

HOUSE BILL No. 5127

September 12, 1991, Introduced by Rep. Bryant and referred to the Committee on State Affairs.

A bill to establish a program of voluntary state service; to establish the nonprofit VISION corporation to administer portions of that program; and to prescribe the powers and duties of certain state and local agencies and officers.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "citizenship and state service act".

3 Sec. 2. For purposes of this act, the words and phrases
4 defined in sections 3 to 5 have the meanings ascribed to them in
5 those sections.

6 Sec. 3. (1) "Area" means a volunteer service area.

7 (2) "Board" means the board of directors of the VISION cor-
8 poration as established under section 21.

9 (3) "Citizens corps" means the Michigan state citizens corps
10 established in section 10.

1 (4) "Community service" means service of the type described
2 in section 13 and other services essential and necessary to the
3 community as the VISION corporation prescribes by rule.

4 (5) "Council" means a state service council established
5 under section 41.

6 Sec. 4. (1) "Educational institution" means a vocational
7 school, including a technical school, or institution of higher
8 learning.

9 (2) "Institution of higher learning" means a 2- or 4-year
10 institution that offers an organized course of academic study
11 primarily oriented toward the awarding of associate, baccalaure-
12 ate, master's, doctoral, or other academic degrees.

13 (3) "Local government" means a general purpose political
14 subdivision of the state that has the power to levy taxes and
15 spend funds, as well as general corporate and police powers, and
16 that participates in the citizens corps program.

17 (4) "National guard" means the army national guard and the
18 air national guard of this state.

19 (5) "Nonprofit organization" means an organization that is
20 described in section 501(c) of the internal revenue code and is
21 exempt from taxation under section 501(a) of the internal revenue
22 code.

23 Sec. 5. (1) "Program of education or training" means a cur-
24 riculum or combination of unit courses or subjects pursued at an
25 educational institution or training establishment that is gener-
26 ally accepted as necessary to fulfill requirements for the
27 attainment of a predetermined and identified educational,

1 professional, or vocational objective. Program of education or
2 training includes a curriculum of unit courses or subjects pur-
3 sued at an educational institution or training establishment that
4 fulfills requirements for the attainment of more than 1 predeter-
5 mined and identified educational, professional, or vocational
6 objective if the objectives pursued are generally recognized as
7 being reasonably related to a single career field.

8 (2) "Resident of this state" means the individual has
9 resided in the state for the majority of the 1-year period imme-
10 diately preceding the date of his or her application for citizens
11 corps service.

12 (3) "Senior" means an individual who is age 65 or over.

13 (4) "Training establishment" means that term as defined in
14 38 U.S.C. 1652(e).

15 (5) "Vocational school" means an institution that provides
16 vocational education as that term is defined in section 7 of the
17 school code of 1976, Act No. 451 of the Public Acts of 1976,
18 being section 380.7 of the Michigan Compiled Laws.

19 (6) "VISION corporation" means the corporation established
20 under section 20.

21 Sec. 10. The Michigan state citizens corps is established
22 and shall provide the following state service options:

23 (a) Civilian service.

24 (b) Service in the national guard.

25 (c) Senior service.

26 Sec. 11. (1) An individual may serve in the civilian
27 service of the citizens corps if the individual is age 17 or

1 over; has received a high school diploma or its equivalent; and
2 is a resident of this state.

3 (2) Subject to the then existing personnel requirements of
4 the national guard, an individual is eligible to enlist for serv-
5 ice in the national guard as a member of the citizens corps if
6 the individual has received a high school diploma or its equiva-
7 lent, satisfies the applicable requirements for enlistment in the
8 national guard, and satisfies other eligibility criteria estab-
9 lished by the director of the department of military affairs by
10 rule.

11 (3) An individual may serve in the senior service of the
12 citizens corps if the individual is a senior, meets the eligibil-
13 ity criteria for service in the senior service established by the
14 VISION corporation, and is a resident of this state.

15 (4) The VISION corporation on an individual basis may waive
16 the residency requirement.

17 Sec. 12. (1) An individual serving in the corps' civilian
18 service shall agree to perform full-time state service in the
19 service for a 1-year term. A member of the corps' civilian serv-
20 ice serving a 1-year term of service may request an extension for
21 an additional year. The VISION corporation shall issue rules
22 specifying the procedure for making and considering such a
23 request.

24 (2) An individual enlisting for service in the Michigan
25 national guard as a member of the citizens corps shall serve
26 8 years.

1 (3) An individual may serve in the senior service of the
2 citizens corps for such period of time as allowed by the VISION
3 corporation and for either full- or part-time service.

4 Sec. 13. (1) An individual serving in the corps' civilian
5 service or senior service may perform state service to meet the
6 unmet service needs of the state, a local government, or another
7 community. State service may include any of the following types
8 of service:

9 (a) Educational service, such as a literacy and numeracy
10 program, head start, tutorial assistance, or service in a school,
11 library, or adult education center.

