

SENATE BILL NO. 295

INTRODUCED BY TASH, BARRETT, SMITH, PEASE

A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY PROVIDING FOR THE MONTANA NATIONAL GUARD YOUTH CHALLENGE PROGRAM; SPECIFYING A DEFINITION, LEGISLATIVE INTENT, AND STAFFING; AMENDING SECTION 10-1-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, federal law, 32 U.S.C. 509, authorizes the Secretary of Defense to use the National Guard to conduct a civilian youth opportunities program to be known as the "National Guard Youth Challenge Program"; and

WHEREAS, federal law provides that the Secretary of Defense shall carry out the program by entering into agreement with the Governor of a state or the commanding general of the state National Guard; and

WHEREAS, there is a Master Youth Programs Cooperative Agreement number W9124V-05-2-4000 between the State of Montana and the National Guard Bureau, which provides for the Montana National Guard Youth Challenge Program; and

WHEREAS, the Montana National Guard Youth Challenge Program became operational on September 1, 1999, with federal and state funding; and

WHEREAS, the funding is appropriated through the state general appropriations act; and

WHEREAS, statutory language referencing the program would help articulate the operational guidelines for the program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-1-101, MCA, is amended to read:

"10-1-101. Definitions. Unless the context requires otherwise, in this title, the following definitions apply:

(1) "Department" means the department of military affairs.

(2) "Militia" means all the military forces of this state, whether organized or active or inactive.

(3) "National guard" means the army national guard and the air national guard.

(4) "Officer" means a commissioned or warrant officer.

(5) "Youth challenge program" means the Montana national guard youth challenge program established

1 pursuant to [section 2]."

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3 **NEW SECTION. Section 2. Montana national guard youth challenge program authorized.** A youth
4 challenge program provided for pursuant to 32 U.S.C. 509 may be established in the department.

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6 **NEW SECTION. Section 3. Legislative intent.** It is the intent of the legislature that:

7 (1) the youth challenge program assist youth ~~who drop out of high school~~ between 16 and 18 years of
8 age to ACHIEVE A QUALITY EDUCATION AND develop the skills and abilities necessary to become productive citizens;

9 (2) the youth challenge program focus on the physical, emotional, and educational needs of youth within
10 a voluntary, highly structured environment;

11 (3) eligible participants be drug-free, not be on parole or probation for other than juvenile-status offenses,
12 not have been indicted for or charged with an offense other than a juvenile-status offense, and not have been
13 convicted of a felony or capital offense;

14 (4) recruiting for the youth challenge program treat all eligible youth equitably and seek representation
15 from different genders, ethnic groups, and geographic locations;

16 (5) the youth challenge program conduct structured training consisting of a residential phase and a
17 postresidential phase with curriculum that focuses on academic excellence, including the successful completion
18 of the tests for general educational development, and on physical fitness, job skills, service to the community,
19 health and hygiene, responsible citizenship, leadership, how to follow directions, and life-coping skills; and

20 (6) the youth challenge program be conducted in cooperation with other community programs for at-risk
21 youth.

22
23 **NEW SECTION. Section 4. Administration and staff.** Subject to 32 U.S.C. 509 and its implementing
24 regulations and applicable agreements, the youth challenge program may be staffed by an administrator and the
25 professional, technical, secretarial, and clerical employees necessary for the performance of the youth challenge
26 program's functions.

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28 **NEW SECTION. Section 5. Codification instruction.** [Sections 2 through 4] are intended to be codified
29 as an integral part of Title 10, chapter 1, and the provisions of Title 10, chapter 1, apply to [sections 2 through 4].
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