MICHIGAN CIVILIAN CONSERVATION CORPS ACT

Act 22 of 1984

AN ACT to establish the Michigan civilian conservation corps; to prescribe the powers and duties of certain state officers, agencies, and departments; to create and provide for the use of an endowment fund; and to provide for appropriations.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984 ;-- Am. 1985, Act 30, Imd. Eff. June 6, 1985 ;-- Am. 1994, Act 394, Imd. Eff. Dec. 29, 1994 ;-- Am. 2007, Act 147, Imd. Eff. Dec. 10, 2007

The People of the State of Michigan enact:

CHAPTER I

MICHIGAN CIVILIAN CONSERVATION CORPS STATE PROGRAM

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409.301 Short title.

Sec. 1.

This act shall be known and may be cited as the "Michigan civilian conservation corps act".

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984 ;-- Am. 1985, Act 30, Imd. Eff. June 6, 1985
Compiler's Notes: For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

409.302 Definitions.

Sec. 2.

As used in this chapter:

(a) "Corps" means the Michigan civilian conservation corps established under this chapter.

(b) "Corpsmember" means a participant in the corps.

(c) "Department" means the department of natural resources.

(d) "Director" means the director of the department.

(e) "Endowment fund" means the Michigan civilian conservation corps endowment fund created in section 12a.

(f) "Guideline" means that term as it is defined in section 3 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.203.

(g) "Resident" means an individual who has in this state the individual's true, fixed, and permanent home and principal establishment to which the individual intends to return whenever absent. An individual is a resident until the individual establishes a permanent establishment outside this state.

(h) "Rule" means that term as it is defined in section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984 ;-- Am. 1985, Act 30, Imd. Eff. June 6, 1985 ;-- Am. 1994, Act 394, Imd. Eff. Dec. 29, 1994 ;-- Am. 2012, Act 574, Imd. Eff. Jan. 2, 2013

409.303 Michigan civilian conservation corps; establishment; purpose; work training programs.

Sec. 3.

(1) The Michigan civilian conservation corps is established within the department for the purpose of doing all of the following:

(a) Conserving, improving, and developing this state's natural, cultural, and recreational resources.

(b) Enhancing, preserving, and maintaining state-owned lands and waters under control of the department through the employment of residents of this state in work training programs.

(c) Providing field experience and training to residents of the state who are interested in pursuing natural, cultural, or recreational resource related careers.

(d) Enhancing public access, recreation opportunities, and natural resource based economic activities on state-owned land under control of the department.

(2) The work training programs conducted by the corps shall provide work experience for certain residents of this state that will increase their likelihood of obtaining future employment or enhancing their future educational opportunities, or both.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984 ;-- Am. 1985, Act 30, Imd. Eff. June 6, 1985 ;-- Am. 1994, Act 394, Imd. Eff. Dec. 29, 1994 ;-- Am. 2012, Act 574, Imd. Eff. Jan. 2, 2013

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409.304 Administration of corps by department; duties.

Sec. 4.

The department shall administer the corps. In administering the corps, the department shall do all of the following:

(a) Recruit and employ corpsmembers who meet the requirements of section 6a. 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 are advisory in nature, are non-binding upon the agency's decisions to employ certain corpsmembers, and do not preclude the department from considering eligible participants from any other sources.

(b) Select work training programs for the corps that meet the requirements of section 5.

(c) Execute employment contracts containing terms and conditions as are considered necessary and desirable for the employment of corpsmembers.

(d) Execute contracts with the federal government for the implementation of this act.

(e) Apply for and accept grants or contributions of funds, when appropriate, from any public or private source.

(f) Purchase, rent, or otherwise acquire or obtain necessary property, supplies, instruments, tools, and equipment necessary for the implementation of this act.

(g) Employ instructors, mentors, trainers, safety officers, and medical and other personnel as the department considers appropriate.

(h) Establish rules of conduct designed to maintain order and discipline in each corps program.

(i) Adopt guidelines, promulgate rules, and take any other action necessary to implement this act.

(j) Contact colleges and universities in this state with natural, cultural, or recreational resource related curricula to facilitate university-based programs that will do 1 or more of the following:

(i) Provide credit to corpsmembers for their participation in the corps.

(ii) Recognize participation in the corps for field experience.

(iii) Recognize participation in the corps as an internship.

