service projects.
3. The 1.00 FTE coordinator and operating budget for the 1995 biennium is included in the Governor's Office in HB2.

Office of Public Instruction (OPI):

4. The OPI currently is receiving \$49,000 federal revenue in FY93 for SUCCEED-Serve America grants. One hundred percent of these grant monies flow through to student organizations in the school districts for volunteer or service learning programs.
5. The federal program requires a 10% local match for fiscal 1993, 20% local match for fiscal 1994, and 30% local match for fiscal 1995.
6. The OPI coordinated its federal grant application for FY94 through the Governor's Office last month and would receive \$50,814, if fully funded, to pass through to student organizations in school districts for the Serve America project.
7. The OPI does not receive any funding for administering the Serve America program. OPI can continue to oversee the existing program without additional staff or expenses.

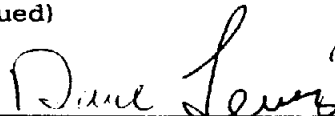
Department of Fish, Wildlife and Parks (FWP):


8. FWP Montana Conservation Corps will continue to operate in its current fashion with no impact from this proposed law.
9. FWP coordinated its federal grant application for FY94 through the Governor's Office last month and would receive \$426,401, if fully funded, for use in the conservation corps.

Department of Military Affairs:

9. For purposes of this bill, federal funding will be made available through the National Guard Bureau for use by the Montana National Guard in corps activities.

(Continued)

 3-10-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 3-12-93
MARY LOU PETERSON, PRIMARY SPONSOR DATE

Fiscal Note for HB0660, as introduced

HB660

Department of Military Affairs: (Continued)

- 10. These federal funds will be contracted through the state using existing contracting procedures between the state and the guard bureau.
- 11. As currently written, the Department of Military Affairs will require budget amendments to expend these funds because the agency is required to operate on a federal reimbursement basis.
- 12. Currently there are ten states participating in a federal pilot program through the guard bureau and additional federal revenue may be available to other states when their plans are submitted and reviewed at the guard bureau level. The fiscal impact cannot be determined until the plan is approved.

Commissioner of Higher Education:

- 13. A Campus Compact has been formed among eight institutions, including the two state universities, the community colleges and several tribal and private colleges. A part-time coordinator has been hired.
- 14. The compact coordinated its federal grant application for FY94 through the Governor's Office last month and would receive \$188,500 in FY94. Proposals also are pending with ACTION and the Kellogg Foundation.

FISCAL IMPACT: None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Students, young adults and interested citizens in Montana will have organized opportunities to provide public service and to actively seek additional federal funds for work in communities and through tribal governments, as well as participate in federal initiatives for tuition vouchers, student loan repayments and living expense allowances. OPI projects have included building a helicopter landing for emergency medical services, rebuilding a senior center, and beautifying communities.

TECHNICAL NOTES:

Separate statutory authority for the Department of Military Affairs would eliminate the necessity for a budget amendment in order to spend federal grants received for community service projects.

HB 660

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 660

INTRODUCED BY PETERSON

BY REQUEST OF THE JOINT SUBCOMMITTEE ON
GENERAL GOVERNMENT AND TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A MONTANA
COMMUNITY, CONSERVATION, AND VOLUNTEER SERVICE CORPS TO
PROVIDE A VARIETY OF PUBLIC SERVICE OPPORTUNITIES FOR
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AMENDING SECTIONS 17-7-502 AND 23-1-301, MCA; AND PROVIDING
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STATEMENT OF INTENT

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or ability, to engage in full-time or part-time service;

(2) involving youth in programs that benefit the state
and improve their own lives;

(3) enabling young adults to make a sustained
commitment to service; and

(4) involving participants in activities to help meet
human, educational, environmental, service, and public
safety needs that would not otherwise be performed by paid
workers.

It is also the intent of the legislature that the rules
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(1) procedures for recruitment and involvement in
service;

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

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

(4) standards and procedures to evaluate and report on
the performance of participants and projects;

(5) training guidelines for service leaders and
participants;

(6) requirements necessary to ensure cooperation and
compliance with any federal programs or requirements related
to national public service legislation; and

(7) other requirements necessary to accomplish the
purposes of the Montana community, conservation, and

1 volunteer service corps.

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6 Act".

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9 otherwise, the following definitions apply:

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12 implementation of [sections 1 through 9].

13 (2) "Community service" means any kind of public
14 service that provides a benefit to the state of Montana, any
15 of its political subdivisions, or a tribal government or
16 that benefits disadvantaged or low-income persons, disabled
17 persons, or senior citizens of Montana.

18 (3) "Coordinator" means the person appointed by the
19 governor as the community service coordinator to administer
20 and coordinate the provisions of [sections 1 through 9].

21 (4) "Corps" means the Montana community service corps,
22 which includes any corps established under [sections 1
23 through 9] and the Montana conservation corps created under
24 23-1-301.

25 (5) "Corpsmember" means a participant in the corps.

1 (6) "Crewleader" means a participant in the corps who
2 supervises corpsmembers.

3 (7) "Lead agency" means the department of fish,
4 wildlife, and parks for conservation corps, the office of
5 the superintendent of public instruction for elementary and
6 secondary education service corps, the Montana university
7 system for postsecondary education corps, and the department
8 of military affairs for national guard conservation and
9 service corps.

10 (8) "Program" means the Montana community service corps
11 program, which includes all of the corps, educational
12 projects, and volunteer projects established under [sections
13 1 through 9] and under the Montana conservation corps in
14 23-1-301.

15 (9) "Volunteer" means a person performing services
16 under [sections 1 through 9] for an association,
17 not-for-profit corporation, hospital, school, or state,
18 local, or tribal governmental entity without compensation,
19 except that partial or full reimbursement may be made for
20 actual expenses incurred.

