

By: Representatives Wallace, Bozeman,  
Coleman (29th), Thornton

To: Public Health and  
Welfare;  
Appropriations

## HOUSE BILL NO. 1036

1 AN ACT TO CREATE SERVICE PROGRAMS TO ADDRESS UNMET HUMAN  
2 EDUCATIONAL, ENVIRONMENTAL OR PUBLIC SAFETY NEEDS TO BE  
3 ADMINISTERED BY THE DEPARTMENT OF HUMAN SERVICES; TO PROVIDE  
4 GRANTS FOR SUCH SERVICE PROGRAMS; TO PROVIDE TRAINING FOR  
5 INDIVIDUALS ELIGIBLE TO PARTICIPATE IN SERVICE PROGRAMS; TO  
6 PROVIDE ELIGIBILITY CRITERIA; TO PROVIDE VARIOUS METHODS OF  
7 PROGRAM ASSISTANCE; TO PROVIDE FOR THE APPLICATION PROCESS FOR  
8 ASSISTANCE AND APPROVED SERVICE POSITIONS; TO SPECIFY PROGRAM  
9 ASSISTANCE REQUIREMENTS; TO PROVIDE THAT CERTAIN SERVICE  
10 CATEGORIES SHALL BE INELIGIBLE; TO PROVIDE A DESCRIPTION OF  
11 PARTICIPANTS; TO PROVIDE FOR THE SELECTION OF PARTICIPANTS; TO  
12 PROVIDE FOR TERMS OF SERVICE; TO PROVIDE A LIVING ALLOWANCE FOR  
13 SERVICE PARTICIPANTS; TO PROVIDE FOR SERVICE EDUCATIONAL AWARDS;  
14 TO CREATE THE MISSISSIPPI SERVICE TRUST IN THE STATE TREASURY AND  
15 PROVIDE FOR ITS ADMINISTRATION; TO PROVIDE ELIGIBILITY CRITERIA  
16 FOR AWARDS FROM THE TRUST; TO PROVIDE FOR THE USE AND DISBURSEMENT  
17 OF AWARDS; TO PROVIDE FOR THE FOCUS OF PROGRAMS; TO PROVIDE  
18 TRAINING AND EDUCATION SERVICES; TO PROVIDE FOR PREFERENCE OF  
19 CERTAIN PROJECTS; TO PROVIDE ENROLLMENT CRITERIA; TO PROVIDE A  
20 LIVING ALLOWANCE; TO AUTHORIZE THE USE OF VOLUNTEERS; AND FOR  
21 RELATED PURPOSES.

22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

23 SECTION 1. (1) Subject to the availability of  
24 appropriations for this purpose, the Department of Human Services  
25 (department) may make grants to counties, municipalities, public  
26 or private nonprofit organizations, and institutions of higher  
27 learning for the purpose of assisting the recipients of the  
28 grants:

29 (a) To carry out full- or part-time service programs,  
30 including summer programs, described in Section 2 of this act; and

31 (b) To make grants in support of other service programs  
32 described in Section 2 of this act that are carried out by other  
33 entities.

34 (2) (a) The department may enter into a contract or  
35 cooperative agreement with another state agency to support a

36 service program carried out by the agency. The support provided  
37 by the department under the contract or cooperative agreement may  
38 include the transfer to the state agency of funds available to the  
39 department under this act.

40 (b) A state agency receiving assistance under this act  
41 shall not be required to satisfy the matching funds requirements  
42 specified in subsection (5) of this section.

43 (c) A state agency receiving assistance under this act  
44 shall consult with the counties in which projects will be  
45 conducted using such assistance in order to ensure that the  
46 projects do not duplicate projects conducted by service programs.

47 (d) A state agency that enters into a contract or  
48 cooperative agreement under paragraph (a) of this subsection  
49 shall, in an appropriate case, enter into a contract or  
50 cooperative agreement with an entity that is carrying out a  
51 service program in a county that is in existence in the county as  
52 of the date of the contract or cooperative agreement and is of  
53 high quality, in order to support the service program.

54 (3) As part of the provision of assistance under subsections  
55 (1) and (2) of this section, the department shall:

56 (a) Approve the provision of service educational awards  
57 described in this act for the participants who serve in service  
58 programs carried out using such assistance; and

59 (b) Deposit in the Mississippi Service Trust  
60 established in Section 17 of this act an amount equal to the  
61 product of:

62 (i) The value of a service educational award under  
63 Section 19 of this act; and

64 (ii) The total number of approved service  
65 positions to be provided.

66 (4) (a) Not more than five percent (5%) of the amount of  
67 assistance provided to the original recipient of a grant or  
68 transfer of assistance under subsection (1) or (2) of this section  
69 for a fiscal year may be used to pay for administrative costs  
70 incurred by:

71 (i) The recipient of the assistance; and

72 (ii) Service programs carried out or supported

73 with the assistance.

74 (b) The department may by rule prescribe the manner and  
75 extent to which:

76 (i) Assistance provided under subsection (1) or  
77 (2) of this section may be used to cover administrative costs; and

78 (ii) That portion of the assistance available to  
79 cover administrative costs should be distributed between:

80 1. The original recipient of the grant or  
81 transfer of assistance under such subsection; and

82 2. Service programs carried out or supported  
83 with the assistance.

84 (5) (a) Except as provided in Section 15 of this act, the  
85 state share of the cost of carrying out a service program that  
86 receives the assistance under subsection (1) of this section,  
87 whether the assistance is provided directly or as a subgrant from  
88 the original recipient of the assistance, may not exceed  
89 seventy-five percent (75%) of such cost.

90 (b) In providing for the remaining share of the cost of  
91 carrying out a service program, the program:

92 (i) Shall provide for such share through a payment  
93 in cash or in kind, fairly evaluated, including facilities,  
94 equipment, or services; and

95 (ii) May provide for such share through state  
96 sources or local sources, or other federal sources.

97 (c) In providing a payment in cash under paragraph  
98 (b)(i) of this subsection as part of providing for the remaining  
99 share of the cost of carrying out a service program, the program  
100 may count not more than eighty-five percent (85%) of the cost of  
101 providing a health care policy described in Section 15 of this act  
102 toward such share.

103 (d) The department may waive in whole or in part the  
104 requirements of paragraph (a) of this subsection with respect to a  
105 service program in any fiscal year if the department determines

106 that such a waiver would be equitable due to a lack of available  
107 financial resources at the local level.

108 SECTION 2. (1) The recipient of a grant under Section 1 of  
109 this act and each state agency receiving assistance under Section  
110 1 of this act shall use the assistance, directly or through  
111 subgrants to other entities, to carry out full- or part-time  
112 service programs, including summer programs, that address unmet  
113 human, educational, environmental, or public safety needs.  
114 Subject to subsection (2)(a) of this section, these service  
115 programs may include the following types of service programs:

116 (a) A community corps program that meets unmet human,  
117 educational, environmental or public safety needs and promotes  
118 greater community unity through the use of organized teams of  
119 participants of varied social and economic backgrounds, skill  
120 levels, physical and developmental capabilities, ages, ethnic  
121 backgrounds, or genders.

122 (b) A full-time, year-round youth corps program or  
123 full-time summer youth corps program, such as a conservation corps  
124 or youth service corps (including youth corps programs) and other  
125 conservation corps or youth service corps that performs service,  
126 that:

127 (i) Undertakes meaningful service projects with  
128 visible public benefits, including natural resource, urban  
129 renovation, or human services projects;

130 (ii) Includes as participants youths and young  
131 adults between the ages of sixteen (16) and twenty-five (25)  
132 years, inclusive, including out-of-school youths and other  
133 disadvantaged youths (such as youths with limited basic skills,  
134 youths in foster care who are becoming too old for foster care,  
135 youths of limited-English proficiency, homeless youths, and youths  
136 who are individuals with disabilities) who are between those ages;  
137 and

138 (iii) Provides those participants who are youths

139 and young adults with:

140                   1. Crew-based, highly structured, and  
141 adult-supervised work experience, life skills, education, career  
142 guidance and counseling, employment training, and support  
143 services; and

144                   2. The opportunity to develop citizenship  
145 values and skills through service to their community and the  
146 state.

147           (c) A program that provides specialized training to  
148 individuals in service-learning and places the individuals after  
149 such training in positions, including positions as  
150 service-learning coordinators, to facilitate service-learning in  
151 programs.

152           (d) A service program that is targeted at specific  
153 unmet human, educational, environmental, or public safety needs  
154 and that:

155                   (i) Recruits individuals with special skills or  
156 provides specialized preservice training to enable participants to  
157 be placed individually or in teams in positions in which the  
158 participants can meet such unmet needs; and

159                   (ii) If consistent with the purposes of the  
160 program, brings participants together for additional training and  
161 other activities designed to foster civic responsibility, increase  
162 the skills of participants, and improve the quality of the service  
163 provided.

164           (e) An individualized placement program that includes  
165 regular group activities, such as leadership training and special  
166 service projects.

167           (f) A campus-based program that is designed to provide  
168 substantial service in a community during the school term and  
169 during summer or other vacation periods through the use of:

170                   (i) Students who are attending an institution of  
171 higher learning, including students participating in a work-study

172 program assisted under Part C of Title IV of the Higher Education  
173 Act of 1965 (42 USCS Section 2751 et seq.);

174 (ii) Teams composed of such students; or

175 (iii) Teams composed of a combination of such  
176 students and community residents.

177 (g) A preprofessional training program in which  
178 students enrolled in an institution of higher learning:

179 (i) Receive training in specified fields, which  
180 may include classes containing service-training;

181 (ii) Perform service related to such training  
182 outside the classroom during the school term and during summer or  
183 other vacation periods; and

184 (iii) Agree to provide service upon graduation to  
185 meet unmet human, educational, environmental, or public safety  
186 needs related to such training.

187 (h) A professional corps program that recruits and  
188 places qualified participants in positions:

189 (i) As teachers, nursing and other health care  
190 providers, police officers, early childhood development staff,  
191 engineers, or other professionals providing service to meet  
192 educational, human, environmental, or public safety needs in  
193 communities with an inadequate number of such professionals;

194 (ii) That may include a salary in excess of the  
195 maximum living allowance authorized in this act; and

196 (iii) That are sponsored by public or private  
197 nonprofit employers who agree to pay one hundred percent (100%) of  
198 the salaries and benefits of the participants.

199 (i) A program in which economically disadvantaged  
200 individuals who are between the ages of sixteen (16) and  
201 twenty-four (24) years, inclusive, are provided with opportunities  
202 to perform service that, while enabling such individuals to obtain  
203 the education and employment skills necessary to achieve economic  
204 self-sufficiency, will help their communities meet:

205                   (i) The housing needs of low-income families and  
206 the homeless; and

207                   (ii) The need for community facilities in  
208 low-income areas.

