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BILL



ANALYSIS

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Senate Bills 1261 through 1265 (as enacted)
Sponsor: Senator Goeff Hansen (S.B. 1261)
Senator Tom Casperson (S.B. 1262)
Senator Phil Pavlov (S.B. 1263)
Senator Rebekah Warren (S.B. 1264)
Senator Mike Green (S.B. 1265)

Senate Committee: Natural Resources, Environment and Great Lakes
House Committee: Natural Resources, Tourism, and Outdoor Recreation

Date Completed: 2-20-13

PUBLIC ACTS 574-578 of 2012**CONTENT**

All of the bills amended the Michigan Civilian Conservation Corps Act to revise provisions concerning the Michigan Civilian Conservation Corps administered by the Department of Natural Resources (DNR); authorize the DNR Director to discontinue the existing Corps if its benefits can be achieved more practically through an entity identified or formed by a steering committee; and establish criteria for the Corps operated by that entity.

Senate Bill 1261 does the following:

- Designates the DNR as the sole administrator of the Michigan Civilian Conservation Corps State Program.
- Includes in the purposes of the Corps State Program conserving, improving, and developing Michigan's cultural and recreational resources; providing field experience and training to residents interested in related careers; and enhancing public access, recreation opportunities, and economic activities on land under the DNR's control.
- Requires Corps work training programs to increase residents' likelihood of obtaining employment or enhance their educational opportunities.

- Requires the DNR to contact Michigan colleges and universities to facilitate programs that would provide credit for Corps participation or recognize it for field experience or as an internship.
- Requires the DNR to collaborate with businesses, nonprofit organizations, and other interested parties to develop funding sources for the Corps.
- Eliminates a provision allowing the DNR to administer grants to recipients.

Senate Bill 1262 does the following:

- Revises the work experience that may be included in a Corps State Program work training program.
- Prescribes corpsmember eligibility requirements for the State Program.
- Prohibits the DNR from employing a corpsmember for more than two years.
- Limits compensation of a corpsmember to two times the minimum wage.

Senate Bill 1263 requires the Legislature to appropriate at least 85% of the interest and earnings of the Michigan Civilian Conservation Corps Endowment Fund annually for the operation of the Corps. In addition, the bill authorizes the DNR Director to

discontinue the Corps State Program if he or she determines that its benefits through a separate entity. The bill added Chapter II (Michigan Civilian Conservation Corps Partnership) to do the following:

- Create the Michigan Civilian Conservation Corps Partnership Steering Committee within the DNR.
- Require the Committee to seek out an entity that is willing to establish and operate a Michigan Civilian Conservation Corps.
- Allow the Committee to establish the Corps under the Nonprofit Corporation Act if it cannot find a suitable entity.
- Prescribe work experience requirements for Corps training programs involving land open to public use.

The bill also repealed sections of the Act prescribing corpsmember eligibility criteria and allowing the Corps to establish residential facilities.

Senate Bill 1264 does the following with regard to the Corps under Chapter II:

- Establishes corpsmember eligibility criteria.
- Limits corpsmember employment to two years.
- Require the Corps to contact colleges and universities with relevant curricula, and collaborate with businesses, nonprofit organizations, and others to develop a funding source.

Senate Bill 1265 does the following:

- Provides that the DNR is the administrator of the Endowment Fund for auditing purposes.
- Eliminates a requirement that the Corps assist corpsmembers in obtaining employment after their participation in a Corps program.
- Eliminates a prohibition against Corps programs designed to impair existing contracts for services provided by other workers.

Each of the bills was tie-barred to all of the others, and took effect on January 2, 2013.

can be achieved more practically

Senate Bill 1261

The bill designated Chapter I (Michigan Civilian Conservation Corps State Program) of the Act. (Chapter I includes Sections 2 through 13, as amended by the bills, and a new Section 14. Chapter II includes new Sections 21 through 26. While both chapters provide for the "Michigan Civilian Conservation Corps", Chapter I applies to the DNR-administered Corps, and Chapter II applies to a Corps operated by a separate entity. Where this summary refers to the Corps State Program, it means the Corps under Chapter I.)