21 NEW SECTION. **Section 3.** Office of community service.

22 (1) There is an office of community service, which is headed
23 by a coordinator and established in the office of the
24 governor.

25 (2) The coordinator must be appointed by the governor,

1 after consultation with the advisory council. The
2 coordinator serves at the pleasure of the governor.

3 (3) The coordinator shall, with the advice of the
4 advisory council, assist the governor in the planning,
5 coordination, operation, and evaluation of programs within
6 state government or under grants, donations, bequests, or
7 other resources received by and administered through state
8 government for Montana community services.

9 (4) The coordinator is responsible for the submission
10 of applications for federal grants and for funding from any
11 other sources for the creation or operation of corps and
12 volunteer projects. The coordinator shall ensure
13 accountability for all resources received.

14 (5) The coordinator, together with the advisory
15 council, shall integrate and develop state plans for all
16 services provided under [sections 1 through 9], including
17 but not limited to the office of public instruction's serve
18 America program, the Montana university system innovative
19 projects, the Montana conservation corps established in
20 23-1-301, the department of military affairs' corps
21 involvement, and other community and volunteer service
22 programs.

23 NEW SECTION. **Section 4.** Advisory council on community
24 service. (1) The governor shall appoint an advisory council
25 on community service composed of 15 members, a majority of

1 whom must represent state agencies involved in implementing
2 the provisions of [sections 1 through 9].

3 (2) Members must include a representative from tribal
4 government and from departments in the following functional
5 areas of Montana state agencies:

6 (a) natural resources;

7 (b) human services;

8 (c) labor;

9 (d) K-12 education;

10 (e) higher education; and

11 (f) military affairs.

12 (3) Members may include representatives from local
13 government, not-for-profit agencies, federal agencies,
14 business, labor unions, volunteer groups, and private
15 citizens.

16 (4) To the extent possible, membership of the advisory
17 council must be balanced according to race, ethnicity, age,
18 gender, and disabilities.

19 (5) The advisory council shall assist in the
20 development of state community service plans, coordination
21 of projects and activities, integration of services,
22 dissemination of information, recruitment of corpsmembers
23 and volunteers, recruitment and training of crewleaders,
24 development of materials, and evaluation of and
25 accountability for the services provided.

1 NEW SECTION. Section 5. Montana community service
 2 corps program -- purpose and intent. (1) There is a Montana
 3 community service corps program within the governor's
 4 office.
 5 (2) The purpose of the program is to:
 6 (a) renew the ethic of civic responsibility in the
 7 state;
 8 (b) encourage the citizens of the state, regardless of
 9 age or income, to engage in full-time or part-time service
 10 to the state;
 11 (c) call young people to serve in projects that will
 12 benefit the state and improve their life chances through the
 13 acquisition of literacy, job skills, and interpersonal
 14 skills;
 15 (d) build on the existing organizational framework of
 16 state and local governmental entities to expand full-time
 17 and part-time service opportunities in a wide variety of
 18 programs for all citizens, particularly youth and older
 19 Montanans;
 20 (e) involve participants in activities that would not
 21 otherwise be performed by employed workers; and
 22 (f) establish corps to accomplish labor-intensive
 23 improvements to public or low-income properties or to
 24 provide services for the benefit of the state, its
 25 communities, and its people through service contracts that

1 specify the work to be performed by the corps.

2 NEW SECTION. Section 6. Duties and powers of lead
 3 agencies. (1) In addition to the office of community service
 4 in the governor's office, the following lead agencies are
 5 responsible for developing and implementing community
 6 service opportunities consistent with the mission and
 7 functions of each agency:
 8 (a) The office of public instruction is the lead agency
 9 for corps and volunteer projects in elementary and secondary
 10 public, private, and home schools in Montana, including
 11 activities sponsored by schools or community-based agencies,
 12 to involve school-age youth, including dropouts and
 13 out-of-school youth, in service to the community, as well as
 14 for programs that involve adult volunteers in the schools. A
 15 school district is expected to be the first agency that
 16 informs students about the many opportunities to participate
 17 in broader community service under [sections 1 through 9]
 18 through the federal serve America grants and any other
 19 revenue received for purposes consistent with [sections 1
 20 through 9].
 21 (b) The Montana university system is the lead agency to
 22 assist institutions of higher education in Montana, explore
 23 new ways to integrate service into the curriculum, support
 24 model community service programs on campus, develop teacher
 25 and volunteer training programs, and involve students in

1 community service. The community service may complement a
2 student's course of study through the federal higher
3 education innovative projects grants and any other revenue
4 received for purposes consistent with [sections 1 through
5 9].

6 (c) The department of fish, wildlife, and parks is the
7 lead agency for corps, community, and volunteer projects in
8 conservation and natural resource settings that are designed
9 to support and enhance state parks, wildlife, watchable
10 wildlife, productivity of state lands, streams and lakes,
11 county and city parks, scenic beauty and access, trails and
12 signs, visitor information centers and rest areas,
13 fairgrounds, and any other conservation-related projects
14 that involve teenagers, young adults, or special community
15 service members, such as adults or senior citizens who
16 provide special skills for a project.

17 (d) The department of military affairs is the lead
18 agency for corps, community, and volunteer projects that are
19 designed to involve the national guard in leadership or
20 support roles for service through the provision of
21 organizational and leadership skills, equipment,
22 crewleaders, and other support, as well as the command and
23 coordination of corps that may be mobilized for emergency
24 projects, such as fire suppression or search and rescue.

