

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 417

BY ERPELDING

AN ACT

1 RELATING TO THE IDAHO YOUTH CONSERVATION CORPS; AMENDING TITLE 58, IDAHO  
2 CODE, BY THE ADDITION OF A NEW CHAPTER 10, TITLE 58, IDAHO CODE, TO  
3 PROVIDE A CHAPTER TITLE, TO PROVIDE POLICIES AND PURPOSES, TO PROVIDE  
4 FOR THE IDAHO YOUTH CONSERVATION CORPS TO BE ADMINISTERED THROUGH THE  
5 DEPARTMENT OF LANDS, TO PROVIDE FOR A PROGRAM DIRECTOR, TO PROVIDE FOR  
6 THE IDAHO YOUTH CONSERVATION CORPS ADVISORY COMMITTEE, TO PROVIDE THAT  
7 THE ADVISORY COMMITTEE SHALL ADVISE THE PROGRAM DIRECTOR ON IMPLEMEN-  
8 TATION, TO PROVIDE FOR DUTIES AND AUTHORITY OF THE PROGRAM DIRECTOR, TO  
9 PROVIDE FOR RULEMAKING BY THE DEPARTMENT OF LANDS, TO PROVIDE THAT CORPS  
10 MEMBERS ARE EXEMPT FROM UNEMPLOYMENT INSURANCE COVERAGE AND SHALL BE SO  
11 ADVISED, TO PROVIDE FOR THE PROMOTION OF COMMUNITY SERVICE ACTIVITIES,  
12 TO PROVIDE FOR PROGRAMS THAT INCLUDE APPROPRIATE EDUCATIONAL AND JOB  
13 TRAINING OPPORTUNITIES, TO PROVIDE FOR CERTAIN PROJECTS, TO PROVIDE FOR  
14 A TIME PERIOD DURING WHICH EMPLOYMENT AND EDUCATIONAL OPPORTUNITIES  
15 ARE OFFERED, TO PROVIDE FOR TUITION VOUCHERS, TO PROVIDE FOR PARTIC-  
16 IPANT COMPOSITION, TO PROVIDE FOR SPONSORS, TO PROVIDE CRITERIA FOR  
17 SPONSOR SELECTION, TO PROVIDE FOR GRANTS FOR PROGRAMS, TO SPECIFY TYPES  
18 OF PROJECTS, TO PROVIDE THAT PROJECTS SHALL BE CONSISTENT WITH CERTAIN  
19 STATE AND FEDERAL LAW AND TO PROVIDE FOR EMPLOYMENT GOALS.  
20

21 Be It Enacted by the Legislature of the State of Idaho:

22 SECTION 1. That Title 58, Idaho Code, be, and the same is hereby amended  
23 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
24 ter 10, Title 58, Idaho Code, and to read as follows:

25 CHAPTER 10

26 IDAHO YOUTH CONSERVATION CORPS

27 58-1001. POLICY -- PURPOSE. (1) The legislature of the state of Idaho  
28 finds and declares that:

29 (a) It is the policy of the state of Idaho to maintain a strong economy  
30 in order to provide its citizens a stable and plentiful job market, and  
31 to conserve and protect its natural resources, scenic beauty, histori-  
32 cal and cultural sites and other community facilities;

33 (b) The development and maintenance of a healthy economy for Idaho  
34 depends substantially upon a strong work ethic among Idaho's disadvan-  
35 taged and at-risk young adults;

36 (c) Many public lands and environmental resources, including parks,  
37 rangelands, forests, wildlife habitats, fisheries, soils and waters  
38 are and will continue to be subject to resource production demand and  
39 public uses;

40 (d) In order to instill and preserve superior work attitudes among  
41 Idaho's disadvantaged and at-risk young adults and to maintain, protect

1 and conserve the valuable resources of the state of Idaho, programs need  
2 to be implemented that will assure continued economic productivity and  
3 scenic beauty, as well as the public health, safety and social benefit;

4 (e) To these ends, conservation work programs may prove successful and  
5 cost-effective both in providing jobs for disadvantaged and at-risk  
6 young adults and in assisting land preservation and management agencies  
7 to conserve and protect natural and urban facilities; and

8 (f) As a result of such employment opportunities, benefits will redound  
9 to the state's environmental maintenance and productivity, the state's  
10 economy and to the disadvantaged and at-risk youth participants who  
11 benefit from the exposure to and respect for the work ethic in the con-  
12 text of safeguarding and improving the environmental resources of the  
13 state.