209                   (j) A service entrepreneur program that identifies,  
210 recruits, and trains gifted young adults of all backgrounds and  
211 assists them in designing solutions to community problems.

212                   (k) An intergenerational program that combines  
213 students, out-of-school youths, and older adults as participants  
214 to provide needed community services, including an  
215 intergenerational component for other national service programs  
216 described in this subsection.

217                   (l) A program that is administered by a combination of  
218 nonprofit organizations located in a low-income area, provides a  
219 broad range of services to residents of such area, is governed by  
220 a board composed in significant part of low-income individuals,  
221 and is intended to provide opportunities for individuals or teams  
222 of individuals to engage in community projects in such area that  
223 meet unaddressed community and individual needs, including  
224 projects that would:

225                   (i) Meet the needs of low-income children and  
226 youth age eighteen (18) years and younger, such as providing  
227 after-school "safe places," including schools, with opportunities  
228 for learning and recreation; or

229                   (ii) Be directed to other important unaddressed  
230 needs in such area.

231                   (m) A community service program designed to meet the  
232 needs of rural communities, using teams or individual placements  
233 to address the development needs of rural communities and to  
234 combat rural poverty, including health care, education, and job  
235 training.

236                   (n) A program that seeks to eliminate hunger in  
237 communities and rural areas through service in projects:

238                   (i) Involving food banks, food pantries and  
239 nonprofit organizations that provide food during emergencies;  
240                   (ii) Involving the gleaning of prepared and  
241 unprepared food that would otherwise be discarded as unusable so  
242 that the usable portion of such food may be donated to food banks,  
243 food pantries, and other nonprofit organizations;  
244                   (iii) Seeking to address the long-term causes of  
245 hunger through education and the delivery of appropriate services;  
246 or  
247                   (iv) Providing training in basic health,  
248 nutrition, and life skills necessary to alleviate hunger in  
249 communities and rural areas.  
250                   (o) Such other service programs addressing unmet human,  
251 educational, environmental, or public safety needs as the  
252 department may designate.

253           (2) (a) The department shall establish qualification  
254 criteria for different types of service programs for the purpose  
255 of determining whether a particular service program should be  
256 considered to be a service program eligible to receive assistance  
257 or approved service positions under this act.

258                   (b) In establishing qualification criteria under  
259 paragraph (a) of this subsection, the department shall consult  
260 with organizations and individuals with extensive experience in  
261 developing and administering effective service programs or  
262 regarding the delivery of human, educational, environmental, or  
263 public safety services to communities or persons.

264                   (c) The qualification criteria established by the  
265 department under paragraph (a) of this subsection shall also be  
266 used by each recipient of assistance under Section 1 of this act  
267 that uses any portion of the assistance to conduct a grant program  
268 to support other service programs.

269                   (d) The department shall encourage service programs  
270 eligible to receive assistance or approved service positions under



271 this act to establish, if consistent with the purposes of the  
272 program, an intergenerational component of the program that  
273 combines students, out-of-school youths, and older adults as  
274 participants to provide services to address unmet human,  
275 educational, environmental, or public safety needs.

276 (3) (a) (i) In order to concentrate efforts on meeting  
277 certain unmet human, educational, environmental, or public safety  
278 needs and to achieve the other purposes of this act, the  
279 department shall establish, and after reviewing the strategic plan  
280 approved, periodically alter priorities as appropriate regarding  
281 the types of service programs to be assisted and the purposes for  
282 which such assistance may be used.

283 (ii) Consistent with paragraph (d) of this  
284 subsection, counties shall establish, and through the service plan  
285 process, periodically alter priorities as appropriate regarding  
286 the service programs to be assisted. The county priorities shall  
287 be subject to department review as part of the application  
288 process.

289 (b) The department shall provide advance notice to  
290 potential applicants of any service priorities to be in effect  
291 under this subsection for a fiscal year. The notice shall  
292 specifically include:

293 (i) A description of any alteration made in the  
294 priorities since the previous notice; and

295 (ii) A description of the service programs that  
296 are designated by the department as eligible for priority  
297 consideration in the next competitive distribution of assistance  
298 under Section 1 of this act.

299 (c) The department shall by regulation establish  
300 procedures to ensure the equitable treatment of service programs  
301 that:

302 (i) Receive funding under this act for multiple  
303 years; and

304 (ii) Would be adversely affected by annual  
305 revisions in such service priorities.

306 (d) Any service priorities established by the  
307 department under this subsection shall also be used by each  
308 recipient of funds under Section 1 of this act that uses any  
309 portion of the assistance to conduct a grant program to support  
310 other service programs.

311 SECTION 3. The department may approve of any of the  
312 following service positions as an approved service position that  
313 includes the service educational award described in this act as  
314 one of the benefits to be provided for successful service in the  
315 position:

316 (a) A position for a participant in a service program  
317 described in section 2 of this act that receives assistance under  
318 subsection (1) or (2) of Section 1 of this act.

319 (b) A position for a participant in a program that:

320 (i) Is carried out by a county municipality, a  
321 public or private nonprofit organization, an institution of higher  
322 learning, or a state agency; and

323 (ii) Would be eligible to receive assistance under  
324 Section 1 of this act, based on criteria established by the  
325 department, but has not applied for such assistance.

326 (c) A position involving service as a VISTA volunteer  
327 under Title I of the Domestic Volunteer Service Act of 1973 (42  
328 USCS Section 4951 et seq.).

329 (d) A position facilitating service-learning in a  
330 program described in Section 2 of this act that is eligible for  
331 assistance.

332 (e) A position for a participant in the Civilian  
333 Community Corps under Subtitle E (42 USCS Section 12611 et seq.).

334 (f) A position involving service as a crew leader in a  
335 youth corps program or a similar position supporting a service  
336 program that receives an approved service position.

337           (g) Such other service positions as the department  
338 considers to be appropriate. (P.L. 103-82, Title I, Subtitle A,  
339 Section 101(b), 107 Stat. 794.)

340           SECTION 4. (1) The department may provide assistance under  
341 Section 1 of this act to a qualified applicant that submits an  
342 application for the planning of a service program. Assistance  
343 provided in accordance with this subsection may cover a period of  
344 not more than one (1) year.

345           (2) The department may provide assistance under Section 1 of  
346 this act to a qualified applicant that submits an application for  
347 the establishment, operation, or expansion of a service program.  
348 Assistance provided in accordance with this subsection may cover a  
349 period of not more than three (3) years, but may be renewed by the  
350 department upon consideration of a new application.

351           (3) The department may provide assistance under Section 1 of  
352 this act to a qualified applicant that submits an application for  
353 the expansion of a proven service program to another geographical  
354 location. Assistance provided in accordance with this subsection  
355 may cover a period of not more than three (3) years, but may be  
356 renewed by the department upon consideration of a new application.

357           (4) The requirements of this section shall apply to any  
358 county or other applicant receiving assistance under Section 1 of  
359 this act that proposes to conduct a grant program using the  
360 assistance to support other service programs.

361           SECTION 5. (1) The department may conduct, directly or by  
362 grant or contract, appropriate training programs regarding service  
363 in order to:

364           (a) Improve the ability of service programs assisted  
365 under Section 1 of this act to meet human, educational,  
366 environmental, or public safety needs in communities:

367                   (i) Where services are needed most; and

368                   (ii) Where programs do not exist, or are too  
369 limited to meet community needs, as of the date on which the

370 department makes the grant or enters into the contract;

371 (b) Promote leadership development in such programs;

372 (c) Improve the instructional and programmatic quality  
373 of such programs to build an ethic of civic responsibility;

374 (d) Develop the management and budgetary skills of  
375 program operators;

376 (e) Provide for or improve the training provided to the  
377 participants in such programs; and

378 (f) Encourage service programs to adhere to risk  
379 management procedures, including the training of participants in  
380 appropriate risk management practices.

381 (2) To the extent appropriate and necessary, the department  
382 shall make technical assistance available to counties, labor  
383 organizations, organizations operated by young adults,  
384 organizations serving economically disadvantaged individuals, and  
385 other entities described in Section 1 of this act:

386 (a) To develop service programs; or

387 (b) To apply for assistance under such section or under  
388 a grant program conducted using assistance provided under such  
389 section.

390 SECTION 6. (1) (a) From amounts appropriated for a fiscal  
391 year, the department may make a grant to a county to assist the  
392 county to establish or operate a county commission on community  
393 service.

394 (b) Notwithstanding the amounts specified in paragraph  
395 (a) of this subsection, the amount of a grant that may be provided  
396 to a county commission under this subsection, together with other  
397 funds available to establish or operate the county commission, may  
398 not exceed:

399 (i) Eighty-five percent (85%) of the total cost to  
400 establish or operate the county commission for the first year for  
401 which the county commission receives assistance under this  
402 subsection; and

403                   (ii) Such smaller percentage of such cost as the  
404 department may establish for the second, third, and fourth years  
405 of such assistance in order to ensure that the state share does  
406 not exceed fifty percent (50%) of such costs for the fifth year,  
407 and any subsequent year, for which the county commission receives  
408 assistance under this subsection.

409           (2) The department may undertake activities to involve in  
410 disaster relief efforts youth corps programs described in Section  
411 2 of this act and other programs that receive assistance.

412           (3) (a) The department may make challenge grants under this  
413 subsection to service programs that receive assistance under  
414 Section 1 of this act.

415           (b) The department shall develop criteria for the  
416 selection of recipients of challenge grants under this subsection,  
417 so as to make the grants widely available to a variety of programs  
418 that:

419                   (i) Are high-quality service programs; and

420                   (ii) Are carried out by entities with demonstrated  
421 experience in establishing and implementing projects that provide  
422 benefits to participants and communities.

423           (c) A challenge grant under this subsection may provide  
424 not more than One Dollar (\$1.00) of assistance under this  
425 subsection for each One Dollar (\$1.00) in cash raised by the  
426 service program from private sources in excess of amounts required  
427 to be provided by the program to satisfy matching funds  
428 requirements under Section 1 of this act. The department shall  
429 establish a ceiling on the amount of assistance that may be  
430 provided to a service program under this subsection.

431           SECTION 7. (1) (a) Of the funds allocated by the  
432 department for provision of assistance for a fiscal year, the  
433 department shall make a grant to each of the several counties.  
434 The amount allotted as a grant to each such county under this  
435 paragraph for a fiscal year shall be equal to the amount that

436 bears the same ratio to thirty-three and one-third percent  
437 (33-1/3%) of the allocated funds for that fiscal year as the  
438 population of the county bears to the total population of the  
439 state.

440 (b) If a county fails to apply for, or fails to give  
441 notice to the department of its intent to apply for, an allotment  
442 under this section, the department shall use the amount that would  
443 have been allotted under this subsection to the county:

444 (i) To make grants (and provide approved service  
445 positions in connection with such grants) to other eligible  
446 entities that propose to carry out service programs in the county;  
447 and

448 (ii) After making grants under subparagraph (i),  
449 to make a reallocation to other counties with approved  
450 applications.