25 (e) The governor may designate other lead agencies,

1 after consultation with the coordinator and the advisory
2 council, for community service projects that focus on
3 improving the quality of life for all Montanans,
4 particularly low-income persons, senior citizens, homebound
5 persons, disabled persons, or institutionalized persons,
6 through preparing and delivering meals, assisting with
7 shopping or other tasks, repairing and painting homes of
8 qualifying persons, providing transportation to and from
9 health care and other appointments, providing respite care,
10 cataloging library books, assisting rural health care
11 providers, providing recreational aides, arranging for
12 tutoring and literacy training, restoring historical
13 photographs, and offering other human service support and
14 community services.

15 (2) Each lead agency shall ensure that service
16 opportunities that result in a public value are developed
17 for everyone, regardless of race, creed, national origin, or
18 geographical location, by providing leadership through its
19 own network and by forming partnerships with other public or
20 private nonprofit entities.

21 (3) Each lead agency shall coordinate and integrate its
22 plans with and through the office of community service.

23 (4) Projects developed or approved and funded by a lead
24 agency must be limited to service projects that provide
25 community service, conservation service, educational

1 service, or other public service and that provide documented
2 public value or benefit.

3 (5) Lead agencies may:

4 (a) designate or, subject to the availability of
5 appropriation authority, hire an agency corps coordinator to
6 implement its responsibilities under [sections 1 through 9];

7 (b) develop and approve work experience and volunteer
8 projects that meet the requirements of [sections 1 through
9 9];

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

16 (d) execute contracts or cooperative agreements with
17 federal, state, or local agencies, persons, firms,
18 partnerships, associations, or corporations for the purpose
19 of administering the requirements of [sections 1 through 9];

20 (e) under the supervision of the office of community
21 service, apply for and accept grants or contributions of
22 services, funds, or lands from any public or private donors,
23 including appropriations;

24 (f) develop procedures for participants to achieve
25 incentive vouchers, education, credit toward education,

1 skill training, scholarships, housing benefits, or other
2 benefits upon completion of their term of service;

3 (g) purchase, rent, acquire, or obtain personal
4 property, supplies, instruments, tools, or equipment
5 necessary to complete work experience or volunteer projects;

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

11 (i) adopt rules and guidelines necessary to implement
12 the provisions of [sections 1 through 9] and to effectively
13 administer the program.

14 NEW SECTION. **Section 7. Prohibited activities.** (1) The
15 office of community service and lead agencies, in developing
16 and approving work experience and volunteer projects, shall
17 ensure that:

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

23 (b) a work experience project:

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

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

4 (2) It is unlawful for a person to demand from any
5 public officer, agency, employee, corpsmember, or crewleader
6 an assessment or percentage of any money or profit or its
7 equivalent in support, service, or any other thing of value,
8 with the express or implied understanding that it will be
9 used for political purposes. [Sections 1 through 9] may not
10 be construed to prohibit voluntary contributions to any
11 political committee or organization for legitimate political
12 purposes to the extent allowed by law.

13 **NEW SECTION. Section 8. Office of community service --**
14 **accounts.** (1) There is an account in the state special
15 revenue fund. The office of community service and all
16 participating lead agencies shall deposit any fee, grant,
17 donation, or reimbursement received under [sections 1
18 through 9] into the account to be used to pay expenses for
19 administering and providing service projects.

20 (2) There is an account in the federal special revenue
21 fund. The office of community service and all participating
22 lead agencies shall deposit any federal revenue received
23 under the National and Community Service Act of 1990, Public
24 Law 101-610, as amended, and any other federal revenue
25 received related to the purposes and implementation of the

1 provisions of [sections 1 through 9] into the account to be
2 used to pay expenses for administering and providing service
3 projects.

4 (3) Reimbursement may be provided to state agencies for
5 work on private property or for other public service. In the
6 case of emergencies and natural disasters, projects may take
7 place on properties not owned by a public agency without
8 regard to private reimbursement.

9 (4) The money in the state special and federal special
10 revenue accounts is statutorily appropriated, as provided in
11 17-7-502, to the office of community service.

12 (5) The office of community service may transfer funds
13 to participating state agencies for approved community
14 service projects, and lead agencies may transfer funds
15 between each other for cooperative projects. Disbursement
16 authority follows any transfers.

17 (6) Administrative costs from statutorily appropriated
18 funds may not exceed 20%. Funds for additional personal
19 services, operating costs, and equipment costs may be
20 appropriated.

21 **NEW SECTION. Section 9. Indemnification for Montana**
22 **community service act.** The provisions of 2-9-305 apply to
23 community service crewleaders, corpsmembers, and volunteers
24 for actions arising from the discharge of assigned community
25 service functions or duties.

Section 10. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing 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; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-421; 17-5-704; 17-5-804; 17-6-405; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 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;

23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306; and [section 8].

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, 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 state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)"

Section 11. Section 23-1-301, MCA, is amended to read:

"23-1-301. Montana conservation corps -- purpose and intent. (1) There is a Montana conservation corps within the parks division of the department of fish, wildlife, and

1 parks. The corps is part of the Montana community,
 2 conservation, and volunteer service corps provided for under
 3 [sections 1 through 9] and is subject to the oversight of
 4 the office of community service.

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

10 (3) It is the intent of the legislature that the corps
 11 grow in productive ways and that state agencies involved
 12 with the corps provide coordination of the conservation
 13 corps program and the programs established under [sections 1
 14 through 9]. The legislature also intends that the Montana
 15 conservation corps program have the authority to contract
 16 with the job service or the human resource development
 17 council, as defined in 53-10-501."

