

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Jewell**

A Bill

ACT 1232 OF 1993
SENATE BILL 649

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE ARKANSAS CONSERVATION CORPS; AND
9 FOR OTHER PURPOSES."

Subtitle

12 "AN ACT TO ESTABLISH THE ARKANSAS CONSERVATION CORPS."

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16 SECTION 1. This act shall be known and may be cited as the "Arkansas
17 Conservation Corps Act."

19 SECTION 2. As used in this act, unless the context clearly indicates
20 otherwise:

21 (1) "Community-based agency" means a private, nonprofit organization
22 that is representative of a community or a significant segment of a community
23 that is engaged in meeting human, education or environmental community needs.

24 (2) "Corps" means the Arkansas Conservation Corps.

25 (3) "Corpsmember" means a participant in the corps pursuant to criteria
26 set forth in this act.

27 (4) "Crewleader" means a participant in the corps who is employed to
28 supervise corpsmembers pursuant to criteria set forth in this act.

29 (5) "Department" means the Department of Labor.

30 (6) "Director" means the director of the Department of Labor.

31 (7) "Human service projects" means projects which involve conservation
32 work and the direct delivery of services which promote the well-being of
33 children, the elderly, persons with physical and developmental disabilities,
34 or persons with low incomes.

35 (8) "Local agency" means any city, county or school district located
36 within this State.

1 (9) "Signature projects" means special-event, large-scale, short-term,
2 highly visible projects which combine the efforts of more than one crew and
3 promote the public good in ways consistent with this act.

4 (10) "State agencies" means the Arkansas Industrial Development
5 Commission, Department of Arkansas Heritage, Department of Corrections,
6 Department of Education, Department of Higher Education, Department of Human
7 Services, Department of Labor, Department of Parks and Tourism, Department of
8 Pollution Control and Ecology, Employment Security Department, Game and Fish
9 Commission, Military Department, Office of Emergency Services.

10 (11) "Work experience projects" means projects established pursuant to
11 the authority granted in this act that provide corpsmembers with educational
12 opportunities and job training skills, which may include general educational
13 development, literacy training, adult basic education, job search skills and
14 job application skills, and with work experience related to the conservation,
15 improvement or development of natural resources or the enhancement,
16 preservation and maintenance of public lands, water or facilities.

17

18 SECTION 3. There is hereby created within the Department of Labor the
19 Arkansas Conservation Corps.

20

21 SECTION 4. The director shall:

22 (1) Enroll eligible participants in work experience projects;

23 (2) Employ crewleaders;

24 (3) Appoint an administrative officer of the corps who shall employ
25 staff necessary to implement the provisions of this act;

26 (4) Develop program guidelines or regulations as it deems necessary to
27 fairly and effectively administer this act;

28 (5) Develop or review proposed work experience projects submitted to
29 the department by state and local agencies and approve projects that meet the
30 requirements of this act;

31 (6) Ensure that work experience projects involve labor intensive
32 improvement activities on public lands or facilities that will result in a
33 future public value or have a potential for future revenue yield;

34 (7) Authorize utilization of the corps for approved work experience
35 projects in urban, suburban and rural areas as necessary to carry out the

1 provisions of this act;

2 (8) Authorize utilization of the corps for emergency projects within or
3 outside this State which shall include, but not be limited to, natural
4 disasters, fire prevention and suppression and rescue of lost or injured
5 persons;

6 (9) Authorize the exchange of corpsmembers and crewleaders with other
7 established conservation corps/service programs in order to foster a spirit of
8 understanding and to advance the goals of volunteerism and service;

9 (10) Execute contracts with State, local and community-based agencies
10 containing any terms and conditions deemed necessary and desirable for the
11 enrollment of corpsmembers in approved work experience projects; and in the
12 case of job search skills, job application skills and ability assessments,
13 execute contracts or cooperative agreements with federal, state or local
14 agencies, persons, firms, partnerships, associations or corporations for the
15 provisions of these services;