451 (2) The department shall ensure that each individual  
452 selected during a fiscal year will receive the service educational  
453 award described in this act if the individual satisfies the  
454 eligibility requirements for the award. Funds for approved  
455 service positions required by this subsection for a fiscal year  
456 shall be deducted from the total funding for approved service  
457 positions to be available for distribution under subsections (1)  
458 and (4) of this section for that fiscal year.

459 (3) From amounts appropriated for a fiscal year, the  
460 department may reserve such amount as the department considers to  
461 be appropriate for the purpose of making assistance available.

462 (4) (a) Of the funds allocated by the department for  
463 provision of assistance under Section 1 of this act for a fiscal  
464 year, the department shall use not less than thirty-three and  
465 one-third percent (33-1/3%) of the allocated funds to make grants  
466 to counties on a competitive basis under Section 1 of this act.

467 (b) The department shall distribute on a competitive  
468 basis to subdivisions of counties, public or private nonprofit

469 organizations (including labor organizations), institutions of  
470 higher learning, and state agencies the remainder of the funds  
471 allocated by the department for provision of assistance under  
472 Section 1 of this act for a fiscal year.

473 (c) The department may not provide more than one-third  
474 (1/3) of the funds available for competitive distribution under  
475 paragraph (b) of this subsection for a fiscal year to state  
476 agencies under Section 1 of this act.

477 (d) The department may limit the categories of eligible  
478 applicants for assistance under paragraph (b) of this subsection  
479 consistent with the priorities established by the department.

480 (e) (i) From amounts appropriated for a fiscal year,  
481 subject to the limitation in this act, the executive director of  
482 the department shall reserve an amount that is not less than one  
483 percent (1%) of such amounts, in order to make supplemental grants  
484 as provided in subparagraph (i) and outreach grants as provided in  
485 subparagraph (iii). The amount reserved pursuant to this  
486 paragraph shall be available until expended.

487 (ii) The executive director of the department  
488 shall make grants from a portion of the funds reserved under  
489 subparagraph (i) to entities that:

490 1. Receive a grant to carry out a service  
491 program;

492 2. Demonstrate that the entity has received a  
493 substantial number of applications for placement in the service  
494 program of persons who are individuals with a disability and who  
495 require a reasonable accommodation (as defined in Section 101(9)  
496 of the Americans with Disabilities Act of 1990 (42 USCS Section  
497 12111(9))), or auxiliary aids and services (as defined in Section  
498 3(1) of such act (42 USCS Section 12102(1))), in order to perform  
499 national service; and

500 3. Demonstrate that additional funding would  
501 assist the national service program in placing a substantial

502 number of such individuals with a disability as participants in  
503 projects carried out through the program.

504 Funds made available through such a supplemental grant shall  
505 be made available for the same purposes, and subject to the same  
506 requirements, as funds made available through a grant made under  
507 paragraph (a) or (b) of this subsection.

508 (iii) From the portion of the funds reserved under  
509 subparagraph (i) that is not used to make grants under  
510 subparagraph (ii), the executive director of the department shall  
511 make grants to public or private nonprofit organizations to pay  
512 for the state share described in Section 1 of this act of:

513 1. Providing information about the programs  
514 to such individuals with a disability who desire to perform  
515 national service; and

516 2. Enabling the individuals to participate in  
517 activities carried out through such programs, which may include  
518 assisting the placement of the individuals in approved service  
519 positions.

520 To be eligible to receive a grant under this subparagraph, an  
521 organization shall submit an application to the executive director  
522 of the department at such time, in such manner, and containing  
523 such information as the executive director may require.

524 (5) The allotment of assistance and approved service  
525 positions to a county, and the competitive distribution of  
526 assistance, shall be made by the department only pursuant to an  
527 application submitted by a county or other applicant and approved  
528 by the department.

529 (6) The department may not approve positions as approved  
530 service positions under this act for a fiscal year in excess of  
531 the number of such positions for which the department has  
532 sufficient available funds for that fiscal year. If  
533 appropriations are insufficient to provide the maximum allowable  
534 service educational awards for all eligible participants, the



535 department is authorized to make necessary and reasonable  
536 adjustments to program rules.

537 (7) (a) The department may enter into agreements with  
538 persons or entities who offer to sponsor service positions for  
539 which the person or entity will be responsible for supplying the  
540 funds necessary to provide a service educational award. The  
541 distribution of these approved service positions shall be made  
542 pursuant to the agreement, and the creation of these positions  
543 shall not be taken into consideration in determining the number of  
544 approved service positions to be available for distribution under  
545 this section.

546 (b) Funds provided pursuant to an agreement under  
547 paragraph (a) of this subsection shall be deposited in a special  
548 account in the State Treasury until such time as the funds are  
549 needed.

550 SECTION 8. (1) To be eligible to receive assistance under  
551 Section 1 of this act or approved service positions for  
552 participants who serve in the service programs to be carried out  
553 using the assistance, a county, public or private nonprofit  
554 organization, institution of higher learning, or state agency  
555 shall prepare and submit to the department an application at such  
556 time, in such manner, and containing such information as the  
557 department may reasonably require.

558 (2) In order to have adequate information upon which to  
559 consider an application, the department may require the following  
560 information to be provided in an application submitted under  
561 subsection (1) of this act:

562 (a) A description of the service programs proposed to  
563 be carried out directly by the applicant using assistance  
564 provided.

565 (b) A description of the service programs that are  
566 selected by the applicant to receive a grant using assistance  
567 requested and a description of the process and criteria by which

568 the programs were selected.

569 (c) A description of other funding sources to be used,  
570 or sought to be used, for the service programs referred to in  
571 paragraphs (a) and (b) of this subsection, and, if the application  
572 is submitted for the purpose of seeking a renewal of assistance, a  
573 description of the success of the programs in reducing their  
574 reliance on state funds.

575 (d) A description of the extent to which the projects  
576 to be conducted using the assistance will address unmet human,  
577 educational, environmental, or public safety needs and produce a  
578 direct benefit for the community in which the projects are  
579 performed.

580 (e) A description of the plan to be used to recruit  
581 participant, including youth who are individuals with disabilities  
582 and economically disadvantaged young men and women, for the  
583 service programs referred to in paragraphs (a) and (b) of this  
584 subsection.

585 (f) A description of the manner in which the service  
586 programs referred to in paragraphs (a) and (b) of this subsection  
587 build on existing programs, including state programs.

588 (g) A description of the manner in which the service  
589 programs referred to in paragraphs (a) and (b) of this subsection  
590 will involve participants:

591 (i) In projects that build an ethic of civic  
592 responsibility and produce a positive change in the lives of  
593 participants through training and participation in meaningful  
594 service experiences and opportunities for reflection on such  
595 experiences; and

596 (ii) In leadership positions in implementing and  
597 evaluating the program.

598 (h) Measurable goals for the service programs, and a  
599 strategy to achieve such goals, in terms of:

600 (i) The impact to be made in meeting unmet human,

601 educational, environmental, or public safety needs; and

602 (ii) The service experience to be provided to  
603 participants in the programs.

604 (i) A description of the manner and extent to which the  
605 service programs conform to the service priorities established by  
606 the department.

607 (j) A description of the past experience of the  
608 applicant in operating a comparable program or in conducting a  
609 grant program in support of other comparable service programs.

610 (k) A description of the type and number of proposed  
611 service positions in which participants will receive the service  
612 educational award and a description of the manner in which  
613 approved service positions will be apportioned by the applicant.

614 (l) A description of the manner and extent to which  
615 participants, representatives of the community served,  
616 community-based agencies with a demonstrated record of experience  
617 in providing services, and labor organizations contributed to the  
618 development of the service programs, including the identity of the  
619 individual representing each appropriate labor organization (if  
620 any) who was consulted and the nature of the consultation.

621 (m) Such other information as the department may  
622 reasonably require.

623 (3) An application submitted under subsection (1) of this  
624 section shall contain the following information:

625 (a) A description of the jobs or positions into which  
626 participants will be placed using the assistance provided under  
627 Section 1 of this act, including descriptions of specific tasks to  
628 be performed by such participants.

629 (b) A description of the minimum qualifications that  
630 individuals shall meet to become participants in such programs.

631 (4) (a) This subsection shall apply in the case of an  
632 application in which:

633 (i) The applicant is not seeking assistance, but

634 requests service educational awards for individuals serving in  
635 service positions; or

636 (ii) The applicant requests service educational  
637 awards for service positions, but the positions are not positions  
638 in a service program for which assistance may be provided under  
639 Section 1 of this act.

640 (b) For the applications described in paragraph (a) of  
641 this subsection, the department shall establish special  
642 application requirements in order to determine:

643 (i) Whether the service positions meet unmet  
644 human, educational, environmental, or public safety needs and meet  
645 the criteria for assistance under this act; and

646 (ii) Whether the department should approve the  
647 positions as approved service positions.

648 (5) (a) The application of a county for approved service  
649 positions or for a grant under Section 1 of this act shall be  
650 submitted by the county commission.

651 (b) The application of a county shall contain an  
652 assurance that all assistance provided under Section 1 of this act  
653 to the county will be used to support service programs that were  
654 selected by the county on a competitive basis. In making such  
655 competitive selections, the county shall seek to ensure the  
656 equitable allocation within the county of assistance and approved  
657 service positions provided under this act to the county taking  
658 into consideration such factors as the location of the programs  
659 applying to the county population density, and economic distress.

660 (c) The application of a county shall also contain an  
661 assurance that not less than sixty percent (60%) of the assistance  
662 will be used to make grants in support of service programs other  
663 than service programs carried out by a county agency. The  
664 department may permit a county to deviate from the percentage  
665 specified by this subsection if the county has not received a  
666 sufficient number of acceptable applications to comply with the

667 percentage.

668           (6) (a) In the case of a program applicant that proposes to  
669 also serve as the service sponsor, the application shall include  
670 the written concurrence of any local labor organization  
671 representing employees of the service sponsor who are engaged in  
672 the same or substantially similar work as that proposed to be  
673 carried out.

674           (b) For purposes of this subsection, the term "program  
675 applicant" means:

676                   (i) A county, public or private nonprofit  
677 organization, institution of higher learning, or state agency  
678 submitting an application under this section; or

679                   (ii) An entity applying for assistance or approved  
680 service positions through a grant program conducted using  
681 assistance provided to a county, public or private nonprofit  
682 organization, institution of higher learning, or state agency  
683 under Section 1 of this act.

684           (7) The department shall reject an application submitted  
685 under this section if a project proposed to be conducted using  
686 assistance requested by the applicant is already described in  
687 another application pending before the department.