18 NEW SECTION. Section 12. Coordination requirements --
 19 consolidation of programs. The governor shall ensure that
 20 program activities under [sections 1 through 9] be
 21 coordinated with similar programs administered under federal
 22 acts and programs already established in this state. The
 23 governor may consolidate the program established in [section
 24 5] with other programs in order to maximize coordination of
 25 programs and to prevent overlapping and duplication of

1 services.

2 NEW SECTION. Section 13. Severability. If a part of
 3 [this act] is invalid, all valid parts that are severable
 4 from the invalid part remain in effect. If a part of [this
 5 act] is invalid in one or more of its applications, the part
 6 remains in effect in all valid applications that are
 7 severable from the invalid applications.

8 NEW SECTION. Section 14. Effective date. [This act] is
 9 effective on passage and approval.

10 NEW SECTION. SECTION 15. TERMINATION. [SECTION 8(4),
 11 THE FIRST SENTENCE IN SECTION 8(6), AND SECTION 10]
 12 TERMINATE JULY 1, 1995.

-End-

1 HOUSE BILL NO. 660

2 INTRODUCED BY PETERSON

3 BY REQUEST OF THE JOINT SUBCOMMITTEE ON

4 GENERAL GOVERNMENT AND TRANSPORTATION

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A MONTANA
7 COMMUNITY, CONSERVATION, AND VOLUNTEER SERVICE CORPS TO
8 PROVIDE A VARIETY OF PUBLIC SERVICE OPPORTUNITIES FOR
9 MONTANANS; ASSIGNING ADMINISTRATION AND COORDINATION
10 RESPONSIBILITIES TO THE GOVERNOR'S OFFICE; CREATING AN
11 ADVISORY COUNCIL ON COMMUNITY SERVICE; ESTABLISHING SPECIAL
12 REVENUE ACCOUNTS AND PROVIDING A STATUTORY APPROPRIATION;
13 AMENDING SECTIONS 17-7-502 AND 23-1-301, MCA; AND PROVIDING
14 AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."
15

16 STATEMENT OF INTENT

17 A statement of intent is required for this bill because
18 [section 6] authorizes five state agencies to adopt rules
19 relating to the Montana community service corps.

20 It is the intent of the legislature that a variety of
21 opportunities be developed, enhanced, and coordinated that
22 maximize the resources and abilities of citizens of Montana
23 to renew the ethic of civic involvement and responsibility
24 by:

25 (1) encouraging Montanans, regardless of age, income,

1 or ability, to engage in full-time or part-time service;

2 (2) involving youth in programs that benefit the state
3 and improve their own lives;

4 (3) enabling young adults to make a sustained
5 commitment to service; and

6 (4) involving participants in activities to help meet
7 human, educational, environmental, service, and public
8 safety needs that would not otherwise be performed by paid
9 workers.

10 It is also the intent of the legislature that the rules
11 address the following:

12 (1) procedures for recruitment and involvement in
13 service;

14 (2) procedures for review and approval of volunteer or
15 work experience projects;

16 (3) a service code of conduct and grievance procedure;

17 (4) standards and procedures to evaluate and report on
18 the performance of participants and projects;

THERE ARE NO CHANGES IN THIS BILL
AND WILL NOT BE REPRINTED. PLEASE
REFER TO YELLOW COPY FOR COMPLETE TEXT.

SENATE STANDING COMMITTEE REPORT

Page 1 of 5
April 3, 1993

Page 2 of 5
April 3, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 660 (third reading copy -- blue), respectfully report that House Bill No. 660 be amended as follows and as so amended be concurred in.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

That such amendments read:

1. Page 1, line 18.

Strike: "6"

Insert: "5"

2. Page 1, line 18.

Strike: "five state agencies"

Insert: "the office of community service"

3. Page 3, lines 5, 8, 12, 20, and 23.

Page 4, lines 13 and 16.

Page 5, line 16.

Page 8, lines 17 and 20.

Page 9, line 5.

Page 11, lines 6, 9, and 19.

Page 12, line 12.

Page 13, lines 9 and 18.

Page 14, line 1.

Page 17, lines 3, 14, 20.

Strike: "9" or "9"

Insert: "8"

4. Page 3, line 22.

Strike: "corps"

Insert: "organization"

Following: "established"

Insert: "to provide community services"

5. Page 4, lines 3 through 9.

Strike: subsection (7) in its entirety.

Renumber: subsequent subsections

6. Page 4, following line 24.

Insert: "(2) The purpose of this office is to:

(a) renew the ethic of civic responsibility in the state;

(b) encourage the citizens of the state, regardless of age or income, to engage in full-time or part-time service to the state;

(c) call young people to serve in projects that will benefit the state and improve their life chances through the acquisition of literacy, job skills, and interpersonal skills;

(d) build on the existing organizational framework of state and local governmental entities to expand full-time and part-time service opportunities in a wide variety of programs for all citizens, particularly youth and older Montanans;

(e) involve participants in activities that would not otherwise be performed by employed workers; and

(f) establish corps to accomplish labor-intensive improvements to public or low-income properties or to provide services for the benefit of the state, its communities, and its people through service contracts that specify the work to be performed by the corps."