12 (b) Human service, such as any of the following:

13 (i) Service in a hospital, hospice, clinic, community health
14 center, home for the elderly, or child-care center.

15 (ii) Service in a program to assist the elderly, poor, and
16 homeless, including a program to build, restore, or maintain
17 housing for the poor and homeless.

18 (c) Conservation service, such as service in a program to
19 conserve, maintain, and restore natural resources in the urban
20 and rural environment, provide recreational opportunities, and
21 encourage community betterment or beautification.

22 (d) Public safety service in support of the criminal justice
23 system, including police, courts, prisons, and border patrol.

24 (e) Service in an existing national program, such as refer-
25 ral and placement in the peace corps or volunteers in service to
26 America.

1 (2) The director of the department of military affairs shall
2 designate by rule appropriate state service positions for a
3 member of the citizens corps serving the national guard.

4 Sec. 14. (1) To serve in the civilian or senior service of
5 the citizens corps, an individual shall submit an application, in
6 a form and containing the information the VISION corporation
7 requires by rule, to a council. Upon the receipt of an applica-
8 tion, the council may place the applicant in a state service
9 position in the area taking into consideration the preference and
10 skills of the applicant and the needs of the area. If the area
11 does not have a state service position available for the appli-
12 cant or the council determines, after consultation with the
13 applicant, that the applicant is better qualified for a position
14 outside of the area, the council may refer the applicant for
15 placement to another council or to a state or local government
16 agency accepting members of the citizens corps.

17 (2) For purposes of state laws authorizing a state agency to
18 accept the services of a volunteer, an applicant placed with an
19 agency described in subsection (1) is a volunteer.

20 Sec. 15. The director of the department of military affairs
21 shall establish a system to enlist individuals for service in the
22 Michigan national guard as members of the citizens corps.

23 Sec. 20. The legislature finds that the people of the state
24 need the services that are provided by volunteers under this act
25 and that the people of this state need, as good citizens of this
26 state, to serve as volunteers to provide those services.

27 Therefore, there is established a nonprofit corporation named the

1 "volunteers in service is our need corporation" that shall be
2 known as the "VISION corporation". The VISION corporation is not
3 an agency of the state. The VISION corporation is responsible
4 for administering the civilian service and senior service of the
5 citizens corps. The VISION corporation is subject to this act
6 and, to the extent consistent with this act, to the nonprofit
7 corporation act, Act No. 162 of the Public Acts of 1982, being
8 sections 450.2101 to 450.3192 of the Michigan Compiled Laws.

9 Sec. 21. (1) The VISION corporation shall be governed by a
10 board of directors consisting of 11 members appointed by the gov-
11 ernor, with the advice and consent of the senate. No more than
12 6 members of the board may be members of the same political
13 party. Three of the members shall be appointed from individuals
14 nominated by the speaker of the house of representatives and 3 of
15 the members shall be appointed from individuals nominated by the
16 majority leader of the senate.

17 (2) The members of the board shall be selected from among
18 citizens of the United States and residents of this state who are
19 eminent in such fields as community service, education, civic
20 affairs, business, labor, or military service and shall be
21 selected so as to provide as nearly as practicable a broad repre-
22 sentation of various regions of the state, various professions
23 and occupations, and a variety of talent and experience appropri-
24 ate for the performance of the functions and responsibilities of
25 the VISION corporation.

26 (3) The term of office of each member of the board is
27 7 years, except that a member appointed to fill a vacancy

1 occurring before the expiration of the term for which the
2 predecessor of the member was appointed shall be appointed for
3 the remainder of the term. A member of the board is not eligible
4 to serve more than 2 consecutive terms.

5 (4) A vacancy on the board does not affect its power and
6 shall be filled in the same manner as the original appointment.

7 Sec. 22. (1) The members of the initial board shall serve
8 as incorporators and shall take whatever actions are necessary to
9 incorporate the VISION corporation under the nonprofit corpora-
10 tion act, Act No. 162 of the Public Acts of 1982, being sections
11 450.2101 to 450.3192 of the Michigan Compiled Laws.

12 (2) A member of the board shall attend not less than 50% of
13 all duly convened meetings of the board in a calendar year. A
14 member who fails to meet the requirement of this subsection for-
15 feits membership, and the governor shall appoint a new member to
16 fill the vacancy not later than 30 days after the vacancy is
17 determined by the board chairperson. Board members shall annu-
18 ally elect 1 of their members to be chairperson and elect 1 or
19 more of their members as vice-chairperson.

