S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. FINCH, WALKER -- Multi-Sponsored by -- M. of A. BUTLER, HAWLEY -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing a Senior Environmental Corps that would utilize the expertise of professional seniors for environmental and natural resource programs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The environmental conservation law is amended by adding a new article 48 to read as follows:

ARTICLE 48

SENIOR ENVIRONMENTAL CORPS ACT

SECTION 48-0101. SHORT TITLE.
48-0103. LEGISLATIVE FINDINGS.
48-0105. DEFINITIONS.
48-0107. CREATION OF SENIOR ENVIRONMENTAL CORPS.
48-0109. GOALS OF SENIOR ENVIRONMENTAL CORPS.
48-0111. CREATION OF SENIOR ENVIRONMENTAL CORPS COORDINATING COUNCIL.
48-0113. DUTIES OF THE DEPARTMENT.
48-0115. VOLUNTEER AGREEMENTS.

S 48-0101. SHORT TITLE.

THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "SENIOR ENVIRONMENTAL CORPS ACT".

S 48-0103. LEGISLATIVE FINDINGS.

THE LEGISLATURE FINDS THAT:

(1) ENHANCEMENT AND PROTECTION OF THE STATE'S ENVIRONMENT DEMANDS MORE RESOURCES THAN GOVERNMENT FUNDING CAN PROVIDE;

(2) A CRITICAL UNDERUTILIZED ASSET TO SOCIETY IS THE KNOWLEDGE, SKILLS, ABILITIES, AND WISDOM OF OUR EXPANDING, ABLE SENIOR POPULATION;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(3) CENTRAL TO THE WELL-BEING AND CONTINUED CONNECTION TO THE SOCIETY OF NEW YORK'S SENIOR CITIZENS IS THE OPPORTUNITY FOR THEM TO VOLUNTARILY CONTINUE TO PROVIDE MEANINGFUL CONTRIBUTIONS AND TO SHARE THEIR PROFESSIONAL TRAINING, LIFELONG SKILLS, TALENTS, AND WISDOM WITH NEW YORK'S CITIZENS;

(4) IT WILL BENEFIT ALL THE CITIZENS OF THE STATE TO CREATE A PARTNERSHIP BETWEEN OUR SENIOR CITIZENS AND THE STATE'S NATURAL RESOURCE AGENCIES TO AUGMENT OUR CAPABILITY TO PROTECT, ENHANCE AND APPRECIATE THE ENVIRONMENT.

S 48-0105. DEFINITIONS.

AS USED IN THIS ARTICLE:

(1) "AGENCY" MEANS ONE OF THE AGENCIES OR ORGANIZATIONS PARTICIPATING IN THE ACTIVITIES OF THE SENIOR ENVIRONMENTAL CORPS.

(2) "COORDINATOR" MEANS THE PERSON DESIGNATED BY THE COMMISSIONER WITH THE ADVICE OF THE COUNCIL TO ADMINISTER THE ACTIVITIES OF THE SENIOR ENVIRONMENTAL CORPS.

(3) "CORPS" MEANS THE SENIOR ENVIRONMENTAL CORPS.

(4) "COUNCIL" MEANS THE SENIOR ENVIRONMENTAL CORPS COORDINATING COUNCIL.

(5) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

(6) "COMMISSIONER" MEANS THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR THE COMMISSIONER'S AUTHORIZED REPRESENTATIVE.

(7) "REPRESENTATIVE" MEANS THE PERSON WHO REPRESENTS AN AGENCY ON THE COUNCIL AND IS RESPONSIBLE FOR THE ACTIVITIES OF THE SENIOR ENVIRONMENTAL CORPS IN HIS OR HER AGENCY.

(8) "SENIOR" MEANS ANY PERSON WHO IS FIFTY-FIVE YEARS OF AGE OR OVER.