688           SECTION 9. (1) An application submitted under Section 8 of  
689 this act shall include an assurance by the applicant that any  
690 service program carried out by the applicant using assistance  
691 provided under Section 1 of this act and any service program  
692 supported by a grant made by the applicant using such assistance  
693 will:

694                   (a) Address unmet human, educational, environmental, or  
695 public safety needs through services that provide a direct benefit  
696 to the community in which the service is performed; and

697                   (b) Comply with the nonduplication and nondisplacement  
698 requirements and the grievance procedure requirements.

699           (2) An application submitted under Section 8 of this act

700 shall also include an assurance by the applicant that any service  
701 program carried out by the applicant using assistance provided  
702 under Section 1 of this act and any service program supported by a  
703 grant made by the applicant using such assistance will:

704 (a) Provide participants in the service program with  
705 the training, skills, and knowledge necessary for the projects  
706 that participants are called upon to perform;

707 (b) Provide support services to participants, such as  
708 the provision of appropriate information and support:

709 (i) To those participants who are completing a  
710 term of service and making the transition to other educational and  
711 career opportunities; and

712 (ii) To those participants who are school dropouts  
713 in order to assist those participants in earning the equivalent of  
714 a high school diploma; and

715 (c) Provide, if appropriate, structured opportunities  
716 for participants to reflect on their service experiences.

717 (3) An application submitted under Section 8 of this act  
718 shall also include an assurance by the applicant that any service  
719 program carried out by the applicant using assistance provided  
720 under Section 1 of this act and any service program supported by a  
721 grant made by the applicant using such assistance will:

722 (a) Provide in the design, recruitment, and operation  
723 of the program for broad-based input from:

724 (i) The community served and potential  
725 participants in the program; and

726 (ii) Community-based agencies with a demonstrated  
727 record of experience in providing services and local labor  
728 organizations representing employees of service sponsors, if these  
729 entities exist in the area to be served by the program;

730 (b) Prior to the placement of participants, consult  
731 with the appropriate local labor organization, if any,  
732 representing employees in the area who are engaged in the same or

733 similar work as that proposed to be carried out by such program to  
734 ensure compliance with the nondisplacement requirements; and

735 (c) In the case of a program that is not funded through  
736 a county, consult with and coordinate activities with the county  
737 commission for the county in which the program operates.

738 (4) (a) An application submitted under Section 8 of this  
739 act shall also include an assurance by the applicant that the  
740 applicant will:

741 (i) Arrange for an independent evaluation of any  
742 service program carried out using assistance provided to the  
743 applicant under Section 1 of this act or, with the approval of the  
744 department, conduct an internal evaluation of the program;

745 (ii) Apply measurable performance goals and  
746 evaluation methods (such as the use of surveys of participants and  
747 persons served), which are to be used as part of such evaluation  
748 to determine the impact of the program:

749 1. On communities and persons served by the  
750 projects performed by the program;

751 2. On participants who take part in the  
752 projects; and

753 3. In such other areas as the department may  
754 require; and

755 (iii) Cooperate with any evaluation activities  
756 undertaken by the department.

757 (b) Subject to paragraph (c) of this subsection, the  
758 department shall develop evaluation criteria and performance goals  
759 applicable to all service programs carried out with assistance  
760 provided under Section 1 of this act.

761 (c) The department may establish alternative evaluation  
762 requirements for service programs based upon the amount of  
763 assistance received under Section 1 of this act or received by a  
764 grant made by a recipient of assistance under such section. The  
765 determination of whether a service program is covered by this

766 paragraph shall be made in such manner as the department may  
767 prescribe.

768 (5) Except as provided in Section 1 of this act, an  
769 application submitted under Section 8 of this act shall also  
770 include an assurance by the applicant that the applicant will:

771 (a) Ensure the provision of a living allowance and  
772 other benefits specified in Section 1 of this act, to participants  
773 in any service program carried out by the applicant using  
774 assistance provided under Section 1 of this act; and

775 (b) Require that each service program that receives a  
776 grant from the applicant using such assistance will also provide a  
777 living allowance and other benefits specified in Section 1 of this  
778 act to participants in the program.

779 (6) The department may also require an assurance by the  
780 applicant that any service program carried out by the applicant  
781 using assistance provided under Section 1 of this act and any  
782 service program supported by a grant made by the applicant using  
783 such assistance will select a portion of the participants for the  
784 program from among prospective participants recruited by the  
785 department or county commissions. The department may specify a  
786 minimum percentage of participants to be selected from the  
787 leadership pool and may vary the percentage for different types of  
788 service programs.

789 SECTION 10. An application submitted to the department under  
790 Section 8 of this act shall include an assurance by the applicant  
791 that any service program carried out using assistance provided  
792 under Section 1 of this act and any approved service position  
793 provided to an applicant will not be used to perform service that  
794 provides a direct benefit to any:

795 (a) Business organized for profit;

796 (b) Labor union;

797 (c) Partisan political organization;

798 (d) Organization engaged in religious activities,



799 unless such service does not involve the use of assistance  
800 provided under Section 1 of this act or participants:

801 (i) To give religious instruction;

802 (ii) To conduct worship services;

803 (iii) To provide instruction as part of a program  
804 that includes mandatory religious education or worship;

805 (iv) To construct or operate facilities devoted to  
806 religious instruction or worship or to maintain facilities  
807 primarily or inherently devoted to religious instruction or  
808 worship; or

809 (v) To engage in any form of proselytization; or

810 (e) Nonprofit organization that fails to comply with  
811 the restrictions contained in Section 501(c) of the Internal  
812 Revenue Code of 1986 (26 USCS Section 501(c)), except that nothing  
813 in this section shall be construed to prevent participants from  
814 engaging in advocacy activities undertaken at their own  
815 initiative.

816 SECTION 11. (1) The department shall apply the criteria  
817 described in subsections (3) and (4) of this section in  
818 determining whether:

819 (a) To approve an application submitted under Section 8  
820 of this act and provide assistance under Section 1 of this act to  
821 the applicant; and

822 (b) To approve service positions described in the  
823 application as service positions that include the service  
824 educational award and provide such approved service positions to  
825 the applicant.

826 (2) (a) A county or other entity that uses assistance  
827 provided under Section 1 of this act to support service programs  
828 selected on a competitive basis to receive a share of the  
829 assistance shall use the criteria described in subsections (3) and  
830 (4) of this section when considering an application submitted by a  
831 service program to receive a portion of such assistance or an

832 approved service position.

833 (b) The application of the county or other entity under  
834 Section 8 of this act shall contain:

835 (i) A certification that the county or other  
836 entity used these criteria in the selection of service programs to  
837 receive assistance;

838 (ii) A description of the jobs or positions into  
839 which participants will be placed using such assistance, including  
840 descriptions of specific tasks to be performed by such  
841 participants; and

842 (iii) A description of the minimum qualifications  
843 that individuals shall meet to become participants in such  
844 programs.

845 (3) The criteria required to be applied in evaluating  
846 applications submitted under Section 8 of this act are as follows:

847 (a) The quality of the service program proposed to be  
848 carried out directly by the applicant or supported by a grant from  
849 the applicant.

850 (b) The innovative aspects of the service program and  
851 the feasibility of replicating the program.

852 (c) The sustainability of the service program, based on  
853 evidence such as the existence:

854 (i) Of strong and broad-based community support  
855 for the program; and

856 (ii) Of multiple funding sources or private  
857 funding for the program.

858 (d) The quality of the leadership of the service  
859 program, the past performance of the program, and the extent to  
860 which the program builds on existing programs.

861 (e) The extent to which participants of the service  
862 program are recruited from among residents of the communities in  
863 which projects are to be conducted, and the extent to which  
864 participants and community residents are involved in the design,

865 leadership, and operation of the program.

866 (f) The extent to which projects would be conducted in  
867 the following areas where they are needed most:

868 (i) Communities designated as empowerment zones or  
869 redevelopment areas, targeted for special economic incentives, or  
870 otherwise identifiable as having high concentrations of low-income  
871 people.

872 (ii) Areas that are environmentally distressed.

873 (iii) Areas adversely affected by state actions  
874 related to the management of state lands that result in  
875 significant regional job losses and economic dislocation.

876 (iv) Areas adversely affected by reductions in  
877 defense spending or the closure or realignment of military  
878 installations.

879 (v) Areas that have an unemployment rate greater  
880 than the national average unemployment for the most recent twelve  
881 (12) months for which satisfactory data are available.

882 (g) In the case of applicants other than counties, the  
883 extent to which the application is consistent with the application  
884 under Section 8 of this act of the state in which the projects  
885 would be conducted.

886 (h) Such other criteria as the department considers to  
887 be appropriate.

888 (4) (a) The department shall ensure that recipients of  
889 assistance provided under Section 1 of this act are diverse and  
890 include projects to be conducted in those urban and rural areas in  
891 a county with the highest rates of poverty.

892 (b) The department may designate, under such criteria  
893 as may be established by the department, certain service programs  
894 or types of service programs described in Section 2 of this act  
895 for priority consideration in the competitive distribution of  
896 funds under Section 7 of this act. In designating service  
897 programs to receive priority, the department may include:

898                   (i) Service programs carried out by another state  
899 agency;

900                   (ii) Service programs that conform to the service  
901 priorities in effect under Section 2 of this act;

902                   (iii) Innovative service programs;

903                   (iv) Service programs that are well established in  
904 one or more counties at the time of the application and are  
905 proposed to be expanded to additional counties using assistance  
906 provided under Section 1 of this act;

907                   (v) Grant programs in support of other service  
908 programs if the grant programs are to be conducted by nonprofit  
909 organizations with a demonstrated and extensive expertise in the  
910 provision of services to meet human, educational, environmental,  
911 or public safety needs;

912                   (vi) Professional corps programs described in  
913 Section 2 of this act.

914                   (c) In making a competitive distribution of funds under  
915 Section 7 of this act, the department may give priority  
916 consideration to a service program that is:

917                   (i) Proposed in an application submitted by a  
918 county commission; and

919                   (ii) Not one (1) of the types of programs  
920 described in paragraph (b) of this subsection, if the county  
921 commission provides an adequate explanation of the reasons why it  
922 should not be a priority of such county to carry out any of such  
923 types of programs in the county.

924                   (d) The department shall:

925                   (i) Establish panels of experts for the purpose of  
926 securing recommendations on applications submitted under Section 8  
927 of this act for more than Twenty-five Thousand Dollars  
928 (\$25,000.00) in assistance, or for service positions that would  
929 require more than Twenty-five Thousand Dollars (\$25,000.00) in  
930 service awards; and

931                   (ii) Consider the opinions of such panels prior to  
932 making such determinations.