Previously, the Act provided that the Corps was established jointly within the DNR and the Michigan Jobs Commission. The bill eliminated references to the Commission.

The purposes of the Corps State Program include conserving, improving, and developing the State's natural resources. The bill added to the purposes all of the following:

- Conserving, improving, and developing Michigan's cultural and recreational resources.
- Providing field experience and training to State residents who are interested in pursuing natural, cultural, or recreational resource-related careers.
- Enhancing public access, recreation opportunities, and natural resource-based economic activities on State-owned land under the DNR's control.

The bill provides that the purposes of the Corps also include enhancing, preserving, and maintaining State-owned land and water under control of the Department through the employment of Michigan residents in work training programs. Previously, the purposes included preserving and maintaining public land and water through the employment of Michigan residents in work training programs.

The work training programs must provide work experience for certain Michigan residents that will increase their likelihood of obtaining future employment or, under the bill, enhance the residents' future educational opportunities.

The bill requires the DNR to administer the Corps. Previously, the Governor, with the

advice and consent of the Senate, had to appoint a chief to administer the Corps.

Under the bill, the DNR must employ instructors, mentors, trainers, safety officers, and medical and other appropriate personnel. Previously, the administrator was required to appoint supervisors, safety officers, and medical and other personnel.

The duties also include the recruitment and employment of corpsmembers who meet prescribed eligibility requirements. Under the bill, the Workforce Development Agency in coordination with its local service delivery partners, the Michigan Works! agencies, may identify and refer eligible candidates to the Corps for possible participation as corpsmembers. These recommendations will be advisory in nature and nonbinding upon the Agency's decisions to employ certain corpsmembers, and will not preclude the DNR from considering eligible participants from any other source.

The bill also requires the DNR to contact Michigan colleges and universities with natural, cultural, or recreational resource-related curricula to facilitate university-based programs that will do one or both of the following:

- Provide credit to corpsmembers for their participation.
- Recognize Corps participation for field experience or as an internship.

In addition, the DNR must collaborate with businesses, nonprofit organizations, and other interested parties to develop funding sources for the Corps.

The bill deleted a provision authorizing the DNR to administer on a contractual basis a grant program that dispensed funds to recipients.

Senate Bill 1262

Work Training Programs

The Act requires work training programs conducted under the Corps State Program to provide corpsmembers with work experience related to the conservation, improvement, or development of natural resources; and the enhancement, preservation, and maintenance of public land and water. The bill also refers to the conservation,

improvement, or development of cultural and recreational resources; and the enhancement, preservation, and maintenance of historic and archaeological resources.

Under the Act, work experience may include the following:

- Planting, pruning, and cutting of trees.
- The development of lakes, ponds, and waterways to be used as hunting and fishing sites and for other recreational purposes.
- Wildlife habitat development.
- Parks and recreation site development.
- Trail development.
- Flood and drainage control programs.
- Prevention of shore and soil erosion.
- Litter removal.
- Assistance in fire prevention and suppression.
- Assistance in times and places of natural disasters.
- Reclamation of strip-mined land.
- Insect and pest control.

The bill also refers to the enhancement of wildlife habitat, and the restoration of lakes, ponds, and waterways; parks and recreation sites; and trails. The bill added the following to the relevant experience:

- Assistance with conducting prescribed ecological fire treatments.
- Survey, protection, maintenance, and restoration of historic structures and archaeological sites.
- Survey and analysis of use of parks, recreation sites, and trails.
- Outreach and educational programs.
- Activities that lead to improved public access, recreation opportunities, and natural resource-based economic activities on State-owned land under control of the DNR.

The bill deleted highway and community beautification from the types of work experience permitted.

Previously, the Act required that work training programs be undertaken in both urban and rural areas. The bill refers to State-owned land under the DNR's control, rather than urban and rural areas.