(k) Collaborate with businesses, nonprofit organizations, and other interested persons to develop funding sources for the corps.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984 ;-- Am. 1985, Act 30, Imd. Eff. June 6, 1985 ;-- Am. 2012, Act 574, Imd. Eff. Jan. 2, 2013
Compiler's Notes: "The Workforce Development Agency" appearing in Sec. 4(a) evidently should be "The workforce development agency."The word "non-binding" appearing in Sec. 4(a) evidently should be "nonbinding."For the type III transfer of authority, powers, duties, functions, and responsibilities of the talent investment agency and the workforce development agency to the department of labor and economic opportunity, see E.R.O. No. 2019-3, compiled at MCL 125.1998.

409.305 Work training programs; work experience.

Sec. 5.

(1) Work training programs conducted under this act shall 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 lands, waters, and historic and archaeological resources. Work experience may include, but is not limited to, all of the following:

(a) Planting, pruning, and cutting of trees.

(b) Restoration or development of lakes, ponds, and waterways to be used as hunting and fishing sites and for other recreational purposes.

(c) Wildlife habitat development or enhancement.

(d) Parks and recreation site development or restoration.

(e) Trail development or restoration.

(f) Flood and drainage control programs, such as the cleaning and repair of waterways.

(g) Prevention of shore and soil erosion.

(h) Litter removal.

(i) Assistance in fire prevention and suppression.

(j) Assistance with conducting prescribed ecological fire treatments.

(k) Assistance in times and places of natural disasters.

(l) Reclamation of strip-mined land.

(m) Insect and pest control.

(n) Survey, protection, maintenance, and restoration of historic structures and archaeological sites.

(o) Survey and analysis of usage of parks, recreation sites, and trails.

(p) Outreach and educational programs.

(q) Activities that lead to improved public access, recreation opportunities, and natural resource-based economic activities on state-owned land under control of the department.

(2) Work training programs shall be undertaken on state-owned lands under control of the department and shall 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.

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

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History: 1984, Act 22, Imd. Eff. Mar. 7, 1984 ;-- Am. 2012, Act 575, Imd. Eff. Jan. 2, 2013

409.306 Repealed. 2012, Act 576, Imd. Eff. Jan. 2, 2013.

Compiler's Notes: The repealed section pertained to eligibility and hiring of corpsmember and notice and refusal to accept employment.

409.306a Eligibility.

Sec. 6a.

An individual is eligible to become a corpsmember if he or she meets all of the following requirements:

(a) Is a resident of the state.

(b) Except for supervisors, mentors, instructors, and trainers, is not less than 17 years of age and not more than 27 years of age on the date of application.

(c) 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.

History: Add. 2012, Act 575, Imd. Eff. Jan. 2, 2013

409.307 Duration of employment; compensation; use of funds.

Sec. 7.

(1) The department shall not employ a corpsmember for more than 2 years.
(2) The department shall compensate a corpsmember at not more than twice the minimum wage established by law at the time of employment.
(3) The department may utilize corps funds for mentors, instructors, trainers, crew leaders, and other state workers employed to provide guidance and training to corpsmembers.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984 ;-- Am. 1989, Act 50, Imd. Eff. June 12, 1989 ;-- Am. 2012, Act 575, Imd. Eff. Jan. 2, 2013

409.308 Worker's disability compensation insurance.

Sec. 8.

The department shall provide worker's disability compensation insurance for corpsmembers employed by the department, as provided under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 419.941.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984 ;-- Am. 2012, Act 575, Imd. Eff. Jan. 2, 2013

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409.309 Medical benefits.

Sec. 9.

Corpsmembers shall not receive state employee health benefits, except that corpsmembers who at the time of hire were receiving general assistance or aid to families with dependent children shall continue to receive, while they are corpsmembers, the medical benefits provided under the social welfare act, 1939 PA 280, MCL 400.1 to 400.119b.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984 ;-- Am. 1985, Act 30, Imd. Eff. June 6, 1985 ;-- Am. 2012, Act 575, Imd. Eff. Jan. 2, 2013

409.310 Corpsmembers as state employees.

Sec. 10.

Corpsmembers shall not be considered state employees for purposes of membership in the state employees' retirement system.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984

409.311 Displacement of workers prohibited; work or labor disputes.

Sec. 11.