Renumber: subsequent subsections

7. Page 5, line 25 through page 6, line 2.

Following: "composed of"

Insert: "up to"

Following: "members"

Strike: ", " on page 5, line 25 through "9]" on page 6, line 2

8. Page 6, line 3.

Following: "from"

Insert: "a"

9. Page 6, line 4.

Following: "from"

Strike: "departments"

Insert: "at least four state agencies"

10. Page 6, line 5.

Following: "areas"

Strike: "of Montana state agencies"

11. Page 6, line 20.

Following: "development"

Insert: "and coordination"

12. Page 6, lines 20 and 21.

Following: "service"

Strike: "plans, coordination of projects and activities"

Insert: "programs"

13. Page 7, line 1 through page 8, line 2.

Strike: Section 5 in its entirety

Renumber: subsequent sections

SENATE

M - Amd. Coord.
W Sec. of Senate

Esk
Senator Carrying Bill

751039SC.Sma

HB 660
751039SC.Sma

14. Page 8, line 2.

Following: "of"

Strike: "lead"

Insert: "state"

15. Page 8, line 4.

Following: "following"

Strike: "lead"

Insert: "state"

16. Page 8, line 8.

Following: "the"

Strike: "lead"

17. Page 8, line 21.

Following: "the"

Strike: "lead"

18. Page 9, line 5.

Following: "."

Insert: "[The Montana university system shall provide assistance
to the Montana student volunteer program established in
House Bill No. 579.]"

19. Page 9, line 7.

Strike: "lead"

20. Page 9, line 17.

Following: "is the"

Strike: "lead"

21. Page 9, line 25.

Following: "other"

Strike: "lead"

22. Page 10, line 15.

Following: "Each"

Strike: "lead"

Following: "agency"

Insert: "listed in this section"

23. Page 10, line 21.

Following: "Each"

Strike: "lead"

Following: "agency"

Insert: "listed in this section"

24. Page 10, line 23.

Following: "approved"

Insert: "under [sections 1 through 8]"

Following: "a"

Strike: "lead"

25. Page 11, line 3.

Following: "(5)"

Strike: "Lead"

Insert: "The state"

Following: "agencies"

Insert: "listed in this section"

26. Page 11, lines 4 and 5.

Following: "designate"

Strike: "or, subject to the availability of appropriation
authority, hire"

27. Page 11, line 5.

Following: "agency"

Strike: "corps"

Insert: "volunteer"

28. Page 12, line 15.

Following: "and"

Strike: "lead"

Following: "agencies"

Insert: "listed in [section 5]"

29. Page 13, line 16.

Following: "participating"

Strike: "lead"

30. Page 13, line 22.

Strike: "lead"

31. Page 16, line 6.

Strike: "8"

Insert: "7"

32. Page 17, line 19.

Strike: "consolidation"

Insert: "coordination"

33. Page 17, lines 22 through 24.

Strike: "." on line 22 through "programs" on line 24

Page 5 of 5
April 3, 1993

34. Page 18, following line 7.

Insert: "NEW SECTION. Section 13. Coordination instruction. If
House Bill No. 579 is not passed and approved, then the
bracketed language in [section 5(1)(b) of this act] is
void."

Renumber: subsequent sections

35. Page 18, lines 10 and 11.

Strike: "8(4)" on line 10

Insert: "7(4)"

Strike: "8(6)" on line 11

Insert: "7(6)"

Strike: "10" on line 11

Insert: "9"

-END-

1 HOUSE BILL NO. 660

2 INTRODUCED BY PETERSON

3 BY REQUEST OF THE JOINT SUBCOMMITTEE ON

4 GENERAL GOVERNMENT AND TRANSPORTATION

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A MONTANA
7 COMMUNITY, CONSERVATION, AND VOLUNTEER SERVICE CORPS TO
8 PROVIDE A VARIETY OF PUBLIC SERVICE OPPORTUNITIES FOR
9 MONTANANS; ASSIGNING ADMINISTRATION AND COORDINATION
10 RESPONSIBILITIES TO THE GOVERNOR'S OFFICE; CREATING AN
11 ADVISORY COUNCIL ON COMMUNITY SERVICE; ESTABLISHING SPECIAL
12 REVENUE ACCOUNTS AND PROVIDING A STATUTORY APPROPRIATION;
13 AMENDING SECTIONS 17-7-502 AND 23-1-301, MCA; AND PROVIDING
14 AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

15 STATEMENT OF INTENT

16
17 A statement of intent is required for this bill because
18 [section 6 5] authorizes ~~five-state-agencies~~ THE OFFICE OF
19 COMMUNITY SERVICE to adopt rules relating to the Montana
20 community service corps.

21 It is the intent of the legislature that a variety of
22 opportunities be developed, enhanced, and coordinated that
23 maximize the resources and abilities of citizens of Montana
24 to renew the ethic of civic involvement and responsibility
25 by:

1 (1) encouraging Montanans, regardless of age, income,
2 or ability, to engage in full-time or part-time service;

3 (2) involving youth in programs that benefit the state
4 and improve their own lives;

5 (3) enabling young adults to make a sustained
6 commitment to service; and

7 (4) involving participants in activities to help meet
8 human, educational, environmental, service, and public
9 safety needs that would not otherwise be performed by paid
10 workers.

11 It is also the intent of the legislature that the rules
12 address the following:

13 (1) procedures for recruitment and involvement in
14 service;

15 (2) procedures for review and approval of volunteer or
16 work experience projects;

17 (3) a service code of conduct and grievance procedure;

18 (4) standards and procedures to evaluate and report on
19 the performance of participants and projects;

20 (5) training guidelines for service leaders and
21 participants;

22 (6) requirements necessary to ensure cooperation and
23 compliance with any federal programs or requirements related
24 to national public service legislation; and

25 (7) other requirements necessary to accomplish the

purposes of the Montana community, conservation, and volunteer service corps.

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

NEW SECTION. **Section 1.** Short title. [Sections 1 through 9 8] may be cited as the "Montana Community Service Act".

NEW SECTION. **Section 2.** Definitions. As used in [sections 1 through 9 8], unless the context requires otherwise, the following definitions apply:

(1) "Advisory council" means the advisory council on community service appointed by the governor to assist in implementation of [sections 1 through 9 8].