20 Sec. 23. (1) A member of the board is not, by reason of
21 that membership, an officer or employee of the state.

22 (2) Except as provided in subsection (3), while attending a
23 meeting of the board or while engaged in duties related to a
24 meeting or other activity of the board, a member of the board
25 shall receive compensation at the rate of \$150.00 per day,
26 including travel time, and, while away from home or a regular

1 place of business, is allowed travel and actual, reasonable, and
2 necessary expenses.

3 (3) A member of the board shall not receive compensation
4 under subsection (2) of more than \$10,000.00 in a fiscal year. A
5 member of the board who is a full-time officer or employee of the
6 state shall receive no compensation, allowances, or benefits by
7 reason of board membership.

8 Sec. 24. (1) The VISION corporation shall have a president,
9 and other officers and employees as named and appointed by the
10 board for terms and at rates of compensation fixed by the board.
11 An officer or employee of the VISION corporation shall not
12 receive a salary or other compensation from a source other than
13 the VISION corporation for services performed for the VISION
14 corporation.

15 (2) Only a citizen of the United States may serve as an
16 officer of the VISION corporation. All officers and employees
17 serve at the pleasure of the board. In selecting employees, the
18 board is encouraged to include members of the senior service of
19 the citizens corps.

20 Sec. 25. The VISION corporation shall not issue shares of
21 stock and shall not declare or pay dividends. Income or assets
22 of the VISION corporation shall not inure to the benefit of a
23 director, officer, employee, or other individual except as salary
24 or reasonable compensation for services. The VISION corporation
25 shall not contribute to or otherwise support a political party or
26 candidate for elective public office.

1 Sec. 26. (1) The VISION corporation shall keep accurate and
2 complete records of its activities and transactions. A writing
3 prepared, owned, used, in the possession of, or retained by the
4 VISION corporation in the performance of an official function
5 shall be made available to the public in compliance with the
6 freedom of information act, Act No. 442 of the Public Acts of
7 1976, being sections 15.231 to 15.246 of the Michigan Compiled
8 Laws. The records shall be made available for audit and examina-
9 tion by the state.

10 (2) The business that the VISION corporation performs shall
11 be conducted at a public meeting of the VISION corporation held
12 in compliance with the open meetings act, Act No. 267 of the
13 Public Acts of 1976, being sections 15.261 to 15.275 of the
14 Michigan Compiled Laws.

15 (3) In carrying out its duties under this act, the VISION
16 corporation is subject to the administrative procedures act of
17 1969, Act No. 306 of the Public Acts of 1969, being sections
18 24.201 to 24.328 of the Michigan Compiled Laws.

19 Sec. 27. (1) The VISION corporation shall do all of the
20 following by rule:

21 (a) Establish the types and amounts of allowances and sup-
22 port authorized for members of the civilian and senior services
23 under sections 70 and 71.

24 (b) Specify the types of state service activities appropri-
25 ate for members of the civilian and senior services.

26 (c) Establish a procedure to monitor the provision of
27 financial assistance under sections 73 and 74 to assure that a

1 graduate of the citizens corps faithfully completes his or her
2 term of service before receiving that assistance and that a
3 member of the citizens corps receiving that assistance during his
4 or her term of service faithfully performs state service.

5 (d) Establish a procedure for examining the effect that
6 state service under this act has on the availability and terms of
7 employment of employees in the volunteer service area where the
8 service is performed.

9 (e) Establish the rates of pay, eligibility criteria, and
10 terms of service for members of the senior service.

11 (f) Establish a system for administering and monitoring the
12 performance of state service and the provision of state service
13 opportunities under this act.

14 (2) The VISION corporation shall do all of the following:

15 (a) Serve as a clearing house for information on state serv-
16 ice opportunities.

17 (b) Assist a local government in placing applicants outside
18 of the local government if the local government is unable to
19 place the applicant in a position in the local government.

20 (c) Assist state agencies in acquiring participants for
21 state service positions in state government.

22 (d) Receive and investigate claims of abuses in the place-
23 ment of participants or the administration of state service
24 opportunities by a local government, council, or service
25 provider.

26 Sec. 28. (1) Pursuant to the allocation formulas specified
27 in section 31, the VISION corporation shall make grants to local

1 governments to assist those local governments in all of the
2 following:

3 (a) Paying stipends and wages under sections 70 and 71.

4 (b) Providing and administering state service opportunities
5 in each area for members of the civilian and senior services.

6 (c) Making grants to councils to carry out their duties
7 under this act.

8 (2) The VISION corporation may make grants during a fiscal
9 year to either of the following:

10 (a) A local government that the VISION corporation deter-
11 mines has an unusual increase in the number of members of the
12 civilian and senior services, excluding members serving with
13 state agencies.

14 (b) A state agency to assist the agency in accepting or
15 placing members of the civilian and senior services for the
16 fiscal year.

17 (3) To be eligible for a grant under subsection (2), a local
18 government or state agency shall submit to the VISION corporation
19 an application in a form and at the time the VISION corporation
20 requires by rule.