The bill requires that the programs be selected on the basis of the natural

resource, cultural resource, or recreational resource benefits each offers. Previously, the Act referred to environmental and natural resource benefits.

Corps Eligibility & Service

Under the bill, an individual is eligible to become a corpsmember if he or she meets all of the following requirements:

- Is a Michigan resident.
- Except for supervisors, mentors, instructors, and trainers, is at least 17 years old and not older than 27 on the date of application.
- Is interested in becoming a corpsmember to enhance the likelihood of obtaining future employment in a natural, cultural, or recreational resource-related career or to enhance educational opportunities in a natural, cultural, or recreational resource-related curriculum.

Previously, the Act prohibited the DNR from employing a corpsmember for more than one year. A maximum of 25 supervisors, however, could be employed for a total of up to 18 months, and a maximum of 15 supervisors could be employed for a total of up to two years. The bill deleted these provisions, and prohibits the Department from employing a corpsmember for more than two years.

Compensation & Benefits

The bill requires the DNR to compensate all corpsmembers at not more than twice the minimum wage. Previously, the Department had to compensate a corpsmember at the minimum wage established by law at the time of employment.

The bill allows the DNR to use Corps funding for mentors, instructors, trainers, crew leaders, and other State workers employed to provide guidance and training to corpsmembers.

Under the Act, the DNR must provide worker's disability compensation insurance for corpsmembers employed by the Department. The bill deleted a requirement that recipients provide such insurance for corpsmembers whom they employ.

The Act provides that corpsmembers who at the time of hire were receiving general assistance or aid to families with dependent children may continue to receive medical benefits under the Social Welfare Act while they are corpsmembers. Under the bill, corpsmembers may not otherwise receive State employee health benefits.

Senate Bill 1263

Appropriation

The bill requires the Legislature annually to appropriate at least 85% of the interest and earnings of the Michigan Civilian Conservation Corps Endowment Fund for the operation of the Corps. Previously, the Act required the Legislature annually to appropriate a sum sufficient to implement the Act.

State Program Discontinuation; Chapter II

Under the bill, if the DNR Director determines that the benefits to the State from the Corps can be achieved in a more practicable manner through an entity identified or established pursuant to Chapter II, he or she may do both of the following:

- Enter into agreements with the entity to provide corpsmembers to the DNR for work training programs on State-owned land under the Department's control.
- Cease to operate the Michigan Civilian Conservation Corps State Program under Chapter I.

The bill added Chapter II (Michigan Civilian Conservation Corps Partnership) to the Act to create the Michigan Civilian Conservation Corps Partnership Steering Committee within the DNR; prescribe its responsibilities; and establish work experience criteria, corpsmember eligibility requirements, and duties of the Corps.

Steering Committee

The Steering Committee must consist of the following members, appointed by the DNR Director in consultation with the Directors of the Department of Agriculture and Rural Development and the Department of Environmental Quality:

- An individual from a statewide conservation organization with education as a core function.
- An individual from a statewide land conservation organization.
- An individual from a statewide parks and recreation-based organization.
- An individual from a statewide conservation organization with a focus on providing natural resource management information and assistance.
- Two individuals who serve as faculty members at universities or colleges who are involved with internships related to natural, cultural, or recreational resources within the State.
- An individual who works for a State government employment assistance agency.

The members also must include a DNR employee, and individuals from the following:

- A national work program.
- A State department involved with State history and archaeology.
- A statewide trails organization.
- A statewide community foundation.
- A statewide business organization.
- A statewide manufacturing organization.
- A statewide farming organization.

The members first appointed must be appointed within 60 days after the bill's effective date.

If a vacancy occurs, the DNR Director must make an appointment for the unexpired term in the same manner as the original appointment. The Director may remove a member for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

Committee members will serve without compensation, but may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

The member from the DNR must call the first Committee meeting. At that meeting, the Committee must elect a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the Committee must meet at least quarterly, or

more frequently at the call of the chairperson or if requested by a majority of the members.

The Committee will be subject to the Open Meetings Act and the Freedom of Information Act.