16 (11) Execute contracts for enrollment of corpsmembers in cities of the
17 first class for projects designed to repel or remove graffiti or other
18 vandalism; the director may contract directly with community-based agencies
19 which shall be eligible for funding provided pursuant to this act;

20 (12) Purchase, rent or otherwise acquire or obtain personal property,
21 supplies, instruments, tools, equipment or conveniences necessary to complete
22 work experience projects or provide corpsmember training; and

23 (13) Apply for and accept grants or contributions of funds from any
24 public or private source, including the acceptance of federal funds
25 appropriated by the General Assembly. Such funds shall include federal funds
26 which may be provided under the National and Community Service Act of 1990
27 (Public Law 101-610, 104 Stat. 3127).

28

29 SECTION 5. (a) The director may develop state and local human service
30 projects which combine both conservation work and human services, especially
31 those projects and activities which promote the social well being or economic
32 self-sufficiency of the elderly, persons with physical or developmental
33 disabilities, children or other persons with low incomes. The director shall
34 give preference to those human service projects that involve intergenerational
35 activities between corpsmembers and older persons in projects that are in

1 other ways consistent with this act.

2 (b) The director may develop and carry out signature projects involving
3 more than one crew and designed to have a high impact. These projects shall
4 be short term and may involve working with local or community-based agency.

5 (c) (1) Projects developed may include fee-for-service projects with
6 other state and local agencies and community-based agencies. Fees received
7 from fee-for-service projects shall be deposited into the State Treasury as
8 special revenues credited to the Department Labor Fund Account there to be
9 used solely for the purpose of implementing this act.

10 (2) Fee-for-service projects may not be entered into with for-
11 profit agencies, nor may any fee-for-service project displace any other
12 workers.

13

14 SECTION 6. The director, in developing and approving projects, shall
15 assure that:

16 (1) In employment practices, no individual will be discriminated
17 against because of the individual's race, color, religious creed, ancestry,
18 sex, national origin or non-job-related handicap or disability;

19 (2) No person shall make any payment to any other person as
20 compensation for referring an individual as a potential corpsmember; and

21 (3) Work available to participants will not be available due to a labor
22 dispute, strike or lockout and shall not be assigned so as to cause a layoff
23 or downgrading or to prevent the return to work of an available competent
24 employee.

25

26 SECTION 7. (a) Work experience projects shall be undertaken in urban,
27 suburban and rural areas and shall be selected on the basis of the
28 environmental and natural resource benefits each offers, the opportunities for
29 public use each offers, the educational opportunities and on-the-job training
30 value of each, the future public value of the completed project, the estimated
31 additional revenue to be generated for the State or its subdivisions from the
32 completion of each project and the savings in other public expenditures that
33 are provided by virtue of the project.

34 (b) All work experience projects developed or approved and funded by
35 the department shall be limited to public lands and facilities except where a

1 property involving other lands will provide documented public value or
2 benefit. The reimbursement will be retained by the department for use in the
3 corps program. In the case of emergencies and natural disasters, projects may
4 take place on land or at facilities not owned by the department, other State
5 agencies or local agencies without regard to public benefit and private
6 reimbursement.

7 (c) Whenever available and appropriate, adult education, job training
8 and placement services provided through other Federal, State and local funded
9 programs such as the Job Training Partnership Act Program, the Community
10 Services Block Grant and the Employment Security Department shall be
11 coordinated with projects developed under this act to assist eligible
12 participants. Coordinated services may include, but are not limited to, job
13 placement assistance, adult literacy training, job search skills, job
14 application skills and ability assessments. Whenever possible, eligible
15 participants without a high school diploma shall receive coordinated services
16 that provide an opportunity to obtain an equivalent high school diploma.

17 (d) Job training may be provided directly by the agency administering
18 the work experience project or by other agencies as provided in this act.

19 (e) Work sites of work experience projects shall conform to state and
20 federal health and safety standards.