21 Sec. 29. (1) To be eligible for a grant under section 28, a
22 local government shall submit to the VISION corporation an appli-
23 cation in the form and at the time the VISION corporation
24 requires by rule. The application shall describe all of the
25 following:

1 (a) Each volunteer service area in the local government
2 unless the entire area of the local government is a single
3 volunteer service area.

4 (b) The method by which members of the civilian and senior
5 services will be placed in state service positions by the local
6 government.

7 (c) The anticipated number of those members during a term
8 the VISION corporation may require.

9 (d) The training and support services that will be provided
10 the members.

11 (e) The method by which service sponsors will be selected
12 and the requirements imposed on those sponsors.

13 (2) The application shall provide copies of all volunteer
14 recruitment and placement plans prepared for the local government
15 for the period covered by the application. The application shall
16 include assurances of all of the following by that local govern-
17 ment for the period covered by the application:

18 (a) The local government will use nonstate funds to pay not
19 less than 25% of the cost, including the cost of stipends, wages,
20 and allowances provided by the local government under sections 70
21 and 71, of providing and administering state service positions in
22 the local government for members of the civilian and senior serv-
23 ices, other than members placed with state agencies.

24 (b) The local government will maintain local government
25 expenditures for community service programs operated by the local
26 government on the effective date of this act at a level equal to
27 not less than the average level of those expenditures maintained

1 by the local government for the 2-fiscal year period immediately
2 preceding the effective date of this act.

3 (3) The application shall contain other information the
4 VISION corporation requires by rule.

5 Sec. 30. (1) A local government may offset against the
6 matching funds requirement specified in section 29 not more than
7 50% of the administrative costs incurred by the local government
8 in administering community service programs for young people
9 operated by the local government on the effective date of this
10 act.

11 (2) Upon the request of a local government, the VISION cor-
12 poration may waive the requirement specified in section 29 that
13 the local government maintain expenditures for community service
14 programs if the VISION corporation determines that extraordinary
15 economic conditions in the local government justify the waiver.

16 Sec. 31. (1) For each fiscal year during the 5-year period
17 beginning on the effective date of this act, the VISION corpora-
18 tion shall make a grant to an eligible local government in an
19 amount that bears the same ratio to the sums appropriated for
20 grants under section 28 for the fiscal year as the anticipated
21 average number of members in the civilian and senior services, as
22 determined by the VISION corporation and excluding anticipated
23 members serving with state agencies, in the local government for
24 the fiscal year bears to the anticipated average number of the
25 members in all the local governments for the fiscal year.

26 (2) For each fiscal year beginning after the end of the
27 5-year period referred to in subsection (1), the VISION

1 corporation shall make a grant to an eligible local government in
2 an amount that bears the same ratio to the sums appropriated for
3 grants under section 28 for the fiscal year as the average number
4 of members in the civilian and senior services, excluding members
5 serving with state agencies, in the local government for the pre-
6 ceding fiscal year bears to the average number of the members in
7 all local governments for the preceding fiscal year.

8 Sec. 32. On or before May 15 of each calendar year, the
9 VISION corporation shall submit to the governor a report on the
10 operation of the civilian service and the senior service of the
11 citizens corps and the activities of the VISION corporation
12 during the fiscal year ending September 30 of the preceding cal-
13 endar year. The governor shall transmit the report to the
14 legislature. Each report shall include all of the following:

15 (a) A comprehensive and detailed description of the opera-
16 tions, activities, financial condition, and accomplishments of
17 the VISION corporation during the fiscal year covered by the
18 report.

19 (b) The recommendations the VISION corporation considers
20 appropriate.

21 (c) The anticipated number of state service positions that
22 will be available for members of the civilian service and senior
23 service of the citizens corps in the fiscal year beginning in the
24 calendar year in which the report is submitted.

25 (d) The anticipated cost of operating the civilian service
26 and senior service for the fiscal year.

1 Sec. 40. (1) The governor shall do the following:

2 (a) Prepare a state service plan for the state that
3 specifies priorities in the state for providing state service
4 opportunities for members of the civilian and senior services of
5 the citizens corps.

6 (b) Pursuant to that plan, designate volunteer service areas
7 for the state, each of which is comprised of 1 or more local gov-
8 ernments, promotes effective provision of state services, and is
9 consistent with other designated areas in which related services
10 are provided under other state or local programs.

11 (2) Before preparing the state service plan or designating a
12 volunteer service area under subsection (1), the governor shall
13 consult with all of the following:

14 (a) Appropriate state and local government officials.

15 (b) Representatives of community service organizations, edu-
16 cational institutions, business organizations, and organized
17 labor.

18 (c) Other affected persons or organizations in the area.

19 (3) Effective after the 2-year period beginning on the date
20 the governor first designates volunteer service areas under sub-
21 section (1), the governor may redesignate those areas in accord-
22 ance with subsection (1).