Entity to Operate the Corps

The Steering Committee must seek out an entity that is willing to establish and operate a Michigan Civilian Conservation Corps, in compliance with Chapter II, for the purpose of doing all of the following:

- Conserving, improving, and developing the State's natural, cultural, and recreational resources.
- Enhancing, preserving, and maintaining public land and water through the employment of Michigan residents in work training programs.
- Providing field experience and training to Michigan residents who are interested in pursuing natural, cultural, and recreational resource-related careers.
- Enhancing public access, recreation opportunities, and natural resource-based economic activities on public land.

If the Committee is unable to identify a suitable entity to operate the Corps, it may incorporate the Corps under the Nonprofit Corporation Act for the purposes of Chapter II.

The Committee will cease to operate after a suitable entity is identified or the Corps is established under the Nonprofit Corporation Act.

Work Training

Work training conducted by the Corps under Chapter II must provide corpsmembers with work experience related to the conservation, improvement, or development of natural, cultural, and recreational resources and the enhancement, preservation, and maintenance of public land, water, and historic and archaeological resources that will increase corpsmembers' likelihood of obtaining future employment or enhancing future educational opportunities, or both. Work experience may include all of the activities listed in Chapter I (as amended by Senate Bill 1262).

Work experience may not include work on any project for removing or cleaning up any toxic waste or other hazardous substance.

Work training programs must be undertaken on land open for public use and be selected on the basis of the natural, cultural, or recreational resource benefits each offers, the opportunities for public use each offers, and the on-the-job training value of each.

Repeated Sections

The bill repealed Section 6 of the Act, which prescribed corpsmember eligibility criteria. (The criteria included all of the criteria prescribed by Senate Bill 1262, except that a person had to be at least 18 and not more than 25 years old on the date of application.) This section also provided that an individual could not be employed at the time of hire, and could not be the son or daughter of an elected or appointed official of the State or a city, village, county, township, school district, intermediate school district, or other governmental authority. A person employed as a supervisor could not have been on the DNR's or recipient's payroll within 30 days before being hired through a program established with Corps funds unless he or she was promoted from a general corpsmember to a supervisor.

The bill also repealed Section 12, which allowed the Corps to establish residential facilities and other facilities determined to be in the best interest of the Corps.

Senate Bill 1264

The bill establishes the same eligibility criteria for corpsmembers under Chapter II as Senate Bill 1262 establishes under Chapter I, and includes a similar two-year limit on employment for a corpsmember. The bill also added to Chapter II a similar requirement that the Corps contact colleges and universities with natural, cultural, or recreational resource-related curricula, and collaborate with businesses, nonprofit organizations, and other interested parties to develop a funding source.

Senate Bill 1265

The bill eliminated a requirement that the Corps assist corpsmembers in obtaining

employment after their participation in a Corps program.

The Act prohibits Corps programs from being designed to displace currently employed workers, and prohibits a corpsmember from being used in any manner in connection with a work or labor dispute. Previously, the Act also prohibited Corps programs from impairing existing contracts for service provided by other workers; the bill eliminated this prohibition.

The bill requires the DNR to be the administrator of the Michigan Civilian Conservation Corps Endowment Fund for auditing purposes.

MCL 409.302 et al. (S.B. 1261)

Legislative Analyst: Julie Cassidy

409.305 et al. (S.B. 1262)

409.313 et al. (S.B. 1263)

409.325 & 409.326 (S.B. 1264)

409.311 & 409.312a (S.B. 1265)

FISCAL IMPACT

The bills will likely have a small, but negative, fiscal impact on the Department of Natural Resources. Senate Bill 1263 establishes the Michigan Civilian Conservation Corps Partnership Steering Committee. While members of the Committee will not receive compensation, the DNR may experience some minor costs related to reimbursing members for expenses. Additionally, Senate Bill 1265 designates the DNR as the administrator of the Michigan Civilian Conservation Corps Endowment Fund for auditing purposes. This designation will result in some small administrative costs that will be borne by existing DNR resources.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.