14 (2) The general purposes of this chapter are:

15 (a) To establish a disadvantaged and at-risk youth work program in or-  
16 der to perform conservation work of public value in the most cost-effec-  
17 tive manner;

18 (b) To use such a program as a means of needed assistance to protect,  
19 conserve, rehabilitate and improve the natural, historical and cul-  
20 tural resources of the state; and

21 (c) To use such a program to increase educational, training and employ-  
22 ment opportunities for disadvantaged and at-risk youth for the purpose  
23 of improving work skills, instilling a work ethic and increasing em-  
24 ployability.

25 58-1002. IDAHO YOUTH CONSERVATION CORPS -- ADVISORY COMMITTEE --  
26 APPOINTMENT -- TERM -- DUTIES. (1) Subject to the availability of funds  
27 therefor, there is hereby created an Idaho youth conservation corps that  
28 shall provide emergency services, public conservation, rehabilitation and  
29 improvement programs. The corps shall be headed by a program director, who  
30 shall be an employee of the department of lands, and shall be administered  
31 through the department of lands.

32 (2) Upon implementation of subsection (1) of this section, there shall  
33 be created an Idaho youth conservation corps advisory committee to consist  
34 of nine (9) members, three (3) to be appointed by the president pro tempore of  
35 the senate, three (3) to be appointed by the speaker of the house of represen-  
36 tatives and three (3) public members to be appointed by the governor.

37 (3) Committee members may receive reimbursement of necessary and ac-  
38 tual expenses under section 59-509(b), Idaho Code.

39 (4) Committee members may be removed by the appointing authority.  
40 Vacancies shall be filled by the appointing authority. Committee members  
41 shall serve for a term of three (3) years and may be reappointed for an addi-  
42 tional consecutive term.

43 (5) The advisory committee established under subsection (2) of this  
44 section shall advise the program director on the implementation of the pro-  
45 visions of this chapter.

46 58-1003. DUTIES OF PROGRAM DIRECTOR -- PARTICIPANT ELIGIBILITY --  
47 RULES -- STAFF. (1) In consultation with the Idaho youth conservation corps

1 advisory committee and the department of lands, the program director of the  
2 Idaho youth conservation corps shall:

3 (a) Establish eligibility criteria for participants. Such criteria  
4 shall not render the program ineligible for federal funds. Partici-  
5 pants shall be lawful permanent residents of the state.

6 (b) Establish criteria in order to make the required determination that  
7 enrollment in the corps was not the reason that an individual ceased at-  
8 tendance at a secondary school.

9 (c) Assume that application of the eligibility and participation cri-  
10 teria results in enrollment of at least seventy-five percent (75%) dis-  
11 advantaged and at-risk youth among the total number of participants.

12 (2) The program director, in consultation with the department of lands,  
13 may take the following actions including, but not limited to:

14 (a) Applying for and accepting grants or contributions of funds from  
15 any public or private source that shall be deposited into a department  
16 of lands fund and segregated for use for purposes of this chapter;

17 (b) Making agreements with any local, state or federal agency to use any  
18 service, material or property of any such agency, where such agreements  
19 are considered reasonable and necessary; and

20 (c) Purchasing or contracting for necessary private services, equip-  
21 ment, materials and property where such are needed to carry out the  
22 projects approved for and undertaken by the corps.

23 (3) The department of lands may adopt all necessary rules to carry out  
24 the purposes and objectives of the program and to regulate the standards of  
25 conduct and other operating guidelines for corps members and other person-  
26 nel.

27 (4) Corps members are exempt from unemployment insurance coverage pur-  
28 suant to title 72, Idaho Code, and members shall be so advised by the depart-  
29 ment.

30 58-1004. PROJECTS -- TUITION VOUCHERS FOR PROGRAM PARTICIPANTS --  
31 SPONSORS -- CRITERIA -- RULES. (1) In addition to the established purposes  
32 of the Idaho youth conservation corps, the corps shall promote community  
33 service activities throughout the state for a broad cross section of Idaho  
34 disadvantaged and at-risk youth through programs that also include appro-  
35 priate educational and job training opportunities for participants.

36 (2) In addition to projects submitted under section 58-1005(1), Idaho  
37 Code, projects may include, but shall not be limited to:

38 (a) Child care services;

39 (b) Elderly and disabled care services;

40 (c) Literacy education programs; and

41 (d) Recycling and other waste reduction services.

42 (3) The corps shall offer employment and educational opportunities  
43 during the months of June, July and August for selected participants.