23 Sec. 41. (1) There shall be a council for each volunteer
24 service area established under section 40. A council is not
25 operational until certified by the governor as provided in
26 section 43. A council shall consist of all of the following:

1 (a) Representatives of nonprofit community service
2 organizations in the area who have substantial management or
3 policy responsibility with those organizations.

4 (b) Representatives of the local government.

5 (c) Representatives of educational agencies and institu-
6 tions, business concerns, rehabilitation agencies,
7 community-based organizations, and economic development agencies
8 in the area.

9 (d) Representatives of organized labor.

10 (2) The members of a council shall select 1 of the members
11 to serve as chairperson of the council.

12 Sec. 42. (1) The chief executive officer of the local gov-
13 ernment unit shall appoint members to the council from individu-
14 als recommended as follows:

15 (a) Education representatives shall be selected from indi-
16 viduals recommended by local educational agencies, vocational
17 education institutions, institutions of higher learning, or gen-
18 eral organizations of those agencies or institutions, and by pri-
19 vate and proprietary schools or general organizations of those
20 schools within the local government.

21 (b) Labor representatives shall be selected from individuals
22 recommended by recognized state and local labor organizations or
23 appropriate building trades councils.

24 (c) The remaining members of a council shall be selected
25 from individuals recommended by interested organizations.

26 (2) Except as otherwise provided in this subsection, the
27 number of members of a council shall be determined by the

1 council. The initial number of members of a council shall be
2 determined by the chief executive officer.

3 (3) Council members shall be appointed for fixed and stag-
4 gered terms and may serve until their successors are appointed.
5 A vacancy in the membership of the council shall be filled in the
6 same manner as the original appointment. A member of the council
7 may be removed by the council for cause in accordance with proce-
8 dures established by the council.

9 Sec. 43. (1) The governor shall certify a council if the
10 governor determines that its composition and appointments are
11 consistent with the provisions of this act. The certification
12 shall be made or denied within 30 days after the date on which
13 the governor receives a list of council members and any support-
14 ing documentation the governor considers necessary. If the gov-
15 ernor denies certification, the governor shall inform the chief
16 executive officer submitting the list and documentation of the
17 reasons for denial and shall provide for the review of a revised
18 list and documentation.

19 (2) A council shall be convened within 30 days after certi-
20 fication by the officer who made the appointments to the
21 council. Once convened, a council may receive funds to carry out
22 the duties of the council under this act. Money appropriated for
23 a fiscal year shall not be provided under this act to a council
24 unless the council is certified pursuant to this section.

25 Sec. 44. (1) A council shall accept applications from indi-
26 viduals seeking to serve in the civilian service and senior
27 service of the citizens corps and shall place those individuals

1 in state service positions consistent with the volunteer
2 recruitment and placement plan of the council and section 13.

3 (2) The council shall prepare and implement the volunteer
4 recruitment and placement plan required under section 45. The
5 council shall provide policy guidance for, and exercise over-
6 sight, including review, monitoring, auditing, and evaluation,
7 with respect to activities under the volunteer recruitment and
8 placement plan for the volunteer service area of the council.

9 (3) In order to carry out its duties under this act, a coun-
10 cil shall prepare and approve a budget for the council. A coun-
11 cil may hire staff or contract for services from nonprofit orga-
12 nizations, and may solicit and accept contributions and grants
13 from public or private sources.

14 (4) In hiring staff under subsection (3), a council is
15 encouraged to include members of the senior service of the citi-
16 zens corps.

17 Sec. 45. (1) Money shall only be provided to a council pur-
18 suant to an approved volunteer recruitment and placement plan
19 prepared by the council for a period of 2 fiscal years including
20 the fiscal year for which the money is provided.

21 (2) When preparing a volunteer recruitment and placement
22 plan, a council shall consult the state service plan for the
23 state prepared by the governor under section 40. A volunteer
24 recruitment and placement plan shall do all of the following:

25 (a) Identify the council that will administer the plan and
26 is to be the grant recipient of money from the state.

1 (b) Describe the state services to be provided, including
2 the extent those services reflect the priorities contained in the
3 state service plan.

4 (c) Contain procedures for recruiting and placing members of
5 the citizens corps.

6 (d) Contain procedures, consistent with sections 48 to 50,
7 for selecting service sponsors, including procedures for council
8 consideration of the past performance of each service sponsor in
9 state services or related activities, fiscal accountability, and
10 ability to meet performance standards.

11 (e) Contain the budget for the council for the 2-fiscal year
12 period covered by the plan.

13 (f) Contain fiscal control, accounting, audit, and debt col-
14 lection procedures that assure the proper disbursal of, and
15 accounting for, money received under this act.

