

House BILL NO. 523

INTRODUCED BY

Jeanette McKee Ech

BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE MONTANA COMMUNITY SERVICE ACT; TRANSFERRING THE OFFICE OF COMMUNITY SERVICE FROM THE GOVERNOR'S OFFICE TO THE DEPARTMENT OF LABOR AND INDUSTRY; CLARIFYING STATE AGENCY PARTICIPATION IN COMMUNITY SERVICE PROGRAMS; REPEALING THE TERMINATION OF THE STATUTORY APPROPRIATION TO THE OFFICE OF COMMUNITY SERVICES; REPEALING THE HERITAGE OF MONTANA ENTERPRISE ACT; AMENDING SECTIONS 17-7-502, 90-14-103, 90-14-104, 90-14-105, 90-14-106, AND 90-14-107, MCA; REPEALING SECTION 15, CHAPTER 534, LAWS OF 1993, AND SECTIONS 20-26-1401, 20-26-1402, 20-26-1403, 20-26-1404, 20-26-1407, 20-26-1408, 20-26-1409, 20-26-1410, AND 20-26-1411, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. 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; 3-5-901; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201; 17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512; 19-18-513;

1 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; ~~20-26-1403~~; 20-26-1503;
 2 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402;
 3 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321; 39-71-2504;
 4 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107; 67-3-205;
 5 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222; 80-4-416;
 6 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215; 90-6-331;
 7 90-7-220; 90-9-306; and 90-14-107.

8 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 9 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 10 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
 11 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
 12 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
 13 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to
 14 sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
 15 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
 16 July 1, 1995.)"

17

18 **Section 2.** Section 90-14-103, MCA, is amended to read:

19 **"90-14-103. Office of community service.** (1) There is an office of community service, which is
 20 headed by a coordinator and established in the ~~office of the governor~~ department of labor and industry
 21 established in 2-15-1701.

22 (2) The purpose of this office is to:

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

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

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

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

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

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

6 (3) The coordinator must be appointed by the governor, after consultation with the advisory
7 council. The coordinator serves at the pleasure of the governor.

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

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

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

21 **Section 3.** Section 90-14-104, MCA, is amended to read:

22 **"90-14-104. Advisory council on community service.** (1) The governor shall appoint an advisory
23 council on community service composed of up to ~~46~~ 25 members. Members must be appointed to
24 staggered 3-year terms.

25 (2) Members must include a representative from a tribal government and from at least ~~four~~ three
26 state agencies in the following functional areas:

- 27 (a) natural resources;
- 28 (b) human services;
- 29 (c) labor;
- 30 (d) K-12 education;

1 (e) higher education; and

2 (f) military affairs.

3 (3) Members may include representatives ~~from~~ of local government, not-for-profit agencies, federal
4 agencies, business, labor unions, volunteer groups, ~~and~~ Montana community service corps, and private
5 citizens, including youth who are 16 years of age or older and under 22 years of age.

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

8 (5) The advisory council shall assist in the development and coordination of state community
9 service programs, integration of services, dissemination of information, recruitment of corpsmembers and
10 volunteers, recruitment and training of crewleaders, development of materials, and evaluation of and
11 accountability for the services provided."

12

13 **Section 4.** Section 90-14-105, MCA, is amended to read:

14 **"90-14-105. Duties and powers of state agencies.** (1) In addition to the office of community
15 service ~~in the governor's office, the following~~ state agencies are responsible for developing and
16 implementing community service opportunities consistent with the mission and functions of each agency:

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

24 (b) The Montana university system ~~is the agency to~~ may assist institutions of higher education in
25 Montana, explore new ways to integrate service into the curriculum, support model community service
26 programs on campus, develop teacher and volunteer training programs, and involve students in community
27 service. The community service may complement a student's course of study through the federal higher
28 education innovative projects grants and any other revenue received for purposes consistent with this part.
29 ~~The Montana university system shall provide assistance to the Montana student volunteer program~~
30 ~~established in Title 20, chapter 26, part 14.~~

1 (c) The ~~department~~ departments of fish, wildlife, and parks, natural resources and conservation,
 2 state lands, and transportation may support ~~is the agency for~~ corps, community, and volunteer projects in
 3 conservation and natural resource settings that are designed to support and enhance state parks, wildlife,
 4 watchable wildlife, productivity of state lands, streams and lakes, county, ~~and city,~~ and tribal parks, scenic
 5 beauty and access, trails and signs, visitor information centers and rest areas, fairgrounds, and any other
 6 ~~conservation-related~~ projects related to conservation or the environment that involve teenagers, young
 7 adults, or special community service members, such as adults or senior citizens who provide special skills
 8 for a project. Other projects may include bicycle paths and pedestrian trails, landscaping and scenic
 9 enhancements, historical and cultural preservation, roadside and stream restoration and enhancement,
 10 erosion control, disability enhancement, and experimental and research projects.