44 (4) Under rules adopted by the department, participants who success-  
45 fully complete three (3) months of service under this section shall be eligi-  
46 ble for two hundred fifty dollars (\$250) in a tuition voucher that may be used  
47 at any college, university, career or vocational school in the state.

48 (5) All Idahoans who are at least thirteen (13) years of age and under  
49 twenty-five (25) years of age are eligible to participate in the program. To

1 ensure that corps participants represent a broad cross section of Idahoans,  
 2 special emphasis shall be given to recruiting school dropouts and other dis-  
 3 advantaged and at-risk youth, according to criteria established by the Idaho  
 4 youth conservation corps advisory committee.

5 (6) To the extent practicable, the program director shall enlist state  
 6 and federal agencies, local government, nonprofit organizations and private  
 7 businesses, and any combination of such entities, to act as sponsors for pro-  
 8 grams administered under this section. Selection of sponsors shall be based  
 9 on criteria that include the following:

10 (a) The availability of other resources on a matching basis, includ-  
 11 ing contributions from private sources, other federal, state and local  
 12 agencies, and moneys available through the federal workforce invest-  
 13 ment act of 1998, 29 U.S.C. 2801 et seq.;

14 (b) The provision of related educational and job training programs to  
 15 participants including, but not limited to, school and college course-  
 16 work, general educational development (GED) tests equivalency train-  
 17 ing, project-related education and professional training;

18 (c) Assurances that proposed projects will not displace existing em-  
 19 ployees or duplicate existing private or government programs; and

20 (d) Assurances that proposed projects are devoted to the enhancement  
 21 of the community and are not based in maintenance activities, and that  
 22 these projects meet an identified need.

23 (7) In consultation with the advisory committee and the department, the  
 24 program director shall make grants for programs administered under this sec-  
 25 tion.

26 58-1005. PROJECTS -- CONSISTENCY WITH PUBLIC LAND LAW. (1) The pro-  
 27 grams established under this chapter may include, but shall not be limited  
 28 to, projects such as:

29 (a) Rangeland conservation, rehabilitation and improvement;

30 (b) Endangered species and other wildlife habitat conservation, reha-  
 31 bilitation and improvement;

32 (c) Urban revitalization;

33 (d) Historical and cultural site preservation and maintenance;

34 (e) Recreational area development, maintenance, improvement and beau-  
 35 tification;

36 (f) Road and trail maintenance and improvement;

37 (g) Soil conservation work, including erosion control;

38 (h) Flood, drought and storm damage assistance and relief;

39 (i) Stream, lake, waterfront harbor and port improvement and pollution  
 40 control;

41 (j) Fish culture and habitat maintenance and improvement;

42 (k) Insect, disease, rodent and other pestilence control;

43 (l) Improvement of abandoned railroad land and right-of-way;

44 (m) Land reclamation and improvement, including strip-mined lands,  
 45 public landscape work and tree planting programs;

46 (n) Energy conservation projects, including assistance in the per-  
 47 formance of energy efficiency audits, weatherization and renewable  
 48 resource enhancement;

49 (o) Emergency assistance in times of natural or other disaster; and

1 (p) Recycling projects.

2 (2) In consultation with the Idaho youth conservation corps advisory  
3 committee and the department, the program director of the Idaho youth con-  
4 servation corps shall ensure that projects selected under this chapter shall  
5 be consistent with all other provisions of applicable state and federal law  
6 relating to the management, oversight and administration of affected public  
7 lands.

8 58-1006. EMPLOYMENT GOALS. Projects selected under this chapter  
9 shall:

10 (1) Result in an increase in employment opportunities for disadvan-  
11 taged and at-risk youth over those opportunities which would otherwise be  
12 available;

13 (2) Not result in the displacement of currently employed workers, in-  
14 cluding partial displacement such as reduction in the hours of non-overtime  
15 work or wages or employment benefits;

16 (3) Not impair existing contracts for services or result in the substi-  
17 tution of state for other funds in connection with work that would otherwise  
18 be performed;

19 (4) Not substitute jobs assisted under this chapter for existing feder-  
20 ally assisted jobs;

21 (5) Not employ any person when any other person is on layoff by an em-  
22 ployer from the same or any substantially equivalent job in the same area;  
23 and

24 (6) Not be used to employ any person to fill a job opening created by  
25 the act of an employer in laying off or terminating employment of any regular  
26 employee, otherwise reducing the regular workforce not supported under this  
27 chapter, in anticipation of filling the vacancy so created by hiring a person  
28 to be supported under this chapter.