16 (g) Provide for the council to submit to the governor an
17 annual report that includes all of the following:

18 (i) Activities conducted during the fiscal year covered by
19 the report.

20 (ii) Service sponsors in the volunteer service area.

21 (iii) Members of the citizens corps placed by the council.

22 (iv) The extent to which the activities exceeded or failed
23 to meet relevant performance standards established by the VISION
24 corporation.

25 (3) If changes in the state service needs of the volunteer
26 service area, funding, or other factors require substantial
27 deviation from an approved plan, the council may submit a

1 modification of the plan, which shall be subject to review in
2 accordance with section 46.

3 Sec. 46. (1) Not later than 120 days before the beginning
4 of the 2-fiscal year period covered by a proposed volunteer
5 recruitment and placement plan, the council shall publish the
6 proposed plan or a summary of the plan and make the plan avail-
7 able for public review and comment. Not later than 80 days
8 before the beginning of the 2-fiscal year period covered by a
9 proposed volunteer recruitment and placement plan, the council
10 shall submit the plan to the governor.

11 (2) A modification of a plan shall be published and submit-
12 ted to the governor not later than 80 days before it is to be
13 effective.

14 Sec. 47. (1) The governor shall approve a volunteer
15 recruitment and placement plan or a modification of the plan
16 unless the governor finds any of the following:

17 (a) Corrective measures for deficiencies found in audits or
18 in meeting performance standards from previous years have not
19 been taken or are not being acceptably implemented.

20 (b) The council does not have the capacity to administer the
21 money.

22 (c) There are inadequate safeguards for the protection of
23 money received.

24 (d) The plan or modification does not comply with this act
25 or a rule of the VISION corporation.

26 (2) The governor shall approve or disapprove a volunteer
27 recruitment and placement plan or modification within 30 days

1 after the date that the plan or modification is submitted. If
2 the governor disapproves a plan, the governor shall do all of the
3 following:

4 (a) Inform the council of the reasons for the disapproval.

5 (b) Provide for the review of a revised plan.

6 (c) Take the steps the governor considers necessary to pro-
7 vide for the recruitment and placement of members of the civilian
8 and senior services in the volunteer service area affected by the
9 disapproval.

10 Sec. 48. Subject to section 49, in placing a member of the
11 civilian service or senior service of the citizens corps with a
12 public agency or public or nonprofit organization, the council
13 shall give primary consideration to the effectiveness of the
14 agency or organization in delivering community services and shall
15 give appropriate consideration to the extent to which the agency
16 or organization is a community-based service sponsor. The coun-
17 cil shall determine the effectiveness of an agency or organi-
18 zation on the basis of the agency's or organization's demon-
19 strated performance with regard to attaining performance goals,
20 reducing costs, and retaining members of the citizens corps
21 placed with the agency or organization.

22 Sec. 49. (1) In placing a member of the civilian service or
23 senior service of the citizens corps with a public agency or
24 public or nonprofit organization, the council shall take appro-
25 priate measures to assure that the placement does not result in
26 any of the following:

1 (a) The displacement of a currently employed worker or
2 position, including partial displacement such as a reduction in
3 the hours of nonovertime work, wages, or employment benefits.

4 (b) The impairment of existing contracts for services or
5 collective bargaining agreements.

6 (c) The member filling a position with an agency or organi-
7 zation if either of the following:

8 (i) Another individual is on layoff from the same or an
9 equivalent position with the agency or organization.

10 (ii) The employer has terminated the employment of a regular
11 employee or otherwise reduced the workforce of the employer with
12 the effect of filling the vacancy so created with the member.

13 (d) The infringement of the opportunities of a currently
14 employed individual for promotion.

15 (2) The state shall establish and maintain a grievance pro-
16 cedure for resolving complaints by regular employees or their
17 representatives that the placement of a member of the civilian
18 service or senior service violates a prohibition described in
19 subsection (1). A decision of the state under such a procedure
20 may be appealed to the VISION corporation for investigation and
21 the action the VISION corporation may find necessary.

22 Sec. 50. (1) The VISION corporation may require a private
23 nonprofit organization to pay to the VISION corporation an amount
24 not to exceed \$1,000.00 per year for each member of the civilian
25 service or senior service placed in a state service position with
26 that organization. The VISION corporation may reduce the payment
27 required under this subsection to reflect state service provided

1 for a period of less than a full year or, in the case of a member
2 of the senior service, as part-time service.

3 (2) The VISION corporation shall share a payment received
4 under subsection (1) with the state if the state provides a sti-
5 pend to the VISION corporation for that volunteer under section
6 70. The share paid to the state shall correspond to the matching
7 funds requirement for the state as specified in section 29 and
8 adjusted to reflect any offset under section 30.

9 Sec. 60. The military affairs director is responsible for
10 administering the citizens corps with regard to service by mem-
11 bers of the citizens corps in the Michigan national guard. Not
12 later than 60 days after the effective date of this act, the mil-
13 itary affairs director shall promulgate rules to carry out this
14 act.