933           (5) In making assistance available under Section 1 of this  
934 act and in providing approved service positions under Section 3 of  
935 this act, the department shall ensure that not less than fifty  
936 percent (50%) of the total amount of assistance to be distributed  
937 to counties under Section 7 of this act for a fiscal year is  
938 provided to carry out or support service programs and projects  
939 that:

940                   (a) Are conducted in any of the areas described in  
941 subsection (3)(f) of this section or on state or other public  
942 lands, to address unmet human, educational, environmental, or  
943 public safety needs in such areas or on such lands; and

944                   (b) Place a priority on the recruitment of participants  
945 who are residents of any of such areas or state or other public  
946 lands.

947           (6) (a) If the department rejects an application submitted  
948 by a county commission under Section 8 of this act for funds  
949 described in Section 7 of this act, the department shall promptly  
950 notify the county commission of the reasons for the rejection of  
951 the application.

952                   (b) The department shall provide a county commission  
953 notified under paragraph (a) of this subsection with a reasonable  
954 opportunity to revise and resubmit the application. At the  
955 request of the county commission, the department shall provide  
956 technical assistance to the county commission as part of the  
957 resubmission process. The department shall promptly reconsider an  
958 application resubmitted under this paragraph.

959                   (c) The amount of any county's allotment under Section  
960 7 of this act for a fiscal year that the department determines  
961 will not be provided for that fiscal year shall be available for  
962 distribution by the department.

963           SECTION 12. (1) For purposes of this act, an individual

964 shall be considered to be a participant in a service program  
965 carried out using assistance provided under Section 1 of this act  
966 if the individual:

967           (a) Meets such eligibility requirements, directly  
968 related to the tasks to be accomplished, as may be established by  
969 the program;

970           (b) Is selected by the program to serve in a position  
971 with the program;

972           (c) Will serve in the program for a term of service  
973 specified in Section 14 of this act to be performed before,  
974 during, or after attendance at the institution of higher  
975 education;

976           (d) Is seventeen (17) years of age or older at the time  
977 the individual begins the term of service;

978           (e) Has received a high school diploma or its  
979 equivalent, agrees to obtain a high school diploma or its  
980 equivalent (unless this requirement is waived based on an  
981 individual education assessment conducted by the program) and the  
982 individual did not drop out of an elementary or secondary school  
983 to enroll in the program, or is enrolled in an institution of  
984 higher education on an ability to benefit basis and is considered  
985 eligible for funds under Section 484 of the Higher Education Act  
986 of 1965 (20 USCS Section 1091); and

987           (f) Is a citizen or national of the United States or  
988 lawful permanent resident alien of the United States.

989           (2) An individual shall be considered to be a participant in  
990 a youth corps program or a program that is carried out with  
991 assistance provided under Section 1 of this act if the individual:

992           (a) Satisfies the requirements specified in subsection  
993 (1) of this section, except paragraph (d) of such subsection; and

994           (b) Is between the ages of sixteen (16) and twenty-five  
995 (25), inclusive, at the time the individual begins the term of  
996 service.

997           (3) The department may waive the requirements of subsection  
998 (1)(e) of this section with respect to an individual if the  
999 program in which the individual seeks to become a participant  
1000 conducts an independent evaluation demonstrating that the  
1001 individual is incapable of obtaining a high school diploma or its  
1002 equivalent.

1003           SECTION 13. (1) Subject to subsections (2) and (3) of this  
1004 section and Section 9 of this act, the actual recruitment and  
1005 selection of an individual to serve in a service program receiving  
1006 assistance under Section 1 of this act or to fill an approved  
1007 service position shall be conducted by the county, public or  
1008 private nonprofit organization, institution of higher learning,  
1009 state agency, or other entity to which the assistance and approved  
1010 service positions are provided.

1011           (2) The recruitment and selection of individuals to serve in  
1012 service programs receiving assistance under Section 1 of this act  
1013 or to fill approved service positions shall be consistent with the  
1014 requirements of this act.

1015           (3) Acceptance into a service program to serve a second term  
1016 of service under Section 14 of this act shall only be available to  
1017 individuals who perform satisfactorily in their first term of  
1018 service.

1019           (4) The department and each county commission shall  
1020 establish a system to recruit individuals who desire to perform  
1021 service and to assist the placement of these individuals in  
1022 approved service positions, which may include positions available  
1023 under Titles I and II of the Domestic Volunteer Service Act of  
1024 1973 (42 USCS Section 4951 et seq.). The department and county  
1025 commissions shall disseminate information regarding available  
1026 approved service positions through cooperation with secondary  
1027 schools, institutions of higher education, employment service  
1028 offices, state vocational rehabilitation agencies within the  
1029 meaning of the Rehabilitation Act of 1973 (29 USCS Section 701

1030 et seq.) and other state agencies that primarily serve individuals  
1031 with disabilities, and other appropriate entities, particularly  
1032 those organizations that provide outreach to disadvantaged youths  
1033 and youths who are individuals with disabilities.

1034 (5) (a) From among individuals recruited under subsection  
1035 (4) of this section, the department may select individuals with  
1036 significant leadership potential, as determined by the department,  
1037 to receive special training to enhance their leadership ability.  
1038 the leadership training shall be provided by the department  
1039 directly or through a grant or contract.

1040 (b) In selecting individuals to receive leadership  
1041 training under this subsection, the department shall make special  
1042 efforts to select individuals who have served:

1043 (i) In the Peace Corps;

1044 (ii) As VISTA volunteers;

1045 (iii) As participants in service programs  
1046 receiving assistance under Section 1 of this act;

1047 (iv) As participants in programs receiving  
1048 assistance under subtitle D of the National and Community Service  
1049 Act of 1990 (former 42 USCS Section 12571 et seq.), as in effect  
1050 on the day before July 1, 1999; or

1051 (v) As members of the Armed Forces of the United  
1052 States and who were honorably discharged from such service.

1053 (c) At the request of a program that receives  
1054 assistance under the service laws, the department may assign an  
1055 individual who receives leadership training under paragraph (a) of  
1056 this subsection to work with the program in a leadership position  
1057 and carry out assignments not otherwise performed by regular  
1058 participants. An individual assigned to a program shall be  
1059 considered to be a participant of the program.

1060 (6) The department shall issue regulations regarding the  
1061 manner and criteria by which the service of a participant shall be  
1062 evaluated to determine whether the service is satisfactory and



1063 successful for purposes of eligibility for a second term of  
1064 service or a service educational award.

1065 SECTION 14. (1) As a condition of receiving a service  
1066 education award, a participant in an approved service position  
1067 shall be required to perform full- or part-time service for at  
1068 least one (1) term of service specified in subsection (2) of this  
1069 section.

1070 (2) (a) An individual performing full-time service in an  
1071 approved service position shall agree to participate in the  
1072 program sponsoring the position for not less than one thousand  
1073 seven hundred (1,700) hours during a period of not less than nine  
1074 (9) months and not more than one (1) year.

1075 (b) Except as provided in paragraph (c) of this  
1076 subsection, an individual performing part-time service in an  
1077 approved service position shall agree to participate in the  
1078 program sponsoring the position for not less than nine hundred  
1079 (900) hours during a period of:

1080 (i) Not more than two (2) years; or

1081 (ii) Not more than three (3) years if the  
1082 individual is enrolled in an institution of higher learning while  
1083 performing all or a portion of the service.

1084 (c) The department may reduce the number of hours  
1085 required to be served to successfully complete part-time service  
1086 to a level determined by the department except that any reduction  
1087 in the required term of service shall include a corresponding  
1088 reduction in the amount of any service educational award that may  
1089 be available with regard to that service.

1090 (3) (a) A recipient of assistance under Section 1 of this  
1091 act or a program sponsoring an approved service position may  
1092 release a participant from completing a term of service in the  
1093 position:

1094 (i) For compelling personal circumstances as  
1095 demonstrated by the participant; or

1096 (ii) For cause.

1097 (b) If a participant eligible for release under  
1098 paragraph (a)(i) of this subsection is serving in an approved  
1099 service position, the recipient of assistance under Section 1 of  
1100 this act or a program sponsoring an approved service position may  
1101 elect:

1102 (i) To grant such release and provide to the  
1103 participant that portion of the service educational award  
1104 corresponding to the portion of the term of service actually  
1105 completed; or

1106 (ii) To permit the participant to temporarily  
1107 suspend performance of the term of service for a period of up to  
1108 two (2) years (and such additional period as the department may  
1109 allow for extenuating circumstances) and, upon completion of such  
1110 period, to allow return to the program with which the individual  
1111 was serving in order to complete the remainder of the term of  
1112 service and obtain the entire service educational award.

1113 (c) A participant released for cause may not receive  
1114 any portion of the service educational award.

1115 SECTION 15. (1) (a) Subject to paragraph (c) of this  
1116 subsection, a service program carried out using assistance  
1117 provided under Section 1 of this act shall provide to each  
1118 participant who participates on a full-time basis in the program a  
1119 living allowance in an amount equal to or greater than the average  
1120 annual subsistence allowance provided to VISTA volunteers under  
1121 Section 105 of the Domestic Volunteer Service Act of 1973 (42 USCS  
1122 Section 4955).

1123 (b) The amount of the annual living allowance provided  
1124 under paragraph (a) of this subsection that may be paid using  
1125 assistance provided under Section 1 of this act and using any  
1126 federal funds shall not exceed eighty-five percent (85%) of the  
1127 total average annual provided to VISTA volunteers under Section  
1128 105 of the Domestic Volunteer Service Act of 1973 (42 USCS Section

1129 4955).

1130 (c) Except as provided in subsection (3) of this  
1131 section, the total amount of an annual living allowance that may  
1132 be provided to a participant in a service program shall not exceed  
1133 two hundred percent (200%) of the average annual subsistence  
1134 allowance provided to VISTA volunteers under Section 105 of the  
1135 Domestic Volunteer Service Act of 1973 (42 USCS Section 4955).

1136 (d) The amount provided as a living allowance under  
1137 this subsection shall be prorated in the case of a participant who  
1138 is authorized to serve a reduced term of service under Section 14  
1139 of this act.

1140 (e) The department may waive or reduce the requirement  
1141 of paragraph (a) of this subsection with respect to such service  
1142 program if such program demonstrates that:

1143 (i) Such requirement is inconsistent with the  
1144 objectives of the program; and

1145 (ii) The amount of the living allowance that will  
1146 be provided to each full-time participant is sufficient to meet  
1147 the necessary costs of living (including food, housing, and  
1148 transportation) in the area in which the program is located.

1149 (f) The requirement of paragraph (a) of this subsection  
1150 shall not apply to any program that was in existence on July 1,  
1151 1999.