(2) "Community service" means any kind of public service that provides a benefit to the state of Montana, any of its political subdivisions, or a tribal government or that benefits disadvantaged or low-income persons, disabled persons, or senior citizens of Montana.

(3) "Coordinator" means the person appointed by the governor as the community service coordinator to administer and coordinate the provisions of [sections 1 through 9 8].

(4) "Corps" means the Montana community service corps, which includes any corps ORGANIZATION established TO PROVIDE COMMUNITY SERVICES under [sections 1 through 9 8] and the Montana conservation corps created under 23-1-301.

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

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

~~{7}--"head---agency"---means--the--department--of--fish, wildlife,--and--parks--for--conservation--corps,--the--office--of the--superintendent--of--public--instruction--for--elementary--and secondary--education--service--corps,--the--Montana--university system--for--postsecondary--education--corps,--and--the--department of--military--affairs--for--national--guard--conservation--and service--corps.~~

~~{8}{7}~~ (7) "Program" means the Montana community service corps program, which includes all of the corps, educational projects, and volunteer projects established under [sections 1 through 9 8] and under the Montana conservation corps in 23-1-301.

~~{9}{8}~~ (8) "Volunteer" means a person performing services under [sections 1 through 9 8] for an association, not-for-profit corporation, hospital, school, or state, local, or tribal governmental entity without compensation, except that partial or full reimbursement may be made for actual expenses incurred.

NEW SECTION. **Section 3.** Office of community service.

(1) There is an office of community service, which is headed by a coordinator and established in the office of the governor.

1 (2) THE PURPOSE OF THIS OFFICE IS TO:
 2 (A) RENEW THE ETHIC OF CIVIC RESPONSIBILITY IN THE
 3 STATE;
 4 (B) ENCOURAGE THE CITIZENS OF THE STATE, REGARDLESS OF
 5 AGE OR INCOME, TO ENGAGE IN FULL-TIME OR PART-TIME SERVICE
 6 TO THE STATE;
 7 (C) CALL YOUNG PEOPLE TO SERVE IN PROJECTS THAT WILL
 8 BENEFIT THE STATE AND IMPROVE THEIR LIFE CHANCES THROUGH THE
 9 ACQUISITION OF LITERACY, JOB SKILLS, AND INTERPERSONAL
 10 SKILLS;
 11 (D) BUILD ON THE EXISTING ORGANIZATIONAL FRAMEWORK OF
 12 STATE AND LOCAL GOVERNMENTAL ENTITIES TO EXPAND FULL-TIME
 13 AND PART-TIME SERVICE OPPORTUNITIES IN A WIDE VARIETY OF
 14 PROGRAMS FOR ALL CITIZENS, PARTICULARLY YOUTH AND OLDER
 15 MONTANANS;
 16 (E) INVOLVE PARTICIPANTS IN ACTIVITIES THAT WOULD NOT
 17 OTHERWISE BE PERFORMED BY EMPLOYED WORKERS; AND
 18 (F) ESTABLISH CORPS TO ACCOMPLISH LABOR-INTENSIVE
 19 IMPROVEMENTS TO PUBLIC OR LOW-INCOME PROPERTIES OR TO
 20 PROVIDE SERVICES FOR THE BENEFIT OF THE STATE, ITS
 21 COMMUNITIES, AND ITS PEOPLE THROUGH SERVICE CONTRACTS THAT
 22 SPECIFY THE WORK TO BE PERFORMED BY THE CORPS.
 23 {2}{3} The coordinator must be appointed by the
 24 governor, after consultation with the advisory council. The
 25 coordinator serves at the pleasure of the governor.

1 {3}{4} The coordinator shall, with the advice of the
 2 advisory council, assist the governor in the planning,
 3 coordination, operation, and evaluation of programs within
 4 state government or under grants, donations, bequests, or
 5 other resources received by and administered through state
 6 government for Montana community services.
 7 {4}{5} The coordinator is responsible for the
 8 submission of applications for federal grants and for
 9 funding from any other sources for the creation or operation
 10 of corps and volunteer projects. The coordinator shall
 11 ensure accountability for all resources received.
 12 {5}{6} The coordinator, together with the advisory
 13 council, shall integrate and develop state plans for all
 14 services provided under [sections 1 through 9 8], including
 15 but not limited to the office of public instruction's serve
 16 America program, the Montana university system innovative
 17 projects, the Montana conservation corps established in
 18 23-1-301, the department of military affairs' corps
 19 involvement, and other community and volunteer service
 20 programs.
 21 NEW SECTION. Section 4. Advisory council on community
 22 service. (1) The governor shall appoint an advisory council
 23 on community service composed of UP TO 15 members, ~~a~~
 24 ~~majority-of-whom-must-represent-state-agencies--involved--in~~
 25 ~~implementing-the-provisions-of-{sections-1-through-9}.~~

(2) Members must include a representative from A tribal government and from departments AT LEAST FOUR STATE AGENCIES in the following functional areas of Montana state agencies:

- (a) natural resources;
- (b) human services;
- (c) labor;
- (d) K-12 education;
- (e) higher education; and
- (f) military affairs.

(3) Members may include representatives from local government, not-for-profit agencies, federal agencies, business, labor unions, volunteer groups, and private citizens.

(4) To the extent possible, membership of the advisory council must be balanced according to race, ethnicity, age, gender, and disabilities.

(5) The advisory council shall assist in the development AND COORDINATION of state community service plans, coordination of projects and activities PROGRAMS, integration of services, dissemination of information, recruitment of corpsmembers and volunteers, recruitment and training of crewleaders, development of materials, and evaluation of and accountability for the services provided.

NEW SECTION. Section 5. Montana community service corps program purpose and intent. (1) There is a Montana

community service corps program within the governor's office.