The corps programs established under this act shall not be designed so as to displace currently employed workers, and no corpsmember shall be used in any manner in connection with a work or labor dispute.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984 ;-- Am. 2012, Act 578, Imd. Eff. Jan. 2, 2013

409.312 Repealed. 2012, Act 576, Imd. Eff. Jan. 2, 2013.

Compiler's Notes: The repealed section pertained to establishment of residential facilities.

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409.312a Michigan civilian conservation corps endowment fund; creation; disposition, investment, and credit of money and assets; money to remain in endowment fund; administrator for auditing purposes; expenditure of interest and earnings.

Sec. 12a.

(1) The Michigan civilian conservation corps endowment fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the endowment fund. The state treasurer shall direct the investment of the endowment fund. The state treasurer shall have the same authority to invest the assets of the endowment fund as is granted to an investment fiduciary under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1141. The state treasurer shall credit to the endowment fund interest and earnings from endowment fund investments.

(3) Money in the endowment fund at the close of the fiscal year shall remain in the endowment fund and shall not lapse to the general fund.

(4) The department shall be the administrator of the fund for auditing purposes.

(5) The department shall expend only the interest and earnings of the endowment fund for the operation of the corps.

History: Add. 1994, Act 394, Imd. Eff. Dec. 29, 1994 ;-- Am. 2002, Act 57, Eff. Sept. 21, 2002 ;-- Am. 2007, Act 147, Imd. Eff. Dec. 10, 2007 ;-- Am. 2012, Act 578, Imd. Eff. Jan. 2, 2013 ;-- Am. 2018, Act 288, Eff. Sept. 27, 2018

409.313 Annual appropriation.

Sec. 13.

The legislature annually shall appropriate not less than 85% of the interest and earnings of the endowment fund for the operation of the corps.

History: 1984, Act 22, Imd. Eff. Mar. 7, 1984 ;-- Am. 2012, Act 576, Imd. Eff. Jan. 2, 2013

409.314 Determination that entity identified or established pursuant to Chapter II may achieve benefits; powers of director.

Sec. 14.

If the 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, the director may do both of the following:

(a) Enter into agreements with the entity to provide corpsmembers to the department for work training programs on state-owned lands under control of the department.

(b) Cease to operate the Michigan civilian conservation corps state program under this chapter.

History: Add. 2012, Act 576, Imd. Eff. Jan. 2, 2013
Compiler's Notes: Former MCL 409.314, which pertained to applicability of act, was repealed by Act 50 of 1989, Imd. Eff. June 12, 1989.

CHAPTER II
MICHIGAN CIVILIAN CONSERVATION CORPS PARTNERSHIP

409.321 Definitions.

Sec. 21.

As used in this chapter:

(a) "Committee" means the Michigan civilian conservation corps partnership steering committee created in section 22.

(b) "Corps" means the Michigan civilian conservation corps established pursuant to this chapter.

(c) "Corpsmember" means a participant in the corps.

(d) "Department" means the department of natural resources.

(e) "Director" means the director of the department.

(f) "Resident" means an individual who has in this state the individual's true, fixed, and permanent home and principal establishment to which the individual intends to return whenever absent. An individual is a resident until the individual establishes a permanent establishment outside this state.

History: Add. 2012, Act 576, Imd. Eff. Jan. 2, 2013

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409.322 Michigan civilian conservation corps steering committee.

Sec. 22.

(1) The Michigan civilian conservation corps partnership steering committee is created in the department.

(2) The committee shall consist of the following members, appointed by the director in consultation with the directors of the departments of agriculture and rural development and environmental quality:

(a) An individual from a statewide conservation organization that has education as a core function.

(b) An individual from a statewide land conservation organization.

(c) An individual from a statewide parks and recreation-based organization.

(d) An individual from a statewide conservation organization with a focus on providing natural resource management information and assistance.

(e) Two individuals who serve as faculty members at colleges or universities in this state who are involved with internships related to natural, cultural, or recreational resources within this state.

(f) An individual who works for a state government employment assistance agency.

(g) An individual from a national work program.

(h) An individual from a state department involved with state history and archaeology.

(i) An individual from a statewide trails organization.

(j) An individual from a statewide community foundation.

(k) An individual from a statewide business organization.

(l) An individual from a statewide manufacturing organization.

(m) An individual from a statewide farming organization.

(n) An employee of the department.

(3) The members first appointed to the committee shall be appointed within 60 days after the effective date of the amendatory act that added this section.

(4) If a vacancy occurs on the committee, the director shall make an appointment for the unexpired term in the same manner as the original appointment.

