

HOUSE BILL NO. 379

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KEMPLER

Introduced: 2/4/98

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing a state community service program; establishing by statute
2 the Alaska State Community Service Commission; and providing for an effective
3 date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** INTENT. The legislature recognizes that the Alaska State Community Service
6 Commission required to administer the national community service program under 42 U.S.C.
7 12638 has already been established in the Department of Community and Regional Affairs
8 under Administrative Order No. 162. It is the intent of the legislature that the Alaska State
9 Community Service Commission established under this Act be a continuation of that
10 commission and that its duties be expanded to include administration of the state community
11 service program established under this Act.

12 * **Sec. 2.** AS 44.47 is amended by adding new sections to read:

13 **Article 9B. Alaska State Community Service Commission.**

14 **Sec. 44.47.910. Commission.** (a) There is created in the department the

1 Alaska State Community Service Commission. The members shall be appointed by
 2 the governor to staggered three-year terms in a manner that satisfies the requirements
 3 of 42 U.S.C. 12638.

4 (b) The commission shall, to the extent that appropriations are available to it,

5 (1) act as, and perform the duties required of it under federal law as,
 6 the administrative entity established under 42 U.S.C. 12638 to receive and distribute
 7 funds available to the state from the Corporation for National and Community Service
 8 under 42 U.S.C. 12571 for the national community service program;

9 (2) administer the state community service program established under
 10 AS 44.47.910 - 44.47.929.

11 (c) The department shall provide administrative support to the commission.

12 **Sec. 44.47.912. State community service program.** (a) In addition to the
 13 grants it distributes under federal law for national community service programs, the
 14 commission shall distribute grants to municipalities, public or private nonprofit
 15 organizations, and institutions of higher education that will carry out, directly or
 16 through subgrants to other entities, full- or part-time state community service programs,
 17 including summer programs, that address unmet human, educational, environmental,
 18 or public safety needs.

19 (b) The commission shall establish a system to recruit individuals who desire
 20 to perform state community service and assist in the placement of these individuals in
 21 approved state community service positions.

22 (c) The commission shall disseminate information regarding available approved
 23 state community service positions through cooperation with municipalities, secondary
 24 schools, institutions of higher education, employment service offices, state vocational
 25 rehabilitation agencies, and other state agencies that primarily serve individuals with
 26 disabilities, and other appropriate entities, particularly organizations that provide
 27 outreach to disadvantaged youths and youths who are individuals with disabilities.

28 **Sec. 44.47.914. Types of programs; limitation.** (a) Subject to (b) of this
 29 section, a state community service program funded by the commission may include
 30 the types of programs listed in 42 U.S.C. 12572(a) and other types, as approved by the
 31 commission under its regulations.

1 (b) The commission may not use, or allow a grantee to use, funds available
 2 under AS 44.47.910 - 44.47.929 for a state community service position that performs
 3 services that provide a direct benefit to

4 (1) a business organized for profit;

5 (2) a labor union;

6 (3) a nonprofit organization that fails to comply with the restrictions
 7 contained in 26 U.S.C. 501(c), except that this restriction may not be construed to
 8 prevent community service participants from engaging in advocacy activities
 9 undertaken at their own initiative; or

10 (4) an organization engaged in religious activities unless the services
 11 provided under AS 44.47.910 - 44.47.929 do not include any of the following:

12 (A) religious instruction;

13 (B) the conduct of worship services;

14 (C) the provision of instruction as part of a program that
 15 includes mandatory religious education or worship;

16 (D) the construction or operation of facilities devoted to
 17 religious instruction or worship or the maintenance of facilities primarily or
 18 inherently devoted to religious instruction or worship; or

19 (E) proselytization.