(2) The purpose of the program is to:

(a) renew the ethic of civic responsibility in the state;

(b) encourage the citizens of the state, regardless of age or income, to engage in full-time or part-time service to the state;

(c) call young people to serve in projects that will benefit the state and improve their life chances through the acquisition of literacy, job skills, and interpersonal skills;

(d) build on the existing organizational framework of state and local governmental entities to expand full-time and part-time service opportunities in a wide variety of programs for all citizens, particularly youth and older Montanans;

(e) involve participants in activities that would not otherwise be performed by employed workers; and

(f) establish corps to accomplish labor intensive improvements to public or low-income properties or to provide services for the benefit of the state, its communities, and its people through service contracts that specify the work to be performed by the corps.

NEW SECTION. Section 5. Duties and powers of lead

1 STATE agencies. (1) In addition to the office of community
2 service in the governor's office, the following lead STATE
3 agencies are responsible for developing and implementing
4 community service opportunities consistent with the mission
5 and functions of each agency:

6 (a) The office of public instruction is the lead agency
7 for corps and volunteer projects in elementary and secondary
8 public, private, and home schools in Montana, including
9 activities sponsored by schools or community-based agencies,
10 to involve school-age youth, including dropouts and
11 out-of-school youth, in service to the community, as well as
12 for programs that involve adult volunteers in the schools. A
13 school district is expected to be the first agency that
14 informs students about the many opportunities to participate
15 in broader community service under [sections 1 through 9 8]
16 through the federal serve America grants and any other
17 revenue received for purposes consistent with [sections 1
18 through 9 8].

19 (b) The Montana university system is the lead agency to
20 assist institutions of higher education in Montana, explore
21 new ways to integrate service into the curriculum, support
22 model community service programs on campus, develop teacher
23 and volunteer training programs, and involve students in
24 community service. The community service may complement a
25 student's course of study through the federal higher

1 education innovative projects grants and any other revenue
2 received for purposes consistent with [sections 1 through 9
3 8]. [THE MONTANA UNIVERSITY SYSTEM SHALL PROVIDE ASSISTANCE
4 TO THE MONTANA STUDENT VOLUNTEER PROGRAM ESTABLISHED IN
5 HOUSE BILL NO. 579.]

6 (c) The department of fish, wildlife, and parks is the
7 lead agency for corps, community, and volunteer projects in
8 conservation and natural resource settings that are designed
9 to support and enhance state parks, wildlife, watchable
10 wildlife, productivity of state lands, streams and lakes,
11 county and city parks, scenic beauty and access, trails and
12 signs, visitor information centers and rest areas,
13 fairgrounds, and any other conservation-related projects
14 that involve teenagers, young adults, or special community
15 service members, such as adults or senior citizens who
16 provide special skills for a project.

17 (d) The department of military affairs is the lead
18 agency for corps, community, and volunteer projects that are
19 designed to involve the national guard in leadership or
20 support roles for service through the provision of
21 organizational and leadership skills, equipment,
22 crewleaders, and other support, as well as the command and
23 coordination of corps that may be mobilized for emergency
24 projects, such as fire suppression or search and rescue.

25 (e) The governor may designate other lead agencies,

after consultation with the coordinator and the advisory council, for community service projects that focus on improving the quality of life for all Montanans, particularly low-income persons, senior citizens, homebound persons, disabled persons, or institutionalized persons, through preparing and delivering meals, assisting with shopping or other tasks, repairing and painting homes of qualifying persons, providing transportation to and from health care and other appointments, providing respite care, cataloging library books, assisting rural health care providers, providing recreational aides, arranging for tutoring and literacy training, restoring historical photographs, and offering other human service support and community services.

(2) Each lead agency LISTED IN THIS SECTION shall ensure that service opportunities that result in a public value are developed for everyone, regardless of race, creed, national origin, or geographical location, by providing leadership through its own network and by forming partnerships with other public or private nonprofit entities.

(3) Each lead agency LISTED IN THIS SECTION shall coordinate and integrate its plans with and through the office of community service.

(4) Projects developed or approved UNDER [SECTIONS 1

THROUGH 8] and funded by a lead AN agency must be limited to service projects that provide community service, conservation service, educational service, or other public service and that provide documented public value or benefit.

(5) Lead THE STATE agencies LISTED IN THIS SECTION may:

(a) designate ~~or, subject to the availability of~~ appropriation authority, hire an agency corps VOLUNTEER coordinator to implement its responsibilities under [sections 1 through 9 8];

(b) develop and approve work experience and volunteer projects that meet the requirements of [sections 1 through 9 8];

(c) execute contracts or cooperative agreements that contain the terms and conditions necessary and desirable for the employment of crewleaders and corpsmembers in approved work experience projects with federal, state, or local agencies, persons, firms, partnerships, associations, or corporations;

(d) execute contracts or cooperative agreements with federal, state, or local agencies, persons, firms, partnerships, associations, or corporations for the purpose of administering the requirements of [sections 1 through 9 8];

(e) under the supervision of the office of community service, apply for and accept grants or contributions of

1 services, funds, or lands from any public or private donors,
2 including appropriations;

3 (f) develop procedures for participants to achieve
4 incentive vouchers, education, credit toward education,
5 skill training, scholarships, housing benefits, or other
6 benefits upon completion of their term of service;

7 (g) purchase, rent, acquire, or obtain personal
8 property, supplies, instruments, tools, or equipment
9 necessary to complete work experience or volunteer projects;

10 (h) authorize use of the corps for emergency projects,
11 including but not limited to natural disasters, fire
12 prevention and suppression, and rescue of lost or injured
13 persons, and provide adequate training to corpsmembers prior
14 to participation in an emergency project; and

15 (i) adopt rules and guidelines necessary to implement
16 the provisions of [sections 1 through 9 8] and to
17 effectively administer the program.

