

SENATE BILL NO. 199

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR ELLIS

Introduced: 4/23/01

Referred: Health, Education and Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

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

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

4 *** Section 1.** AS 44.27 is amended by adding new sections to read:

5 **Article 3. Alaska State Community Service Commission.**

6 **Sec. 44.27.100. Commission.** (a) There is created in the department the
7 Alaska State Community Service Commission. The members shall be appointed by
8 the governor to staggered three-year terms in a manner that satisfies the requirements
9 of 42 U.S.C. 12638.

10 (b) The commission shall, to the extent that appropriations are available to it,
11 (1) act as, and perform the duties required of it under federal law as,
12 the administrative entity established under 42 U.S.C. 12638 to receive and distribute
13 funds available to the state from the Corporation for National and Community Service
14 under 42 U.S.C. 12571 for the national community service program;

1 (2) administer the state community service program established under
2 AS 44.27.100 - 44.27.190.

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

4 **Sec. 44.27.110. State community service program.** (a) In addition to the
5 grants it distributes under federal law for national community service programs, the
6 commission shall distribute grants to municipalities, public or private nonprofit
7 organizations, and institutions of higher education that will carry out, directly or
8 through subgrants to other entities, full- or part-time state community service
9 programs, including summer programs, that address unmet community needs.

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

13 (c) The commission shall disseminate information regarding available
14 approved state community service positions through cooperation with municipalities,
15 secondary schools, chartered community councils, institutions of higher education,
16 employment service offices, state vocational rehabilitation agencies, and other state
17 agencies that primarily serve individuals with disabilities, and other appropriate
18 entities, particularly organizations that provide outreach to disadvantaged youths and
19 youths who are individuals with disabilities.

20 (d) The commission shall promote innovation in community service programs
21 and select high performing initiatives for official recognition.

22 **Sec. 44.27.120. Types of programs; limitation.** (a) Subject to (b) of this
23 section, a state community service program funded by the commission may include
24 the types of programs listed in 42 U.S.C. 12572(a) and other types, as approved by the
25 commission under its regulations.

26 (b) The commission may not use, or allow a grantee to use, funds available
27 under AS 44.27.100 - 44.27.190 for a state community service position that performs
28 services that provide a direct benefit to

29 (1) a business organized for profit;

30 (2) a labor union;

31 (3) a nonprofit organization that fails to comply with the restrictions

1 contained in 26 U.S.C. 501(c), except that this restriction may not be construed to
 2 prevent community service participants from engaging in advocacy activities
 3 undertaken at their own initiative; or

4 (4) an organization engaged in religious activities unless the services
 5 provided under AS 44.27.100 - 44.27.190 do not include any of the following:

6 (A) religious instruction;

7 (B) the conduct of worship services;

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

10 (D) the construction or operation of facilities devoted to
 11 religious instruction or worship or the maintenance of facilities primarily or
 12 inherently devoted to religious instruction or worship; or

13 (E) proselytization.

14 **Sec. 44.27.130. Assistance criteria.** (a) The commission shall use the
 15 following criteria when evaluating a state community service program submitted by an
 16 applicant for assistance from the commission:

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

19 (2) the innovative aspects of the program and the feasibility of
 20 replicating the program;

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

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

26 (5) the extent to which participants in the program are recruited from
 27 among residents of the communities in which service projects are to be conducted and
 28 the extent to which participants and community residents are involved in the design,
 29 leadership, and operation of the program;

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

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

4 (B) areas that are environmentally distressed;

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

8 (D) areas adversely affected by reductions in defense spending
 9 or the closure or realignment of military installations;

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

13 (F) areas that are in need of additional child care employees or
 14 employees to provide care to elderly persons;

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

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

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

21 **Sec. 44.27.140. Program participants.** (a) An individual is considered to be
 22 a participant in a state community service program if the individual

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

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

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

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

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

5 (c) Acceptance into a state community service program to serve a second term
 6 of service is only available to individuals who perform satisfactorily in their first term
 7 of service. The commission shall adopt regulations regarding the manner and criteria
 8 upon which the service of a participant shall be evaluated to determine whether the
 9 service is satisfactory and successful for purposes of eligibility for a second term of
 10 service, a state educational voucher under AS 44.27.150, or a state housing voucher
 11 under AS 44.27.160.