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

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

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

28 (3) Each agency ~~listed in this section~~ involved in community service activities shall coordinate and
 29 integrate its plans with and through the office of community service.

30 (4) Projects developed or approved under this part and funded by an agency must be limited to

1 service projects that provide community service, conservation service, educational service, or other public
 2 service and that provide documented public value or benefit.

3 (5) The state agencies ~~listed in this section~~ engaged in community service may:

4 (a) designate an agency volunteer coordinator to implement its responsibilities under this part;

5 (b) develop and approve work experience and volunteer projects that meet the requirements of this
 6 part;

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

10 (d) execute contracts or cooperative agreements with federal, state, or local agencies, persons,
 11 firms, partnerships, associations, or corporations for the purpose of administering the requirements of this
 12 part;

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

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

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

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

23 (i) adopt rules and guidelines necessary to implement the provisions of this part and to effectively
 24 administer the program."

25
 26 **Section 5.** Section 90-14-106, MCA, is amended to read:

27 **"90-14-106. Prohibited activities.** (1) The office of community service and the agencies listed in
 28 90-14-105, that are designated by the governor or otherwise involved in developing and approving work
 29 experience and volunteer projects, shall ensure that:

30 (a) work available to participants is not available as the result of a labor dispute, strike, or lockout

1 and will not be assigned to cause a layoff or downgrading of a position or to prevent the return to work
2 of an available competent employee; and

3 (b) a work experience project:

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

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

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

12

13 **Section 6.** Section 90-14-107, MCA, is amended to read:

14 **"90-14-107. ~~(Temporary)~~ Office of community service -- accounts -- statutory appropriation.** (1)

15 There is an account in the state special revenue fund. The office of community service and all participating
16 agencies shall deposit any fee, grant, donation, or reimbursement received under this part into the account
17 to be used to pay expenses for administering and providing service projects.

18 (2) There is an account in the federal special revenue fund. The office of community service and
19 all participating agencies shall deposit any federal revenue received under the National and Community
20 Service Act of 1990, Public Law 101-610, as amended, and any other federal revenue received related to
21 the purposes and implementation of the provisions of this part into the account to be used to pay expenses
22 for administering and providing service projects.

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

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

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

1 (6) Administrative costs from statutorily appropriated funds may not exceed 20%. Funds for
 2 additional personal services, operating costs, and equipment costs may be appropriated. ~~(Terminates July
 3 1, 1995 sec. 15, Ch. 534, L. 1993.)~~

4 ~~90-14-107. (Effective July 1, 1995) Office of community service — accounts. (1) There is an
 5 account in the state special revenue fund. The office of community service and all participating agencies
 6 shall deposit any fee, grant, donation, or reimbursement received under this part into the account to be
 7 used to pay expenses for administering and providing service projects.~~

8 ~~(2) There is an account in the federal special revenue fund. The office of community service and
 9 all participating agencies shall deposit any federal revenue received under the National and Community
 10 Service Act of 1990, Public Law 101-610, as amended, and any other federal revenue received related to
 11 the purposes and implementation of the provisions of this part into the account to be used to pay expenses
 12 for administering and providing service projects.~~

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

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

19 ~~(5) Funds for additional personal services, operating costs, and equipment costs may be
 20 appropriated."~~

21
 22 NEW SECTION. Section 7. Repealer. Section 15, Chapter 534, Laws of 1993, and sections
 23 20-26-1401, 20-26-1402, 20-26-1403, 20-26-1404, 20-26-1407, 20-26-1408, 20-26-1409, 20-26-1410,
 24 and 20-26-1411, MCA, are repealed.

25
 26 NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 1995.

27 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0523, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act generally revising the Montana Community Service Act; transferring the Office of Community Service from the Governor's Office to the Department of Labor and Industry; clarifying state agency participation in community service programs; repealing the termination of the statutory appropriation to the Office of Community Services; repealing the Heritage of Montana Enterprise Act.

ASSUMPTIONS:

Department of Labor & Industry

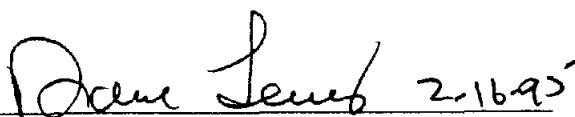
1. The funding for administration of this program has been moved to the Department of Labor and Industry's budget in House Bill 2 because this function is recommended to be moved from the Governor's Office to the Dept. of Labor & Industry.

Governor's Office

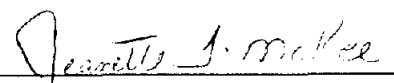
2. The Office of Community Service was housed in the Governor's Office for the 1995 biennium. However, the Governor's Executive Budget proposed the move of this office to the Department of Labor & Industry (DOLI). Since the budget was included in DOLI, there is no fiscal impact to the Governor's Office.

FISCAL IMPACT:

None



DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning



JEANETTE MCKEE, PRIMARY SPONSOR DATE
Fiscal Note for HB0523, as introduced

HB 523