(5) The director may remove a member of the committee for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(6) The first meeting of the committee shall be called by the board member from the department. At the first meeting, the committee shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the committee shall meet at least quarterly, or more frequently at the call of the chairperson or if requested by a majority of the members of the committee.

(7) A majority of the members of the committee constitute a quorum for the transaction of business at a meeting of the committee. A majority of the members present and serving are required for official action of the committee.

(8) The business that the committee may perform shall be conducted at a public meeting of the committee held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(9) A writing prepared, owned, used, in the possession of, or retained by the committee in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(10) Members of the committee shall serve without compensation. However, members of the committee may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the committee.

History: Add. 2012, Act 576, Imd. Eff. Jan. 2, 2013

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409.323 Identification of entity; purpose; incorporation; ceasing operation.

Sec. 23.

(1) The committee shall seek out an entity that is willing to establish and operate a Michigan civilian conservation corps, in compliance with this chapter, for the purpose of doing all of the following:

(a) Conserving, improving, and developing this state's natural, cultural, and recreational resources.

(b) Enhancing, preserving, and maintaining public lands and waters through the employment of residents of this state in work training programs.

(c) Providing field experience and training to residents of this state who are interested in pursuing natural, cultural, and recreational resource-related careers.

(d) Enhancing public access, recreation opportunities, and natural resource-based economic activities on public lands.

(2) If the committee is unable to identify a suitable entity to operate a Michigan civilian conservation corps under subsection (1), the committee may incorporate a Michigan civilian conservation corps under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3193, for the purposes of this chapter.

(3) Following identification of a suitable entity under subsection (1) or the establishment of the nonprofit Michigan civilian conservation corps under the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3193, the committee shall cease to operate.

History: Add. 2012, Act 576, Imd. Eff. Jan. 2, 2013

409.324 Work experience.

Sec. 24.

(1) Work training programs conducted by the corps shall 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 lands, waters, 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, but is not limited to, all of the following:

(a) Planting, pruning, and cutting of trees.

(b) Restoration or development of lakes, ponds, and waterways to be used as hunting and fishing sites and for

other recreational purposes.

(c) Wildlife habitat development or enhancement.

(d) Parks and recreational site development or restoration.

(e) Trail development or restoration.

(f) Flood and drainage control programs, such as the cleaning and repair of waterways.

(g) Prevention of shore and soil erosion.

(h) Litter removal.

(i) Assistance in fire prevention and suppression.

(j) Assistance with conducting prescribed ecological fire treatments.

(k) Assistance in times and places of natural disasters.

(l) Reclamation of strip-mined land.

(m) Insect and pest control.

(n) Survey, protection, maintenance, and restoration of historic structures and archaeological sites.

(o) Survey and analysis of parks, recreation sites, and trails.

(p) Outreach and educational programs.

(q) Activities that lead to improved public access, recreation opportunities, and natural resource based economic activities on public lands.

(r) Administration or supervision of projects operated by the corps.

(2) Work training programs shall be undertaken on lands open for public use and shall 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.

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

History: Add. 2012, Act 576, Imd. Eff. Jan. 2, 2013

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409.325 Corpsmember; eligibility; duration of employment.

Sec. 25.

(1) An individual is eligible to become a corpsmember if he or she meets all of the following requirements:

(a) Is a resident of the state.

(b) Is not less than 17 years of age and, except for supervisors, mentors, instructors, and trainers, is not more than 27 years of age on the date of application.

(c) Is interested in becoming a corpsmember to enhance his or her likelihood of obtaining future employment in a natural, cultural, or recreational resource-related career or to enhance his or her educational opportunities in a natural, cultural, or recreational resource-related curriculum.

(2) The corps shall not employ a corpsmember for more than 2 years.

History: Add. 2012, Act 577, Imd. Eff. Jan. 2, 2013

409.326 Duties.

Sec. 26.

The corps shall do both of the following:

(a) Contact colleges and universities in this state with natural, cultural, or recreational resource related curricula to facilitate university-based programs that will do 1 or more of the following:

(i) Provide credit to corpsmembers for their participation in the corps.

(ii) Recognize participation in the corps for field experience.

(iii) Recognize participation in the corps as an internship.

(b) Collaborate with businesses, nonprofit organizations, and other interested persons to develop a funding source for the corps.

History: Add. 2012, Act 577, Imd. Eff. Jan. 2, 2013

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