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BILL



ANALYSIS

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Senate Bills 1261 through 1265 (as introduced 9-12-12)

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)

Committee: Natural Resources, Environment and Great Lakes

Date Completed: 9-26-12

CONTENT

Senate Bill 1261 would amend the Michigan Civilian Conservation Corps Act to do the following:

- Designate the Department of Natural Resources (DNR) as the sole administrator of the Michigan Civilian Conservation Corps State Program
- Include in the purposes of the Corps State Program conserving, improving, and developing Michigan's cultural and recreational resources; and providing field experience and training to residents interested in pursuing natural, cultural, or recreational resource-related careers.
- Eliminate a provision allowing the DNR to administer grants to recipients.
- Require Corps work training programs to enhance educational opportunities.
- Require the DNR to contact Michigan universities to facilitate programs that would provide credit for Corps participation or recognize it for field experience or as an internship.
- Require the DNR to collaborate with businesses, nonprofit organizations, and other interested parties to develop funding sources for the Corps.

Senate Bill 1262 would amend the Act to do the following:

- Revise the work experience that may be included in a Corps State Program work training program.
- Prescribe corpsmember eligibility requirements for the State Program.
- Prohibit the DNR from employing a corpsmember for more than two years, and limit compensation of a corpsmember to two times the minimum wage.

Senate Bill 1263 would amend the Act to require 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 would authorize the DNR Director to discontinue the Corps State Program if he or she determined that its benefits could be achieved more practically through a separate entity under a proposed chapter providing for the Michigan Civilian Conservation Corps Partnership. That chapter would do the following:

- Create the Michigan Civilian Conservation Corps Partnership Steering Committee within the DNR.
- Require the Committee to seek out an entity that was willing to

- **establish and operate a Michigan Civilian Conservation Corps.**
- **Allow the Committee to establish the Corps under the Nonprofit Corporation Act if it could not find a suitable entity.**
- **Prescribe work experience requirements Corps training programs involving land open to public use.**

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

Senate Bill 1264 would amend the Act to do the following with regard to the Corps Partnership:

- **Establish corpsmember eligibility criteria.**
- **Limit corpsmember employment to two years.**
- **Require the Corps to contact universities with relevant curricula, and collaborate with businesses, nonprofit organizations, and other interested parties to develop a funding source.**

Senate Bill 1265 would amend the Act to do the following:

- **Provide that the DNR would be the administrator of the Endowment Fund for auditing purposes.**
- **Eliminate a requirement that the Corps assist corpsmembers in obtaining employment after their participation in a Corps program.**
- **Eliminate the prohibition against Corps programs designed to impair existing contracts for services provided by non-employee workers.**

Each of the bills is tie-barred to all of the others.

Senate Bill 1261

The bill would designate the provisions of the current Act as Chapter I (Michigan Civilian Conservation Corps State Program). The Act provides that the Corps is established jointly within the DNR and the Michigan Jobs Commission. The bill would eliminate references to the Commission.

The purposes of the Corps include the following:

- Conserving, improving, and developing the State's natural resources.
- Enhancing, preserving, and maintaining public land and water through the employment of Michigan residents in work training programs.

The bill would add to the purposes conserving, improving, and developing Michigan's cultural and recreational resources; and providing field experience and training to State residents who were interested in pursuing natural, cultural, or recreational resource-related careers.

The bill would delete a provision authorizing the DNR to administer on a contractual basis a grant program that dispenses funds to recipients.

Under the Act, the work training programs conducted by the Corps must provide work experience for certain Michigan residents that will increase their likelihood of obtaining future employment. Under the bill, the programs also could to enhance the residents' future educational opportunities.

Currently, the Governor, with the advice and consent of the Senate, must appoint a chief to administer the Corps. Under the bill, the DNR would administer the Corps.

The administrator's duties include the employment of supervisors, safety officers, and medical and other appropriate personnel. The bill would eliminate the reference to the supervisors, and would refer instead to instructors, mentors, and trainers.

The bill also would require the DNR to contact Michigan universities with natural, cultural, or recreational resource-related curricula to facilitate university-based programs that would do one or more of the following:

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

In addition, the DNR would have to collaborate with businesses, nonprofit

organizations, and other interested parties to develop funding sources for the Corps.