12 **Sec. 44.27.150. Educational voucher.** (a) A state community service
 13 participant is eligible for an educational voucher if the person

14 (1) satisfactorily completes at least

15 (A) one term of full-time service consisting of at least 1,700
 16 hours of service during a period of at least nine months but not more than 12
 17 months;

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

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

26 (2) at the time the person uses the educational voucher, has received a
 27 high school diploma or the equivalent and is enrolled at an institution of higher
 28 education; and

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

31 (b) Although an individual may serve more than two terms of service in an

1 approved state community service position, an individual may not receive an
 2 educational voucher from the state for more than the equivalent of two full-time terms
 3 of state community service.

4 (c) An individual eligible to receive a state educational voucher under this
 5 section may not use the voucher after the end of the seven-year period that begins on
 6 the date the individual completes the last term of service that is the basis of the
 7 voucher except that the commission may extend this period if the commission
 8 determines that the individual was unavoidably prevented from using the voucher
 9 during the original seven-year period or performed another term of state or national
 10 community service during the seven-year period.

11 (d) Subject to the limitation in (b) of this section, the amount of an educational
 12 voucher under this section is

13 (1) \$2,500 for each term of full-time state community service, up to
 14 two terms; and

15 (2) \$1,250 for each term of part-time state community service, up to
 16 three terms.

17 (e) An educational voucher under this section may be used to

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

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

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

25 **Sec. 44.27.160. Housing voucher.** A participant who has successfully
 26 completed at least two terms of full-time state or national community service or three
 27 terms of part-time state or national community service, or a combination of three full-
 28 time and part-time terms, is eligible for a housing voucher. The housing voucher
 29 consists of the availability to the participant of a mortgage loan voucher by the
 30 commission or the purchase of mortgage loan insurance by the commission that is
 31 sufficient to allow the participant to apply for a mortgage loan under AS 18.56 for a

1 single-family residence in a loan-to-value ratio of 100 percent. The commission and
 2 the Alaska Housing Finance Corporation shall cooperate in implementing this section.

3 **Sec. 44.27.190. Definitions.** In AS 44.27.100 - 44.27.190,

4 (1) "commission" means the Alaska State Community Service
 5 Commission established under AS 44.27.100;

6 (2) "department" means the Department of Education and Early
 7 Development;

8 (3) "participant" means an individual who performs community service
 9 under a state community service program;

10 (4) "state community service program" means a program approved
 11 under AS 44.27.120.

12 * **Sec. 2.** AS 18.56.096(b) is amended to read:

13 (b) The loan-to-value limitation established in (a)(4) of this section does not
 14 apply to a mortgage loan that is federally insured or guaranteed **or for which the**
 15 **borrower holds a current voucher issued by the Alaska State Community Service**
 16 **Commission under AS 44.27.160.** The loan-to-value limitations established in (a)(1)
 17 and (4) of this section do not apply to a mortgage loan that is a refinancing mortgage
 18 loan under AS 18.56.108.

19 * **Sec. 3.** AS 44.66.010(a) is amended by adding a new paragraph to read:

20 (20) Alaska State Community Service Commission -- June 30, 2005.

21 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 22 read:

23 TRANSITION. (a) Litigation, hearings, investigations, application processes, and
 24 other proceedings pending with the Alaska State Community Service Commission established
 25 under Administrative Order No. 162 continue in effect and may be continued and completed
 26 by the Alaska State Community Service Commission established under this Act.

27 (b) Contracts, rights, liabilities, and obligations created by the Alaska State
 28 Community Service Commission established under Administrative Order No. 162 and in
 29 effect on June 30, 2001, remain in effect and are transferred to the Alaska State Community
 30 Service Commission established under this Act. Records, equipment, appropriations, and
 31 other property of the Alaska State Community Service Commission established under

1 Administrative Order No. 162 are transferred to the Alaska State Community Service
2 Commission established under this Act.

3 (c) Notwithstanding other provisions of this Act, the members of the Alaska State
4 Community Service Commission established under Administrative Order No. 162 whose
5 terms of office have not expired on or before June 30, 2001, are entitled to remain in their
6 offices until the expiration of their terms.

7 * **Sec. 5.** This Act takes effect July 1, 2001.