15 Sec. 61. (1) On or before May 15 of each calendar year, the
16 military affairs director shall submit to the governor a report
17 describing the operation of the citizens corps with regard to
18 service in the national guard and the activities of the military
19 affairs director in administering that service during the fiscal
20 year ending September 30 of the preceding calendar year. The
21 governor shall transmit the report to the legislature.

22 (2) The report shall include a comprehensive and detailed
23 description of the operations, activities, financial condition,
24 and accomplishments of the citizens corps with regard to service
25 in the national guard during the fiscal year covered by the
26 report and the recommendations the military affairs director
27 considers appropriate. In the first 5 reports submitted under

1 this section, the military affairs director shall specify all of
2 the following:

3 (a) The anticipated number of state service positions that
4 will be available in the national guard for members of the citi-
5 zens corps in the fiscal year beginning in the calendar year in
6 which the report is submitted.

7 (b) The anticipated cost of operating the citizens corps
8 with regard to service in the national guard for the fiscal
9 year.

10 Sec. 70. (1) The state shall provide a stipend of \$100.00
11 per week to the VISION corporation for each member of the civil-
12 ian service of the citizens corps performing service in the state
13 while the member is in training and providing full-time service
14 during the term of service of the member. The VISION corporation
15 shall pay each member of the civilian service for whom it
16 receives a stipend under this section \$100.00 per week for each
17 week the VISION corporation receives a stipend.

18 (2) The VISION corporation shall provide each member of the
19 civilian service with health insurance and may provide other
20 assistance the VISION corporation considers necessary and appro-
21 priate for a member of the civilian service to carry out the
22 service obligation of the member.

23 Sec. 71. (1) The VISION corporation shall pay to each
24 member of the senior service performing service in the state an
25 hourly wage as determined by rule by the VISION corporation.

26 (2) The VISION corporation may provide other assistance as
27 the VISION corporation considers necessary and appropriate for a

1 member of the senior service to carry out the service obligation
2 of the member.

3 Sec. 72. Notwithstanding any other provision of law, a
4 member of the citizens corps serving in the national guard shall
5 receive basic pay, basic allowance for subsistence, basic allow-
6 ance for quarters at 66% of the rate applicable to members of the
7 national guard with the same pay grade and years of service.

8 Sec. 73. (1) An individual who successfully completes a
9 term of service as a member of the civilian service of the citi-
10 zens corps is eligible to receive financial assistance pursuant
11 to section 75 or 76 in an amount not to exceed \$10,000.00 for
12 each year of that term to assist the individual in pursuing a
13 program of education or training at an educational institution or
14 training establishment, or in purchasing or constructing a dwell-
15 ing to be owned and occupied by that individual as the primary
16 residence of the individual.

17 (2) If the VISION corporation releases an individual from
18 completing a term of service in the civilian service for compel-
19 ling personal circumstances for just cause shown by the member,
20 the VISION corporation may provide the individual with a portion
21 of the financial assistance specified in subsection (1) corre-
22 sponding to the amount of the service obligation completed by the
23 individual.

24 Sec. 74. (1) A member of the citizens corps serving in the
25 national guard pursuant to section 12(2) is eligible for the
26 financial assistance specified in subsection (2) after the member
27 serves not less than 1 year in the national guard during which

1 the member participates satisfactorily in training as prescribed
2 by the military affairs director and on the condition that the
3 member agrees to complete the service obligation selected by the
4 member and the service is characterized by the military affairs
5 director as honorable service.

6 (2) The financial assistance referred to in subsection (1)
7 shall be provided pursuant to section 75 or 76 in an amount not
8 to exceed \$12,000.00 to assist the member in pursuing a program
9 of education or training at an educational institution or train-
10 ing establishment, or in purchasing or constructing a dwelling to
11 be owned and occupied by the individual as the primary residence
12 of the individual.

13 (3) If the military affairs director releases a member of
14 the citizens corps from completing a service obligation in the
15 national guard with an honorable discharge, the VISION corpora-
16 tion may provide the member with a portion of the financial
17 assistance the individual would have otherwise been entitled to
18 corresponding to the amount of the service obligation completed
19 by the individual.

20 Sec. 75. (1) The VISION corporation shall administer the
21 provision of financial assistance under sections 73 and 74 for
22 individuals pursuing a program of education or training at an
23 educational institution or training establishment. In the admin-
24 istration of educational financial assistance, the VISION corpo-
25 ration shall consult and cooperate with the Michigan higher edu-
26 cation assistance authority created under Act No. 77 of the
27 Public Acts of 1960, being sections 390.951 to 390.961 of the

1 Michigan Compiled Laws. The VISION corporation may transfer
2 administration of the educational financial assistance to the
3 Michigan higher education assistance authority.