1152 (2) To the extent a service program that receives assistance  
1153 under Section 1 of this act is subject, with respect to the  
1154 participants in the program, to the taxes imposed on an employer  
1155 under Sections 3111 and 3301 of the Internal Revenue Code of 1986  
1156 (26 USCS Sections 3111 and 3301) and taxes imposed on an employer  
1157 under a workmen's compensation act, the assistance provided to the  
1158 program under Section 1 of this act shall include an amount  
1159 sufficient to cover eighty-five percent (85%) of such taxes based  
1160 upon the lesser of:

1161 (a) The total average annual subsistence allowance

1162 provided to VISTA volunteers under Section 105 of the Domestic  
1163 Volunteer Service Act of 1973 (42 USCS Section 4955); and

1164 (b) The annual living allowance established by the  
1165 program.

1166 (3) A professional corps program that desires to provide a  
1167 living allowance in excess of the maximum allowance authorized in  
1168 subsection (1)(c) of this section may still apply for such  
1169 assistance, except that:

1170 (a) Any assistance provided to the applicant under  
1171 Section 1 of this act may not be used to pay for any portion of  
1172 the allowance;

1173 (b) The applicant shall apply for such assistance only  
1174 by submitting an application to the department for assistance on a  
1175 competitive basis; and

1176 (c) The service program shall be operated directly by  
1177 the applicant and shall meet urgent, unmet human, educational,  
1178 environmental, or public safety needs, as determined by the  
1179 department.

1180 (4) (a) A county or other recipient of assistance under  
1181 Section 1 of this act shall provide a basic health care policy for  
1182 each full-time participant in a service program carried out or  
1183 supported using the assistance, if the participant is not  
1184 otherwise covered by a health care policy. Not more than  
1185 eighty-five percent (85%) of the cost of a premium shall be  
1186 provided by the department, with the remaining cost paid by the  
1187 entity receiving assistance under Section 1 of this act. The  
1188 department shall establish minimum standards that all plans must  
1189 meet in order to qualify for payment under this act, any  
1190 circumstances in which an alternative health care policy may be  
1191 substituted for the basic health care policy, and mechanisms to  
1192 prohibit participants from dropping existing coverage.

1193 (b) A county or other recipient of assistance under  
1194 Section 1 of this act may elect to provide from its own funds a

1195 health care policy for participants that does not meet all of the  
1196 standards established by the department if the fair market value  
1197 of such policy is equal to or greater than the fair market value  
1198 of a plan that meets the minimum standards established by the  
1199 department and is consistent with other applicable laws.

1200 (5) (a) A county or other recipient of assistance under  
1201 Section 1 of this act shall:

1202 (i) Make child care available for children of each  
1203 full-time participant who needs child care in order to participate  
1204 in a service program carried out or supported by the recipient  
1205 using the assistance; or

1206 (ii) Provide a child care allowance to each  
1207 full-time participant in a service program who needs such  
1208 assistance in order to participate in the program.

1209 (b) The department shall establish guidelines regarding  
1210 the circumstances under which child care shall be made available  
1211 under this subsection and the value of any allowance to be  
1212 provided.

1213 (6) A county or other recipient of assistance under Section  
1214 1 of this act shall provide reasonable accommodation, including  
1215 auxiliary aids and services (as defined in Section 3(1) of the  
1216 Americans with Disabilities Act of 1990 (42 USCS Section  
1217 12102(1))), based on the individualized need of a participant who  
1218 is a qualified individual with a disability (as defined in Section  
1219 101(8) of such act (42 USCS Section 12111(8))).

1220 (7) The department may waive in whole or in part the  
1221 limitation on the state share specified in this section with  
1222 respect to a particular service program in any fiscal year if the  
1223 department determines that such a waiver would be equitable due to  
1224 a lack of available financial resources at the local level.

1225 (8) No service program may use assistance provided under  
1226 Section 1 of this act, or any other state funds, to provide a  
1227 living allowance under subsection (1) of this section, a health

1228 care policy under subsection (4) of this section, or child care or  
1229 a child care allowance under subsection (5) of this section to an  
1230 individual for a third, or subsequent, term of service described  
1231 in Section 14 of this act by the individual in a service program  
1232 carried out under this act.

1233 SECTION 16. (1) A participant in a service program carried  
1234 out using assistance provided to an applicant under Section 1 of  
1235 this act shall be eligible for the service educational award  
1236 described in this act if the participant:

1237 (a) Serves in an approved service position; and

1238 (b) Satisfies the eligibility requirements with respect  
1239 to service in that approved service position.

1240 (2) A VISTA volunteer who serves in an approved national  
1241 service position shall be ineligible for a national service  
1242 educational award if the VISTA volunteer accepts the stipend  
1243 authorized under Section 105(a)(1) of the Domestic Volunteer  
1244 Service Act of 1973 (42 USCS Section 4955(a)(1)).

1245 SECTION 17. (1) There is established in the State Treasury  
1246 an account to be known as the Mississippi Service Trust. The  
1247 trust shall consist of:

1248 (a) From the amounts appropriated to the department and  
1249 made available to carry out this act, such amounts as the  
1250 department may designate to be available for the payment of:

1251 (i) Service educational awards; and

1252 (ii) Interest expenses;

1253 (b) Any amounts received by the department as gifts,  
1254 bequests, devises, or otherwise; and

1255 (c) The interest on, and proceeds from the sale or  
1256 redemption of, any obligations held by the trust.

1257 (2) It shall be the duty of the State Treasurer to invest in  
1258 full the amounts appropriated to the trust. Except as otherwise  
1259 expressly provided in instruments concerning a gift, bequest,  
1260 devise, or other donation and agreed to by the department, such

1261 investments may be made only in interest-bearing obligations of  
1262 the United States or in obligations guaranteed as to both  
1263 principal and interest by the United States. For such purpose,  
1264 such obligations may be acquired on original issue at the issue  
1265 price or by purchase of outstanding obligations at the market  
1266 price. Any obligation acquired by the trust may be sold by the  
1267 State Treasurer at the market price.

1268 (3) Amounts in the trust shall be available, to the extent  
1269 provided for in advance by appropriation, for payments of service  
1270 educational awards.

1271 (4) Not later than January 1 of each year, the department  
1272 shall submit a report to the Legislature on the financial status  
1273 of the trust during the preceding fiscal year. Such report shall:

1274 (a) Specify the amount deposited to the trust from the  
1275 most recent appropriation to the department, the amount received  
1276 by the department as gifts, bequests, devises, or otherwise during  
1277 the period covered by the report, and any amounts obtained by the  
1278 trust pursuant to subsection (1)(c) of this section;

1279 (b) Identify the number of individuals who are  
1280 currently performing service to qualify, or have qualified, for  
1281 service educational awards;

1282 (c) Identify the number of individuals whose  
1283 expectation to receive service educational awards during the  
1284 period covered by the report:

1285 (i) Has been reduced; or

1286 (ii) Has lapsed; and

1287 (d) Estimate the number of additional approved service  
1288 positions that the department will be able to make available under  
1289 this act on the basis of any accumulated surplus in the trust  
1290 above the amount required to provide service educational awards to  
1291 individuals identified under paragraph (b) of this subsection,  
1292 including any amounts available as a result of the circumstances  
1293 referred to in paragraph (c) of this subsection.

1294           SECTION 18. (1) An individual shall receive a service  
1295 educational award from the Mississippi Service Trust if the  
1296 individual:

1297                   (a) Successfully completes the required term of service  
1298 described in subsection (2) of this section in an approved service  
1299 position;

1300                   (b) Was seventeen (17) years of age or older at the  
1301 time the individual began serving in the approved service position  
1302 or was an out-of-school youth serving in an approved service  
1303 position with a youth corps program or other program described in  
1304 Section 2 of this act;

1305                   (c) At the time the individual uses the service  
1306 educational award:

1307                           (i) Has received a high school diploma, or the  
1308 equivalent of such diploma;

1309                           (ii) Is enrolled at an institution of higher  
1310 learning on the basis of meeting the standard described in  
1311 paragraph (1) or (2) of subsection (a) of Section 484 of the  
1312 Higher Education Act of 1965 (20 USCS Section 1091) and meets the  
1313 requirements of subsection (a) of such section; or

1314                           (iii) Has received a waiver described in Section  
1315 12 of this act;

1316                   (d) Is a citizen or national of the United States or  
1317 lawful permanent resident alien of the United States.

1318           (2) The term of service for an approved service position  
1319 shall not be less than the full- or part-time term of service  
1320 specified in Section 14 of this act.

1321           (3) Although an individual may serve more than two (2) terms  
1322 of service described in subsection (2) of this section in an  
1323 approved service position, the individual shall receive a service  
1324 educational award from the Mississippi Service Trust only on the  
1325 basis of the first and second of such terms of service.

1326           (4) (a) An individual eligible to receive a service



1327 educational award under this section may not use such award after  
1328 the end of the seven-year period beginning on the date the  
1329 individual completes the term of service in an approved service  
1330 position that is the basis of the award.

1331 (b) The department may extend the period within which  
1332 an individual may use a service educational award if the  
1333 department determines that the individual:

1334 (i) Was unavoidably prevented from using the  
1335 service educational award during the original seven-year period;  
1336 or

1337 (ii) Performed another term of service in an  
1338 approved service position during that period.

1339 (5) (a) An individual who, after qualifying under this  
1340 section as an eligible individual, has been convicted under any  
1341 federal or state law of the possession or sale of a controlled  
1342 substance shall not be eligible to receive a service educational  
1343 award during the period beginning on the date of such conviction  
1344 and ending after the interval specified in the following table:

1345 If convicted of: Ineligibility period is:

1346  
1347 The possession of a controlled substance:  
1348 First conviction..... 1 year  
1349 Second Conviction..... 2 years  
1350 Third conviction..... indefinite

1351 The sale of a controlled substance:  
1352 First conviction..... 2 years  
1353 Second conviction..... indefinite

1354 (b) An individual whose eligibility has been suspended  
1355 under paragraph (a) of this subsection shall resume eligibility  
1356 before the end of the period determined under such paragraph if  
1357 the individual satisfactorily completes a drug rehabilitation  
1358 program that complies with such criteria as the department shall  
1359 prescribe for purposes of this paragraph.

1360 (c) An individual whose eligibility has been suspended  
1361 under paragraph (a) of this subsection and is convicted of a first  
1362 offense may resume eligibility before the end of the period  
1363 determined under such paragraph if the individual demonstrates  
1364 that he or she has enrolled or been accepted for enrollment in a  
1365 drug rehabilitation program described in paragraph (b) of this  
1366 subsection.

1367 (d) As used in this subsection, the term "controlled  
1368 substance" has the meaning given in Section 102(6) of the  
1369 Controlled Substances Act (21 USCS Section 802(6)).

1370 (6) The department may establish by regulation demonstration  
1371 programs for the creation and evaluation of innovative volunteer  
1372 and community service programs.