21 (f) Work experience shall not include the removal or cleaning up of any
22 toxic waste or other hazardous substance.

23 (g) Corpsmember participation in emergency projects and exchange
24 projects shall be voluntary.

25 (h) Corpsmembers shall receive adequate training prior to participating
26 in an emergency project.

27

28 SECTION 8. (a) Persons participating in the corps program shall be
29 persons who:

30 (1) Are between the ages of sixteen (16) and twenty-five (25);

31 (2) Have been residents of the State for at least six (6) months
32 prior to participating in the program;

33 (3) Are registered with the local office of the Employment
34 Security Department for employment;

35 (4) Are physically and mentally capable of performing labor

1 intensive work; and

2 (5) Are able to provide assurance that they did not leave school
3 for the purpose of participating in the program.

4 (b) Eligibility for corpsmembers shall be determined by the Employment
5 Security Department which shall refer eligible participants to the department
6 by order of classification. For referral purposes, the Employment Security
7 Department shall develop standards for classifying applicants into various
8 levels of eligibility, based on the degree to which an applicant is
9 economically disadvantaged. The Employment Security Department shall seek
10 referrals from schools, local agencies, community-based agencies, and other
11 youth and human service organizations for purposes of enrolling applicants in
12 corps programs. If the number of corps jobs is insufficient to employ all
13 eligible individuals who apply for participation in the program, the
14 Employment Security Department may provide the names of these eligible
15 individuals to private sector employers or to job training programs requesting
16 referrals, so long as the individuals referred agree to the referral being
17 provided.

18 (c) Preference in hiring and enrolling corpsmembers in the corps shall
19 be given to economically disadvantaged persons, especially those eligible
20 applicants who receive public assistance grants, general relief, Aid To
21 Families With Dependent Children (AFDC) or other public assistance benefits.

22
23 SECTION 9. (a) Corpsmembers shall be enrolled for a period of six (6)
24 months. At the option of the department, corpsmembers who have successfully
25 completed their six-month term may be enrolled for a second six-month term.
26 The department shall refer the names of corpsmembers who successfully complete
27 their service in the corps to the Employment Security Department for
28 assistance in securing private sector employment or for enrollment in
29 additional job training programs. The department may also provide the names
30 of participants who successfully complete their service in the corps to
31 private sector employers requesting referrals, with the approval of the
32 participant.

33 (b) Corpsmembers shall receive an hourly wage no less than the State
34 minimum wage as provided for by Arkansas Code 11-4-210, et seq., also known as
35 the Minimum Wage Act of the State of Arkansas. Corpsmembers serving a second

1 six-month term shall receive additional hourly compensation of at least ten
2 percent (10%).

3 (c) Corpsmembers shall not be entitled to any employee benefits
4 provided to existing employees of the department or other agencies except for
5 paid State holidays and workmen_s compensation coverage which shall be
6 provided through the funds appropriated to carry out this act, nor shall
7 service as a corpsmember qualify an individual for benefits under Chapter 10
8 of Title 11 of the Arkansas Code, also known as the Employment Security Law.
9 Corpsmembers who complete six (6) months in the corps are entitled to a five
10 hundred dollar (\$500) bonus. Corpsmembers who complete twelve (12) months in
11 the program are entitled to an additional five hundred dollar (\$500) bonus at
12 the end of their second six (6) months in the program.

13 (d) Corpsmembers shall be scheduled to work the standard work hours of
14 the department or of the State or local agency sponsoring the work experience
15 project. In no instance shall corpsmembers be scheduled to work more than
16 forty (40) hours per week. Corpsmembers shall be excused as necessary as
17 determined by the department from scheduled work hours to participate in adult
18 education, job training, corpsmember development and placement services which
19 the department determines to be appropriate and in accordance with the
20 provisions of this act. Corpsmembers shall be compensated as set forth in
21 subsection (b) of this section for participating in job training and placement
22 services which the department determines are in accordance with the provisions
23 of this act.