4 (2) Assistance provided under section 73 or 74 as educa-
5 tional benefits may be used to pay tuition, fees, books, sup-
6 plies, equipment, room and board, and other costs determined by
7 the VISION corporation by rule to be necessary to accomplish a
8 program of education or training at an educational institution or
9 training establishment. The VISION corporation shall establish
10 by rule a system to recoup financial assistance provided under
11 section 74 in cases in which an individual fails to honorably
12 complete a service obligation after receiving the assistance.

13 Sec. 76. The VISION corporation shall establish a program
14 by which an individual eligible for financial assistance under
15 section 73 or 74 may use all or part of the assistance to pur-
16 chase or construct a dwelling to be owned and occupied by the
17 individual as the primary residence of the individual, and shall
18 monitor the implementation of the program.

19 Sec. 77. The VISION corporation shall not provide assist-
20 ance under section 73 or 74 to an individual after the end of the
21 10-year period beginning on the date the term of service of that
22 individual is completed. This section does not apply if the
23 VISION corporation determines on an individual basis that an
24 individual was unavoidably prevented from using the assistance
25 during that time period.

26 Sec. 78. (1) The VISION corporation shall submit to the
27 legislature at least once every 2 years a joint report on the

1 provision of financial assistance under sections 73 and 74. The
2 first report shall be submitted not later than January 1, 1993.

3 (2) A report submitted under subsection (1) shall include
4 all of the following:

5 (a) An assessment of the extent to which the financial
6 assistance provided under sections 73 and 74 is adequate to
7 induce individuals to serve in the citizens corps and complete
8 their terms of service.

9 (b) The amount of financial assistance utilized during the
10 period covered by the report.

11 (c) Recommendations for legislative changes regarding the
12 provision of financial assistance to members of the citizens
13 corps and individuals who have successfully completed their terms
14 of service in the citizens corps that the VISION corporation con-
15 sider appropriate.

16 Sec. 80. (1) Subject to subsection (2), an individual who
17 is not a member of the civilian service of the citizens corps but
18 who successfully completes a term of service in the peace corps
19 or the volunteers in service to America program after the effec-
20 tive date of this act is entitled to financial assistance under
21 section 73 in the same manner as a member of the civilian
22 service.

23 (2) The VISION corporation shall reduce the amount of finan-
24 cial assistance available to a former peace corps or volunteers
25 in service to America volunteer under subsection (1) to reflect
26 the amount of compensation received by that volunteer over and

1 above wages or a stipend provided to members of the civilian
2 service.

3 Sec. 81. (1) After the end of the 5-year period beginning
4 on the effective date of this act, an individual is not eligible
5 for postsecondary educational assistance from the state under a
6 program providing grants, loans, or loan guarantees unless the
7 individual is a member of the citizens corps or has successfully
8 completed a term of service in the citizens corps under
9 section 12.

10 (2) Notwithstanding subsection (1), the following individu-
11 als are eligible for postsecondary educational assistance from
12 the state under a program providing grants, loans, or loan guar-
13 antees if the individuals are otherwise eligible for that
14 assistance:

15 (a) An individual enrolled in an educational institution
16 before the end of the period specified in subsection (1).

17 (b) An individual who is age 26 or over.

18 (c) An individual who served in the armed forces of the
19 United States if the service is characterized by the secretary of
20 defense as honorable.

21 (d) An individual who is determined by the VISION corpora-
22 tion to be ineligible for state service under this act because of
23 1 of the following:

24 (i) A physical or mental handicap that the VISION corpora-
25 tion determines makes the individual unable to perform state
26 service.

1 (ii) Compelling personal circumstances for just cause shown
2 by the individual.

3 (iii) The unavailability of a state service position for the
4 individual after a reasonable period as determined by the VISION
5 corporation.

6 (e) An individual receiving assistance provided by the
7 department of defense, or the department of transportation with
8 respect to the coast guard, to members of the United States armed
9 forces if further military service is a condition of the
10 assistance.

11 (f) An individual receiving assistance provided by a federal
12 agency or a state to an individual if either of the following:

13 (i) Service as a member of the peace corps is a condition of
14 the assistance.

15 (ii) Some other national or community service is a condition
16 of the assistance and the VISION corporation determines that the
17 service is comparable to service in the citizens corps.

18 (g) An individual who served as a member of the peace corps
19 or in some other federal or state program of national or commu-
20 nity service determined by the VISION corporation to be com-
21 parable to service in the citizens corps.

22 (3) For purposes of applying the exception specified in sub-
23 section (2)(d)(ii), the VISION corporation shall identify by rule
24 the factors, such as age, family status or size, and income, that
25 the VISION corporation may consider as compelling personal cir-
26 cumstances to render an individual ineligible for state service
27 under this act.