1373 SECTION 19. (1) Except as provided in subsection (3) of  
1374 this section, an individual described in Section 18 of this act  
1375 who successfully completes a required term of full-time service in  
1376 an approved service position shall receive a service educational  
1377 award having a value, for each of not more than two (2) of such  
1378 terms of service, equal to ninety percent (90%) of:

1379 (a) One-half (1/2) of an amount equal to the aggregate  
1380 basic educational assistance allowance provided in 38 USCS Section  
1381 3015(b)(1) (as in effect on July 1, 1999), for the period referred  
1382 to in 38 USCS Section 3013(a)(1) (as in effect on July 1, 1999),  
1383 for a member of the Armed Forces who is entitled to such an  
1384 allowance under 38 USCS Section 3011 and whose initial obligated  
1385 period of active duty is two (2) years; less

1386 (b) One-half (1/2) of the aggregate basic contribution  
1387 required to be made by the member in 38 USCS Section 3011(b) (as  
1388 in effect on July 1, 1999).

1389 (2) Except as provided in subsection (3) of this section, an  
1390 individual described in Section 18 of this act who successfully  
1391 completes a required term of part-time service in an approved  
1392 service position shall receive a service educational award having

1393 a value, for each of not more than two (2) of such terms of  
1394 service, equal to fifty percent (50%) of value of the service  
1395 educational award determined under subsection (1) of this section.

1396 (3) If an individual serving in an approved service position  
1397 is released in accordance with Section 14 of this act from  
1398 completing the full-time or part-time term of service agreed to by  
1399 the individual, the department may provide the individual with  
1400 that portion of the service educational award approved for the  
1401 individual that corresponds to the quantity of the term of service  
1402 actually completed by the individual.

1403 SECTION 20. (1) Amounts in the trust shall be available:

1404 (a) To repay student loans in accordance with  
1405 subsection (2) of this section;

1406 (b) To pay all or part of the cost of attendance at an  
1407 institution of higher learning in accordance with subsection (3)  
1408 of this section;

1409 (c) To pay expenses incurred in participating in an  
1410 approved school-to-work program in accordance with subsection (4)  
1411 of this section; and

1412 (d) To pay interest expenses in accordance with  
1413 regulations prescribed pursuant to subsection (5).

1414 (2) (a) An eligible individual under Section 18 of this act  
1415 who desires to apply the service educational award of the  
1416 individual to the repayment of qualified student loans shall  
1417 submit, in a manner prescribed by the department, an application  
1418 to the department:

1419 (i) Identifies, or permits the department to  
1420 identify readily, the holder or holders of such loans;

1421 (ii) Indicates, or permits the department to  
1422 determine readily, the amounts of principal and interest  
1423 outstanding on the loans;

1424 (iii) Specifies, if the outstanding balance is  
1425 greater than the amount disbursed under paragraph (b) of this

1426 subsection; and

1427                   (iv) Contains or is accompanied by such other  
1428 information as the department may require.

1429                   (b) Upon receipt of an application from an eligible  
1430 individual of an application that complies with paragraph (a) of  
1431 this subsection, the department shall, as promptly as practicable  
1432 consistent with paragraph (e) of this subsection, disburse the  
1433 amount of the service educational award that the eligible  
1434 individual has earned. Such disbursement shall be made by check  
1435 or other means that is payable to the holder of the loan and  
1436 requires the endorsement or other certification by the eligible  
1437 individual.

1438                   (c) If the amount disbursed under paragraph (b) of this  
1439 subsection is less than the principal and accrued interest on any  
1440 qualified student loan, such amount shall be applied according to  
1441 the specified priorities of the individual.

1442                   (d) Any holder receiving a loan payment pursuant to  
1443 this subsection shall submit to the department such information as  
1444 the department may require to verify that such payment was applied  
1445 in accordance with this subsection and any regulations prescribed  
1446 to carry out this subsection.

1447                   (e) The department upon disbursing the service  
1448 educational award, shall notify the individual of the amount paid  
1449 for each outstanding loan and the date of payment.

1450                   (f) The department may, by regulation, provide for the  
1451 aggregation of payments to holders under this subsection.

1452                   (g) As used in this subsection, the term "qualified  
1453 student loans" means:

1454                   (i) Any loan made, insured, or guaranteed pursuant  
1455 to Title IV of the Higher Education Act of 1965 (20 USCS Section  
1456 1070 et seq.), other than a loan to a parent of a student pursuant  
1457 to Section 428B of such act (20 USCS Section 1978-2); and

1458                   (ii) Any loan made pursuant to Title VII or VIII

1459 of the Public Health Service Act (42 USCS Section 292 et seq. or  
1460 296 et seq.).

1461 (h) As used in this subsection, the term "holder" with  
1462 respect to any eligible loan means the original lender or, if the  
1463 loan is subsequently sold, transferred, or assigned to some other  
1464 person, and such other person acquires a legally enforceable right  
1465 to receive payments from the borrower, such other person.

1466 (3) (a) An eligible individual under Section 18 of this act  
1467 who desires to apply the individual's service educational award to  
1468 the payment of current full-time or part-time educational expenses  
1469 shall, on a form prescribed by the department, submit an  
1470 application to the institution of higher learning in which the  
1471 student will be enrolled that contains such information as the  
1472 department may require to verify the individual's eligibility.

1473 (b) An institution of higher learning that receives one  
1474 or more applications that comply with paragraph (a) of this  
1475 subsection shall submit to the department a statement, in a manner  
1476 prescribed by the department, that:

1477 (i) Identifies each eligible individual filing an  
1478 application under paragraph (a) of this subsection for a  
1479 disbursement of the individual's service educational award under  
1480 this subsection;

1481 (ii) Specifies the amounts for which such eligible  
1482 individuals are, consistent with paragraph (f) of this subsection,  
1483 qualified for disbursement under this subsection;

1484 (iii) Certifies that:

1485 1. The institution of higher learning has in  
1486 effect a program participation agreement under Section 487 of the  
1487 Higher Education Act of 1965 (20 USCS Section 1094);

1488 2. The institution's eligibility to  
1489 participate in any of the programs under Title IV of such act (20  
1490 USCS Section 1070 et seq.) has not been limited, suspended, or  
1491 terminated; and

1492                   3. Individuals using service educational  
1493 awards received under this act to pay for educational costs do not  
1494 comprise more than fifteen percent (15%) of the total student  
1495 population of the institution; and

1496                   (iv) Contains such provisions concerning financial  
1497 compliance as the department may require.

1498                   (c) Upon receipt of a statement from an institution of  
1499 higher learning that complies with paragraph (b) of this  
1500 subsection, the department shall, subject to paragraph (d) of this  
1501 subsection, disburse the total amount of the service educational  
1502 awards for which eligible individuals who have submitted  
1503 applications to that institution under paragraph (a) of this  
1504 subsection are scheduled to receive. Such disbursement shall be  
1505 made by check or other means that is payable to the institution  
1506 and requires the endorsement or other certification by the  
1507 eligible individual.

1508                   (d) The total amount required to be disbursed to an  
1509 institution of higher learning under paragraph (c) of this  
1510 subsection for any period of enrollment shall be disbursed by the  
1511 department in two (2) or more installments, none of which exceeds  
1512 one-half (1/2) of such total amount. The interval between the  
1513 first and second such installment shall not be less than one-half  
1514 (1/2) of such period of enrollment, except as necessary to permit  
1515 the second installment to be paid at the beginning of the second  
1516 semester, quarter, or similar division of such period of  
1517 enrollment.

1518                   (e) The department shall, by regulation, provide for  
1519 the refund to the department (and the crediting to the service  
1520 educational award of an eligible individual) of amounts disbursed  
1521 to institutions for the benefit of eligible individuals who  
1522 withdraw or otherwise fail to complete the period of enrollment  
1523 for which the assistance was provided. Such regulations shall be  
1524 consistent with the fair and equitable refund policies required of

1525 institutions. Amounts refunded to the trust pursuant to this  
1526 paragraph may be used by the department to fund additional  
1527 approved service positions under this act.

1528 (f) The portion of an eligible individual's total  
1529 available service educational award that may be disbursed under  
1530 this subsection for any period of enrollment shall not exceed the  
1531 difference between:

1532 (i) The eligible individual's cost of attendance  
1533 for such period of enrollment, determined in accordance with  
1534 Section 472 of the Higher Education Act of 1965 (20 USCS Section  
1535 108711); and

1536 (ii) The sum of:

1537 1. The student's estimated financial  
1538 assistance for such period under Part A of Title IV of such act  
1539 (20 USCS Section 1070 et seq.); and

1540 2. The student's veterans' education  
1541 benefits, determined in accordance with Section 480(c) of such act  
1542 (20 USCS Section 1087vv(c)).

1543 (4) The department shall by regulation provide for the  
1544 payment of service educational awards to permit eligible  
1545 individuals to participate in school-to-work programs.

1546 (5) The department shall provide by regulation for the  
1547 payment on behalf of an eligible individual of interest that  
1548 accrues during a period for which such individual has obtained  
1549 forbearance in the repayment of a qualified student loan, if the  
1550 eligible individual successfully completes the individual's  
1551 required term of service.

1552 (6) With the approval of the executive director of the  
1553 department, an approved service program funded under Section 1 of  
1554 this act, may offer participants the option of waiving their right  
1555 to receive a service educational award in order to receive an  
1556 alternative postservice benefit funded by the program entirely  
1557 with nonstate funds.

1558        SECTION 21. The department may make grants to counties or  
1559 local applicants and may transfer funds for the creation or  
1560 expansion of full-time, part-time year-round, or summer, youth  
1561 corps programs. To the extent practicable, the department shall  
1562 apply the provisions of this act in making grants under this  
1563 section.

1564        SECTION 22. Not to exceed ten percent (10%) of the amount of  
1565 assistance made available to a program agency under this act shall  
1566 be used for the purchase of major capital equipment.

1567        SECTION 23. (1) To be eligible to receive a grant under  
1568 this act, a county shall prepare and submit to the department an  
1569 application at such time, in such manner, and containing such  
1570 information as the department may reasonably require.

1571            (2) An application submitted under subsection (1) of this  
1572 section shall describe:

1573                    (a) Any youth corps program proposed to be conducted  
1574 directly by such applicant with assistance provided under this  
1575 act; and

1576                    (b) Any grant program proposed to be conducted by such  
1577 county with assistance provided under this act for the benefit of  
1578 entities within such county.