24

25 SECTION 10. (a) Funds available for this program may be expended to
26 pay the wages of crewleaders who shall supervise corpsmembers as prescribed by
27 the department.

28 (b) Persons eligible to be hired as crewleaders by the department shall
29 be men or women who:

30 (1) Have been residents of the State for at least six (6) months
31 prior to employment in the programs;

32 (2) Are registered with the local office of the Employment
33 Security Department for employment;

34 (3) Are physically and mentally capable of performing labor
35 intensive work and supervisory duties; and

1 (4) Are not attending a postsecondary institution full time and
2 who provide assurance that they did not leave school for the purpose of
3 employment as a supervisor in the program.

4 (c) Crewleaders may be employed by the department for a period that may
5 exceed the six-month limit established for corpsmembers.

6 (d) Crewleaders shall receive an hourly wage that exceeds the minimum
7 hourly wage of corpsmembers by a minimum of five dollars (\$5.00).

8 (e) Crewleaders shall not be entitled to any employee benefits provided
9 to existing employees of the department or of other State or local agencies
10 except for paid State holidays and workmen_s compensation coverage which shall
11 be provided through the funds appropriated to carry out this act.

12 (f) In the hiring of crewleaders, preference shall be given to
13 honorably discharged veterans of the armed forces of the United States.

14

15 SECTION 11. It shall be unlawful for anyone to demand from any public
16 officer, a corpsmember or crewleader any assessment of percentage of any money
17 or profit, or its equivalent in support, service or any other thing of value,
18 with the understanding, express or implied, that the same may be used or shall
19 be used for political purposes. Nothing contained in this act shall be
20 construed to prohibit voluntary contributions to any political committee or
21 organization for legitimate political and campaign purposes to the extent such
22 contributions are not prohibited by law.

23

24 SECTION 12. On January 1, 1994, and each year thereafter during the
25 program_s existence, the director shall report to the Legislative Council on
26 the preceding fiscal year_s impact of the program. All recipients of funds
27 for approved projects shall provide the information requested by the
28 department for the purposes of this report. The report shall include, but not
29 be limited to:

30 (1) Productivity measures by the type of project funded;

31 (2) The number of corpsmembers enrolled;

32 (3) The average length of enrollment;

33 (4) The extent of job training provided to participants;

34 (5) The number of participants who find employment after completion of
35 the project;

1 (6) Estimated total dollar value of completed work projects;

2 (7) Estimated potential revenue from projects completed by
3 corpsmembers;

4 (8) Estimated amount of dollar benefits in excess of dollar costs
5 resulting from the program; and

6 (9) The amount of appropriated funds expended on program
7 administration;

8

9 SECTION 13. In order to permit joint projects with the summer youth
10 employment and training program established pursuant to Title II B of the Job
11 Training Partnership Act (Public Law 97-300, 96 Stat. 1322), the provisions of
12 this act not consistent with the Job Training Partnership Act are hereby
13 waived for such joint projects.

14

15 SECTION 14. In order to provide opportunities for local and community-
16 based agencies to create a locally operated and funded conservation corps,
17 funds may be authorized to support the development of new local corps programs
18 consistent with the provision of this act.

19

20 SECTION 15. The department shall have the power and authority to
21 promulgate such rules and regulations as necessary to facilitate the
22 implementation and administration of this act.

23

24 *SECTION 16. The department shall take no action to implement this act*
25 *or the program outlined in the provisions of this act until such time as a*
26 *specific state appropriation for the Arkansas Conservation Corps is passed by*
27 *the Arkansas General Assembly.*

28

29 SECTION 17. All provisions of this act of a general and permanent
30 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
31 Code Revision Commission shall incorporate the same in the Code.

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33 SECTION 18. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

3

4 SECTION 19. All laws and parts of laws in conflict with this act are
5 hereby repealed.

6

/s/ Senator Jewell

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APPROVED: 4/20/93