(9) "VOLUNTEER" MEANS A PERSON WHO IS WILLING TO WORK WITHOUT EXPECTATION OF SALARY OR FINANCIAL REWARD, AND WHO CHOOSES WHERE HE OR SHE PROVIDES SERVICES AND THE TYPE OF SERVICES HE OR SHE PROVIDES.

S 48-0107. CREATION OF SENIOR ENVIRONMENTAL CORPS.

THE SENIOR ENVIRONMENTAL CORPS IS CREATED WITHIN THE DEPARTMENT. THE DEPARTMENTS OF HEALTH, EDUCATION AND FAMILY ASSISTANCE AND THE OFFICE OF AGING AND THE DIVISION OF VETERANS' AFFAIRS SHALL PARTICIPATE IN THE ADMINISTRATION AND IMPLEMENTATION OF THE CORPS AND EACH SUCH DEPARTMENT, OFFICE AND DIVISION SHALL APPOINT THREE REPRESENTATIVES TO THE COUNCIL.

S 48-0109. GOALS OF SENIOR ENVIRONMENTAL CORPS.

THE GOALS OF THE CORPS SHALL BE TO:

(1) PROVIDE RESOURCES AND A SUPPORT STRUCTURE TO FACILITATE CORPS ACTIVITIES AND ACCOMPLISH GOALS;

(2) CARRY OUT PROFESSIONAL AND PARAPROFESSIONAL PROJECTS THAT FOCUS ON CONSERVATION, PROTECTION, REHABILITATION AND ENHANCEMENT OF THE STATE'S NATURAL, ENVIRONMENTAL AND RECREATIONAL RESOURCES AND THAT OTHERWISE WOULD NOT BE IMPLEMENTED BECAUSE OF LIMITED FINANCIAL RESOURCES;

(3) PROVIDE MEANINGFUL OPPORTUNITIES FOR SENIOR VOLUNTEERS TO CONTINUE TO UTILIZE THEIR PROFESSIONAL TRAINING, LIFELONG SKILLS, ABILITIES, EXPERIENCE AND WISDOM THROUGH PARTICIPATION IN CORPS PROJECTS;

(4) ASSIST AGENCIES IN CARRYING OUT STATUTORY ASSIGNMENTS WITH LIMITED FUNDING RESOURCES;

(5) ENHANCE COMMUNITY UNDERSTANDING OF ENVIRONMENTAL ISSUES THROUGH EDUCATIONAL OUTREACH; AND

(6) ENHANCE THE STATE'S ABILITY TO PROVIDE NEEDED PUBLIC SERVICES IN BOTH URBAN AND RURAL SETTINGS.

S 48-0111. CREATION OF SENIOR ENVIRONMENTAL CORPS COORDINATING COUNCIL.

THE DEPARTMENT SHALL CONVENE A SENIOR ENVIRONMENTAL CORPS COORDINATING COUNCIL TO MEET AS NEEDED TO ESTABLISH AND ASSESS POLICIES; DEFINE STAN-

DARDS FOR PROJECTS, EVALUATE AND SELECT PROJECTS; DEVELOP RECRUITMENT, TRAINING AND PLACEMENT PROCEDURES; RECEIVE AND REVIEW PROJECT STATUS AND COMPLETING REPORTS; AND PROVIDE FOR RECOGNITION OF VOLUNTEER ACTIVITY. THE COUNCIL SHALL INCLUDE SIXTEEN REPRESENTATIVES, WITH THREE REPRESENTATIVES APPOINTED BY THE DEPARTMENTS OF HEALTH, EDUCATION AND FAMILY ASSISTANCE AND THE OFFICE OF AGING AND THE DIVISION OF VETERANS' AFFAIRS, AND ONE REPRESENTATIVE APPOINTED BY THE DEPARTMENT. THE COUNCIL SHALL DEVELOP BYLAWS, POLICIES AND PROCEDURES TO GOVERN ITS ACTIVITIES.

THE COUNCIL SHALL ADVISE THE COMMISSIONER ON DISTRIBUTION OF AVAILABLE FUNDING FOR CORPS ACTIVITIES.