1579        SECTION 24. (1) Programs that receive assistance under this  
1580 act may carry out activities that:

1581                    (a) In the case of conservation corps programs, focus  
1582 on:

1583                            (i) Conservation, rehabilitation, and the  
1584 improvement of wildlife habitat, rangelands, parks, and  
1585 recreational areas;

1586                            (ii) Urban and rural revitalization, historical  
1587 and cultural site preservation, and reforestation of both urban  
1588 and rural areas;

1589                            (iii) Fish culture, wildlife habitat maintenance  
1590 and improvement, and other fishery assistance;



1591 (iv) Road and trail maintenance and improvement;  
1592 (v) Erosion, flood, drought, and storm damage  
1593 assistance and controls;  
1594 (vi) Stream, lake, waterfront harbor, and port  
1595 improvement;  
1596 (vii) Wetlands protection and pollution control;  
1597 (viii) Insect, disease, rodent, and fire  
1598 prevention and control;  
1599 (ix) The improvement of abandoned railroad beds  
1600 and rights-of-way;  
1601 (x) Energy conservation projects, renewable  
1602 resource enhancement, and recovery of biomass;  
1603 (xi) Reclamation and improvement of strip-mined  
1604 land;  
1605 (xii) Forestry, nursery, and cultural operations;  
1606 and  
1607 (xiii) Making public facilities accessible to  
1608 individuals with disabilities.  
1609 (b) In the case of youth service corps programs,  
1610 include participant service in:  
1611 (i) Local and regional governmental agencies;  
1612 (ii) Nursing homes, hospices, senior centers,  
1613 hospitals, local libraries, parks, recreational facilities, child  
1614 and adult day care centers, programs serving individuals with  
1615 disabilities and schools;  
1616 (iii) Law enforcement agencies, and penal and  
1617 probation systems;  
1618 (iv) Private nonprofit organizations that  
1619 primarily focus on social service such as community action  
1620 agencies;  
1621 (v) Activities that focus on the rehabilitation or  
1622 improvement of public facilities, neighborhood improvements,  
1623 literacy training that benefits educationally disadvantaged

1624 individuals, weatherization of and basic repairs to low-income  
1625 housing including housing occupied by older adults, energy  
1626 conservation (including solar energy techniques), removal of  
1627 architectural barriers to access by individuals with disabilities  
1628 to public facilities, activities that focus on drug and alcohol  
1629 abuse education, prevention and treatment, and conservation,  
1630 maintenance, or restoration of natural resources on publicly held  
1631 lands; and

1632 (vi) Any other nonpartisan civic activities and  
1633 services that the department determines to be of a substantial  
1634 social benefit in meeting unmet human, educational or  
1635 environmental needs (particularly needs related to poverty) or in  
1636 the community where volunteer service is to be performed.

1637 (c) Encompass the focuses and services described in  
1638 both paragraphs (a) and (b) of this subsection.

1639 (2) No participant shall perform any specific activity for  
1640 more than a six-month period. No participant shall remain  
1641 enrolled in programs assisted under this act for more than  
1642 twenty-four (24) months.

1643 SECTION 25. An activity administered under the authority of  
1644 the Department of Human Services that is operated for the same  
1645 purpose as a program eligible to be carried out under this act is  
1646 encouraged to use services available under this act.

1647 SECTION 26. (1) Each program agency shall assess the  
1648 educational level of participants at the time of their entrance  
1649 into the program, using any available records or simplified  
1650 assessment means or methodology and shall, where appropriate,  
1651 refer such participants for testing for specific learning  
1652 disabilities.

1653 (2) Each program agency shall, through the programs and  
1654 activities administered under this act, enhance the educational  
1655 skills of participants.

1656 (3) (a) Each program agency shall use not less than ten

1657 percent (10%) of the assistance made available to such agency  
1658 under this act in each fiscal year to provide preservice and  
1659 in-service training and educational materials and services for  
1660 participants in such a program. Program participants shall be  
1661 provided with information concerning the benefits to the community  
1662 that result from the activities undertaken by such participants.

1663 (b) A program agency may enter into arrangements with  
1664 academic institutions or education providers, including:

- 1665 (i) Local education agencies;
- 1666 (ii) Community colleges;
- 1667 (iii) Four-year colleges;
- 1668 (iv) Area vocational-technical schools; and
- 1669 (v) Community based organizations;

1670 To evaluate the basic skills of participants and to make academic  
1671 study available to participants to enable such participants to  
1672 upgrade literacy skills, to obtain high school diplomas or the  
1673 equivalent of such diplomas, to obtain college degrees, or to  
1674 enhance employable skills.

1675 (c) Career and educational guidance and counseling  
1676 shall be provided to a participant during a period of in-service  
1677 training as described in this subsection. Each graduating  
1678 participant shall be provided with counseling with respect to  
1679 additional study, job skills training or employment and shall be  
1680 provided job placement assistance where appropriate.

1681 (d) A program agency shall give priority to  
1682 participants who have not obtained a high school diploma or the  
1683 equivalent of such diploma, in providing services under this  
1684 subsection.

1685 SECTION 27. (1) In the consideration of applications  
1686 submitted under this act, the department shall give preference to  
1687 programs that:

- 1688 (a) Will provide long-term benefits to the public;
- 1689 (b) Will instill a work ethic and a sense of public

1690 service in the participants;

1691 (c) Will be labor intensive, and involve youth  
1692 operating in crews;

1693 (d) Can be planned and initiated promptly; and

1694 (e) Will enhance skills development and educational  
1695 level and opportunities for the participants.

1696 (2) In the consideration of applications under this act, the  
1697 department shall ensure the equitable treatment of both urban and  
1698 rural areas.

1699 SECTION 28. (1) Enrollment in programs that receive  
1700 assistance under this act shall be limited to individuals who, at  
1701 the time of enrollment are:

1702 (a) Not less than sixteen (16) years nor more than  
1703 twenty-five (25) years of age, except that summer programs may  
1704 include individuals not less than fourteen (14) years nor more  
1705 than twenty-one (21) years of age at the time of the enrollment of  
1706 such individuals; and

1707 (b) Citizens or nationals of the United States or  
1708 lawful permanent resident aliens of the United States.

1709 (2) Programs that receive assistance under this act shall  
1710 ensure that educationally and economically disadvantaged youth,  
1711 including youth in foster care who are becoming too old for foster  
1712 care, youth with disabilities, youth with limited English  
1713 proficiency, youth with limited basic skills or learning  
1714 disabilities and homeless youth are offered opportunities to  
1715 enroll.

1716 (3) Notwithstanding subsection (1)(a) of this section,  
1717 program agencies may enroll a limited number of special corps  
1718 members over age twenty-five (25) so that the corps may draw on  
1719 their special skills to fulfill the purposes of this act.

1720 Programs are encouraged to consider senior citizens as special  
1721 corps members.

1722 (4) Program agencies shall use not more than two percent

1723 (2%) of amounts received under this act to conduct joint projects  
1724 with senior citizens organizations to enable senior citizens to  
1725 serve as mentors for youth participants.

1726 (5) Nothing in subsection (1) of this section shall be  
1727 construed to prohibit any program agency from limiting enrollment  
1728 to any age subgroup within the range specified in subsection  
1729 (1)(a) of this section.

1730 SECTION 29. Program agencies may use volunteer services for  
1731 purposes of assisting projects carried out under this act and may  
1732 expend funds made available for those purposes to the agency,  
1733 including funds made available under this act to provide for  
1734 services or costs incidental to the utilization of such  
1735 volunteers, including transportation, supplies, lodging,  
1736 recruiting, training, and supervision. The use of volunteer  
1737 services under this section shall be subject to the condition that  
1738 such use does not result in the displacement of any participant.

1739 SECTION 30. (1) (a) Subject to paragraph (c) of this  
1740 subsection, each participant in a full-time youth corps program  
1741 that receives assistance under this act shall receive a living  
1742 allowance in an amount equal to or greater than the average annual  
1743 subsistence allowance provided to VISTA volunteers under Section  
1744 105 of the Domestic Volunteer Service Act of 1973 (42 USCS Section  
1745 4955).

1746 (b) The amount of the annual living allowance provided  
1747 under paragraph (a) of this subsection that may be paid using  
1748 assistance provided under this act, and any other federal funds  
1749 shall not exceed eighty-five percent (85%) of the total average  
1750 annual subsistence allowance provided to VISTA volunteers under  
1751 Section 105 of the Domestic Volunteer Service Act of 1973 (42 USCS  
1752 Section 4955).

1753 (c) The total amount of an annual living allowance that  
1754 may be provided to a participant in a full-time youth corps  
1755 program that receives assistance under this act shall not exceed

1756 two hundred percent (200%) of the average annual subsistence  
1757 allowance provided to VISTA volunteers under Section 105 of the  
1758 Domestic Volunteer Service Act of 1973 (42 USCS Section 4955).

1759 (d) The department may waive or reduce the requirement  
1760 of paragraph (a) of this subsection with respect to such service  
1761 program if such program demonstrates that:

1762 (i) Such requirement is inconsistent with the  
1763 objectives of the program; and

1764 (ii) The amount of the living allowance that will  
1765 be provided to each full-time participant is sufficient to meet  
1766 the necessary costs of living (including food, housing, and  
1767 transportation) in the area in which the program is located.

1768 (2) (a) Nothing in this section shall be construed to  
1769 require a program in existence on the date of enactment of this  
1770 act to decrease any stipends, salaries, or living allowances  
1771 provided to participants under such program so long as the amount  
1772 of any such stipends, salaries, or living allowances that is in  
1773 excess of the levels provided for in this section are paid from  
1774 nonfederal sources.

1775 (b) For purposes of the Fair Labor Standards Act of  
1776 1938 (29 USCS Section 201 et seq.), residential youth corps  
1777 programs under this act will be considered an organized camp.

1778 (3) In addition to the living allowance provided under  
1779 subsection (1) of this section, program agencies are encouraged to  
1780 provide health insurance to each participant in a full-time youth  
1781 corps program who does not otherwise have access to health  
1782 insurance.

1783 (4) (a) The program agency may deduct, from amounts  
1784 provided under subsection (1) of this section to a participant, a  
1785 reasonable portion of the costs of the rates for any room and  
1786 board that is provided for such participant at a residential  
1787 facility. Such deducted funds shall be deposited into rollover  
1788 accounts that shall be used solely to defray the costs of room and

1789 board for participants.

1790           (b) The program agency shall establish the amount of  
1791 the deductions and rates under paragraph (a) of this subsection  
1792 after evaluating the costs of providing such room and board to the  
1793 participant.

1794           (c) A program agency may provide facilities, quarters,  
1795 and board and shall provide limited and emergency medical care,  
1796 transportation from administrative facilities to work sites,  
1797 accommodations for individuals with disabilities, and other  
1798 appropriate services, supplies, and equipment to each participant.

1799           (d) The department may provide services, facilities,  
1800 supplies, and equipment, including any surplus food and equipment  
1801 available from other programs, to any program agency carrying out  
1802 projects under this act.

1803           (e) The department and program agencies shall establish  
1804 standards and enforcement procedures concerning the health and  
1805 safety of participants for all projects, consistent with state and  
1806 local health and safety standards.

1807           SECTION 31. This act shall take effect and be in force from  
1808 and after July 1, 1999.