18 **NEW SECTION. Section 6.** Prohibited activities. (1) The
19 office of community service and lead agencies LISTED IN
20 [SECTION 5], in developing and approving work experience and
21 volunteer projects, shall ensure that:

22 (a) work available to participants is not available as
23 the result of a labor dispute, strike, or lockout and will
24 not be assigned to cause a layoff or downgrading of a
25 position or to prevent the return to work of an available

1 competent employee; and

2 (b) a work experience project:

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

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

8 (2) It is unlawful for a person to demand from any
9 public officer, agency, employee, corpsmember, or crewleader
10 an assessment or percentage of any money or profit or its
11 equivalent in support, service, or any other thing of value,
12 with the express or implied understanding that it will be
13 used for political purposes. [Sections 1 through 9 8] may
14 not be construed to prohibit voluntary contributions to any
15 political committee or organization for legitimate political
16 purposes to the extent allowed by law.

17 **NEW SECTION. Section 7.** Office of community service --
18 accounts. (1) There is an account in the state special
19 revenue fund. The office of community service and all
20 participating lead agencies shall deposit any fee, grant,
21 donation, or reimbursement received under [sections 1
22 through 9 8] into the account to be used to pay expenses for
23 administering and providing service projects.

24 (2) There is an account in the federal special revenue
25 fund. The office of community service and all participating

lead agencies shall deposit any federal revenue received under the National and Community Service Act of 1990, Public Law 101-610, as amended, and any other federal revenue received related to the purposes and implementation of the provisions of [sections 1 through 9 8] into the account to be used to pay expenses for administering and providing service projects.

(3) Reimbursement may be provided to state agencies for work on private property or for other public service. In the case of emergencies and natural disasters, projects may take place on properties not owned by a public agency without regard to private reimbursement.

(4) The money in the state special and federal special revenue accounts is statutorily appropriated, as provided in 17-7-502, to the office of community service.

(5) The office of community service may transfer funds to participating state agencies for approved community service projects, and lead agencies may transfer funds between each other for cooperative projects. Disbursement authority follows any transfers.

(6) Administrative costs from statutorily appropriated funds may not exceed 20%. Funds for additional personal services, operating costs, and equipment costs may be appropriated.

NEW SECTION. Section 8. Indemnification for Montana

community service act. The provisions of 2-9-305 apply to community service crewleaders, corpsmembers, and volunteers for actions arising from the discharge of assigned community service functions or duties.

Section 9. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations. 2-9-202; 2-17-100; 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; 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; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;

1 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
 2 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
 3 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811;
 4 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;
 5 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501;
 6 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206;
 7 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108;
 8 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310;
 9 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215;
 10 90-6-331; 90-7-220; and 90-9-306; and [section 8 7].

11 (4) There is a statutory appropriation to pay the
 12 principal, interest, premiums, and costs of issuing, paying,
 13 and securing all bonds, notes, or other obligations, as due,
 14 that have been authorized and issued pursuant to the laws of
 15 Montana. Agencies that have entered into agreements
 16 authorized by the laws of Montana to pay the state
 17 treasurer, for deposit in accordance with 17-2-101 through
 18 17-2-107, as determined by the state treasurer, an amount
 19 sufficient to pay the principal and interest as due on the
 20 bonds or notes have statutory appropriation authority for
 21 the payments. (In subsection (3): pursuant to sec. 7, Ch.
 22 567, L. 1991, the inclusion of 19-6-709 terminates upon
 23 death of last recipient eligible for supplemental benefit;
 24 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
 25 22-3-811 terminates June 30, 1993.)"

1 **Section 10.** Section 23-1-301, MCA, is amended to read:

2 "23-1-301. Montana conservation corps -- purpose and
 3 intent. (1) There is a Montana conservation corps within the
 4 parks division of the department of fish, wildlife, and
 5 parks. The corps is part of the Montana community,
 6 conservation, and volunteer service corps provided for under
 7 [sections 1 through 9 8] and is subject to the oversight of
 8 the office of community service.

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

14 (3) It is the intent of the legislature that the corps
 15 grow in productive ways and that state agencies involved
 16 with the corps provide coordination of the conservation
 17 corps program and the programs established under [sections 1
 18 through 9 8]. The legislature also intends that the Montana
 19 conservation corps program have the authority to contract
 20 with the job service or the human resource development
 21 council, as defined in 53-10-501."

22 **NEW SECTION. Section 11.** Coordination requirements --
 23 consolidation COORDINATION of programs. The governor shall
 24 ensure that program activities under [sections 1 through 9
 25 8] be coordinated with similar programs administered under

1 federal acts and programs already established in this state.
2 ~~The governor may consolidate the program established in~~
3 ~~{section 5} with other programs~~ in order to maximize
4 coordination of programs and to prevent overlapping and
5 duplication of services.

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

12 NEW SECTION. SECTION 13. COORDINATION INSTRUCTION. IF
13 HOUSE BILL NO. 579 IS NOT PASSED AND APPROVED, THEN THE
14 BRACKETED LANGUAGE IN [SECTION 5(1)(B) OF THIS ACT] IS VOID.

15 NEW SECTION. Section 14. Effective date. [This act] is
16 effective on passage and approval.

17 NEW SECTION. SECTION 15. TERMINATION. [SECTION 7(4)
18 7(4), THE FIRST SENTENCE IN SECTION 9(6) 7(6), AND SECTION
19 9) TERMINATE JULY 1, 1995.

-End-