Senate Bill 1262

Work Training Programs

Work training programs conducted under the Corps State Program must 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 would refer to the conservation, improvement, or development of cultural and recreational resources; and the enhancement, preservation, and maintenance of historic and archaeological resources.

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.
- Highway and community beautification.
- 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 would refer to the enhancement of wildlife habitat, and the restoration of lakes, ponds, and waterways; parks and recreation sites; and trails. The bill would add 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.

The Act requires that work training programs be undertaken in both urban and

rural areas. The bill would refer to State-owned land under the DNR's control, rather than urban and rural areas.

The Act also requires that the programs be selected on the basis of the environmental and natural resource benefits each offers. The bill would eliminate the reference to the environmental resource benefits, and add references to cultural or recreational resource benefits.

Corps Eligibility & Service

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

- Was a Michigan resident.
- Except for supervisors, mentors, instructors, and trainers, was at least 18 years old and not older than 25 on the date of application.
- Was 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.

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

Currently, the Department must compensate a corpsmember, other than a supervisor, at the minimum wage established by law at the time of employment. The bill would eliminate a requirement that the Department pay a supervisor a temporary supervisory wage of up to \$6.50 per hour. Under the bill, the Department would have to compensate all corpsmembers at not more than twice the minimum wage.

The bill would allow 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 would delete a requirement that recipients provide such insurance for corpsmembers whom they employ.

Corpsmembers who at the time of hire were receiving general assistance or aid to families with dependent children may continue to receive Medicaid benefits while they are corpsmembers. The bill specifies that, otherwise, corpsmembers could not receive State employee health benefits.

Senate Bill 1263

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

If the DNR Director determined that the benefits to the State from the Corps could be achieved in a more practicable manner through an entity identified or established pursuant to proposed Chapter II (described below), he or she could do both of the following:

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

The bill would add Chapter II (Michigan Civilian Conservation Corps Partnership) to the Act to create the Michigan Civilian Conservation Corps Partnership Steering Committee within the DNR. The Committee would consist of the following members, appointed by the DNR Director in consultation with the Director of the Department of Agricultural 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 served as faculty members at public universities or colleges who were involved with internships related to natural, cultural, or recreational resources within the State.
- An individual who worked for a State government employment assistance agency.

The members also would 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 would have to be appointed within 60 days after the bill took effect.

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

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

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

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

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

The Committee would have to seek out an entity that was 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 were interested in pursuing natural, cultural, and recreational resource-related careers.

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

Following identification of a suitable entity or the establishment of the Corps under the Nonprofit Corporation Act, the Committee would cease to operate.

Work training conducted by the Corps would have to 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 would increase corpsmembers' likelihood of obtaining future employment or enhancing future educational opportunities, or both. Work experience could include all of the activities listed in Chapter I (as amended by Senate Bill 1262).

Work experience could not include work on any project for removal or cleaning up of any toxic waste or other hazardous substance.

Work training programs would have to be undertaken on land open for public use and be selected on the basis of the natural,

cultural, or recreational resource benefits each offered, the opportunities for public use each offered, and the on-the-job training value of each.

The bill would repeal Section 6 of the Act, which prescribes corpsmember eligibility criteria, (which include all of the criteria prescribed by Senate Bill 1262). This section also provides that an individual may not be employed at the time of hire, and may 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. If the person is employed as a supervisor, he or she may 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 would repeal Section 12, which allows the Corps to establish residential facilities and other facilities determined to be in the best interest of the Corps.

Senate Bill 1264

The bill would establish the same eligibility criteria for corpsmembers under Chapter II as Senate Bill 1262 would establish under Chapter I, and would include a similar two-year limit on employment for a corpsmember. The bill also would add to Chapter II a similar requirement that the Corps contact 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 would eliminate 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 or impair existing contracts for service provided by other workers, and prohibits a corpsmember from being used in any manner in connection with a work or labor dispute. The bill would eliminate the prohibition against programs designed to impair existing contracts.

The bill provides that the DNR would be the administrator of the Michigan Civilian Conservation Corps Endowment Fund for auditing purposes.

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

409.305 et al. (S.B. 1262)

409.313 et al. (S.B. 1263)

Proposed MCL 409.325 & 409.326 (S.B. 1264)

MCL 409.311 & 409.312a (S.B. 1265)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

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