20 **Sec. 44.47.916. Assistance criteria.** (a) The commission shall use the
 21 following criteria when evaluating a state community service program submitted by
 22 an applicant for assistance from the commission:

23 (1) the quality of the program proposed to be carried out directly by
 24 the applicant or supported by a subgrant from the applicant;

25 (2) the innovative aspects of the program and the feasibility of
 26 replicating the program;

27 (3) the sustainability of the program, based on evidence such as the
 28 existence of strong and broad-based community support, multiple funding sources, or
 29 private funding;

30 (4) the quality of the leadership of the program, the program's past
 31 performance, and the extent to which the program builds on existing programs;

1 (5) the extent to which participants in the program are recruited from
 2 among residents of the communities in which service projects are to be conducted and
 3 the extent to which participants and community residents are involved in the design,
 4 leadership, and operation of the program;

5 (6) the extent to which service projects would be conducted in the
 6 following areas where they are needed most:

7 (A) communities designated as empowerment zones or
 8 redevelopment areas, targeted for special economic incentives, or otherwise
 9 identifiable as having high concentrations of low-income people;

10 (B) areas that are environmentally distressed;

11 (C) areas adversely affected by federal actions related to the
 12 management of federal land that result in significant regional job losses and
 13 economic dislocation;

14 (D) areas adversely affected by reductions in defense spending
 15 or the closure or realignment of military installations; and

16 (E) areas that have an unemployment rate greater than the state
 17 average unemployment rate for the most recent 12 months for which
 18 satisfactory data are available;

19 (7) the extent to which measurable results are documented; and

20 (8) other criteria that the commission considers to be appropriate and
 21 that are included in its regulations.

22 (b) The commission shall ensure that the grantees under the state community
 23 service program are geographically diverse and include projects to be conducted in the
 24 urban and rural areas of the state that have the highest rates of poverty.

25 (c) The commission may not approve a community service program that does
 26 not agree to

27 (1) provide a basic health care policy for each full-time participant who
 28 does not already have basic coverage; the commission shall establish minimum
 29 standards that all health plans must meet in order to qualify under this paragraph, any
 30 circumstances in which an alternative health care policy may be substituted for the
 31 basic health care policy, and mechanisms to prohibit participants from dropping

1 existing coverage; and

2 (2) make child care available for children of each full-time participant
3 who needs child care in order to participate in the program or provide a child care
4 allowance to each full-time participant who needs the allowance in order to participate
5 in the program.

6 **Sec. 44.47.918. Program participants.** (a) An individual is considered to be
7 a participant in a state community service program if the individual

8 (1) meets the eligibility requirements, directly related to the tasks to be
9 accomplished, that are established by the program;

10 (2) is selected by the program to serve in a position with the program
11 for a term of service specified by the program;

12 (3) has received a high school diploma or its equivalent, or agrees to
13 obtain a high school diploma or its equivalent, and the individual did not drop out of
14 an elementary or secondary school to enroll in the program; and

15 (4) is a citizen or national of the United States or a lawful permanent
16 resident alien of the United States.

17 (b) The commission and a grantee of the commission may not discriminate in
18 its recruitment or selection of participants on any basis for which discrimination is
19 forbidden for participants under the national community service program under 42
20 U.S.C. 12592.

21 (c) Acceptance into a state community service program to serve a second term
22 of service is only available to individuals who perform satisfactorily in their first term
23 of service. The commission shall adopt regulations regarding the manner and criteria
24 upon which the service of a participant shall be evaluated to determine whether the
25 service is satisfactory and successful for purposes of eligibility for a second term of
26 service, a state educational award under AS 44.47.920, or a state housing award under
27 AS 44.47.922.

28 **Sec. 44.47.920. Educational award.** (a) A state community service
29 participant is eligible for an educational award if the person

30 (1) satisfactorily completes at least

31 (A) one term of full-time service consisting of at least 1,700

1 hours of service during a period of at least nine months but not more than 12
2 months;

3 (B) one term of part-time service consisting of at least 900
4 hours of service during a period of not more than two years if the person was
5 not enrolled in an institute of higher education while performing all or a
6 portion of the service; or

7 (C) one term of part-time service consisting of at least 900
8 hours of service during a period of not more than three years if the person was
9 enrolled in an institute of higher education while performing all or a portion
10 of the service;

11 (2) at the time the person uses the educational award, has received a
12 high school diploma or the equivalent and is enrolled at an institution of higher
13 education; and

14 (3) is a citizen or national of the United States or a lawful permanent
15 resident alien of the United States.