S 48-0113. DUTIES OF THE DEPARTMENT.

(1) CONTINGENT UPON AVAILABLE FUNDING, THE DEPARTMENT SHALL:

A. PROVIDE A COORDINATOR AND STAFF SUPPORT TO THE COUNCIL AS NEEDED;

B. PROVIDE SUPPORT TO THE AGENCIES FOR RECRUITMENT OF VOLUNTEERS;

C. DEVELOP A BUDGET AND ALLOCATE AVAILABLE FUNDS WITH ADVICE OF THE COUNCIL;

D. DEVELOP A WRITTEN VOLUNTEER AGREEMENT;

E. COLLECT AND MAINTAIN PROJECT AND VOLUNTEER RECORDS;

F. PROVIDE REPORTS TO THE STATE LEGISLATURE AND THE COUNCIL AS REQUESTED;

G. PROVIDE AGENCY PROJECT MANAGERS AND VOLUNTEERS WITH ORIENTATION TO THE CORPS PROGRAM AND TRAINING IN THE USE OF VOLUNTEERS;

H. ACT AS A LIAISON WITH AND PROVIDE INFORMATION TO OTHER STATES AND JURISDICTIONS ON THE CORPS PROGRAM AND PROGRAM ACTIVITIES;

I. APPOINT A REPRESENTATIVE TO THE COORDINATING COUNCIL;

J. DEVELOP PROJECT PROPOSALS;

K. ADMINISTER PROJECT ACTIVITIES WITHIN THE AGENCY;

L. DEVELOP APPROPRIATE PROCEDURES FOR THE USE OF VOLUNTEERS;

M. PROVIDE PROJECT ORIENTATION, TECHNICAL TRAINING, SAFETY TRAINING, EQUIPMENT AND SUPPLIES TO CARRY OUT PROJECT ACTIVITIES;

N. MAINTAIN PROJECT RECORDS AND PROVIDE PROJECT REPORTS;

O. APPLY FOR AND ACCEPT GRANTS OR CONTRIBUTIONS FOR CORPS APPROVED PROJECTS; AND

P. WITH THE APPROVAL OF THE COUNCIL, ENTER INTO MEMORANDA OF UNDERSTANDING AND COOPERATIVE AGREEMENTS WITH FEDERAL, STATE AND LOCAL AGENCIES TO CARRY OUT CORPS APPROVED PROJECTS.

(2) THE DEPARTMENT SHALL NOT USE CORPS VOLUNTEERS TO DISPLACE CURRENTLY EMPLOYED WORKERS.

S 48-0115. VOLUNTEER AGREEMENTS.

ALL VOLUNTEER ACTIVITY MUST BE PERFORMED UNDER THE TERMS OF A WRITTEN MASTER AGREEMENT APPROVED BY THE COUNCIL AND THE ATTORNEY GENERAL. AS A MINIMUM, THE VOLUNTEER AGREEMENT MUST INCLUDE A DESCRIPTION OF THE WORK THAT THE VOLUNTEER IS TO PERFORM, INCLUDING THE STANDARDS OF PERFORMANCE REQUIRED, ANY EXPENSES OR OTHER BENEFITS TO WHICH THE VOLUNTEER IS TO BE ENTITLED, SUCH AS MILEAGE, LODGING, STATE INDUSTRIAL COVERAGE, UNIFORMS OR OTHER CLOTHING OR SUPPLIES, TRAINING OR OTHER SUPPORT TO BE PROVIDED TO THE VOLUNTEER BY THE AGENCY, THE DURATION OF THE AGREEMENT, AND THE TERMS UNDER WHICH THE AGREEMENT MAY BE CANCELED.

S 2. This act shall take effect on the one hundred fiftieth day after it shall have become a law, provided that the department of environmental conservation shall promulgate any rules and regulations necessary for the timely implementation of this act on or before such effective date.