16 (b) Although an individual may serve more than two terms of service in an
17 approved state community service position, an individual may not receive an
18 educational award from the state for more than the equivalent of two full-time terms
19 of state community service.

20 (c) An individual eligible to receive a state educational award under this
21 section may not use the award after the end of the seven-year period that begins on the
22 date the individual completes the last term of service that is the basis of the award
23 except that the commission may extend this period if the commission determines that
24 the individual was unavoidably prevented from using the award during the original
25 seven-year period or performed another term of state or national community service
26 during the seven-year period.

27 (d) Subject to the limitation in (b) of this section, the amount of an
28 educational award under this section is

29 (1) \$2,500 for each term of full-time state community service, up to
30 two terms; and

31 (2) \$1,250 for each term of part-time state community service, up to

1 three terms.

2 (e) An educational award under this section may be used to

3 (1) repay a qualifying student loan, or interest on a student loan,
4 incurred by the participant for postsecondary education;

5 (2) pay all or part of the cost of attendance at a qualifying institution
6 of higher education.

7 (f) The commission shall adopt regulations to implement this section, including
8 regulations determining which student loans are qualifying loans and which institutions
9 of higher education are qualifying institutions.

10 **Sec. 44.47.922. Housing award.** A participant who has successfully
11 completed at least two terms of full-time state or national community service or three
12 terms of part-time state or national community service, or a combination of three full-
13 time and part-time terms, is eligible for a housing award. The housing award consists
14 of the availability to the participant of a mortgage loan voucher by the commission or
15 the purchase of mortgage loan insurance by the commission that is sufficient to allow
16 the participant to apply for a mortgage loan under AS 18.56 for a single-family
17 residence in a loan-to-value ratio of 100 percent. The commission and the Alaska
18 Housing Finance Corporation shall cooperate in implementing this section.

19 **Sec. 44.47.929. Definitions.** In AS 44.47.910 - 44.47.929,

20 (1) "commission" means the Alaska State Community Service
21 Commission established under AS 44.47.910;

22 (2) "participant" means an individual who performs community service
23 under a state community service program;

24 (3) "state community service program" means a program approved
25 under AS 44.47.914.

26 * **Sec. 3.** AS 18.56.096(b) is amended to read:

27 (b) The loan-to-value limitation established in (a)(4) of this section does not
28 apply to a mortgage loan that is federally insured or guaranteed **or for which the**
29 **borrower holds a current voucher issued by the Alaska State Community Service**
30 **Commission under AS 44.47.922.** The loan-to-value limitations established in (a)(1)
31 and (4) of this section do not apply to a mortgage loan that is a refinancing mortgage

1 loan under AS 18.56.108.

2 * **Sec. 4.** AS 44.66.010(a) is amended by adding a new paragraph to read:

3 (20) Alaska State Community Service Commission -- June 30, 2002.

4 * **Sec. 5.** TRANSITION. (a) Litigation, hearings, investigations, application processes,
5 and other proceedings pending with the Alaska State Community Service Commission
6 established under Administrative Order No. 162 continue in effect and may be continued and
7 completed by the Alaska State Community Service Commission established under this Act.

8 (b) Contracts, rights, liabilities, and obligations created by the Alaska State
9 Community Service Commission established under Administrative Order No. 162 and in effect
10 on June 30, 1998, remain in effect and are transferred to the Alaska State Community Service
11 Commission established under this Act. Records, equipment, appropriations, and other
12 property of the Alaska State Community Service Commission established under Administrative
13 Order No. 162 are transferred to the Alaska State Community Service Commission established
14 under this Act.

15 (c) Notwithstanding other provisions of this Act, the members of the Alaska State
16 Community Service Commission established under Administrative Order No. 162 whose terms
17 of office have not expired by June 30, 1998, are entitled to remain in their offices until the
18 expiration of their terms.

19 * **Sec. 6.** This Act takes effect July 1, 1998.