MICHIGAN COMMUNITY SERVICE COMMISSION
Act 219 of 1994

AN ACT to establish the Michigan community service commission; to provide for the powers and duties of the Michigan community service commission; and to provide for the powers and duties of state departments and agencies and certain state officers and employees.

History: 1994, Act 219, Imd. Eff. June 27, 1994.

The People of the State of Michigan enact:

408.221 Definitions.

Sec. 1. As used in this act:

(a) "Commission" means the Michigan community service commission established in section 2.

(b) "Community-based agency" means that term as defined in section 101 of title I, 42 U.S.C. 12511.

(c) "Corporation" means the corporation for national and community service established in section 191 of title I, 42 U.S.C. 12651.

(d) "National service laws" means that term as defined in section 101 of title I, 42 U.S.C. 12511.

(e) "Out-of-school youth" means that term as defined in section 101 of title I, 42 U.S.C. 12511.

(f) "Title I" means title I of the national and community service act of 1990, Public Law 101-610.

History: 1994, Act 219, Imd. Eff. June 27, 1994.

Compiler's note: For transfer of powers and duties of department of career development, including any board, commission, council, or similar entity within the department of career development, to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

408.222 Michigan community service commission; establishment.

Sec. 2. The Michigan community service commission is established within the Michigan jobs commission, established by Executive Order No. 1993-2.

History: 1994, Act 219, Imd. Eff. June 27, 1994.

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408.223 Appointment, qualifications, and terms of members; vacancy.

Sec. 3. (1) The commission shall consist of 25 members appointed by the governor.

(2) The commission shall include as voting members, except as otherwise indicated, at least 1 of each of the following:

(a) An individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth.

(b) An individual with experience in promoting service and voluntarism among older adults.

(c) A representative of a community-based agency.

(d) The superintendent of public instruction, or his or her designee.

(e) A representative of local government.

(f) A representative of local labor organizations.

(g) A representative of business.

(h) An individual between the ages of 16 and 25 who is a participant or supervisor in a program as defined in section 101 of title I, 42 U.S.C. 12511.

(i) A representative of a national service program described in section 122(a) of title I, 42 U.S.C. 12572.

(j) The employee of the corporation designated under section 195 of title I, 42 U.S.C. 12651f, as the representative of the corporation in this state, as a nonvoting member.

(3) In addition to the members described in subsection (2), the commission may include as voting members any of the following:

(a) Local educators.

(b) Experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

(c) Representatives of Native American tribes.

(d) Out-of-school youth or other at-risk youth.

(e) Representatives of entities that receive assistance under the domestic volunteer service act of 1973, Public Law 93-113, 87 Stat. 394.

(4) Not more than 6 of the voting commission members shall be officers or employees of this state. The

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governor may appoint additional officers or employees of state agencies operating community service, youth service, education, social service, senior service, and job training programs, as nonvoting, ex officio members of the commission.

(5) The governor shall ensure, to the maximum extent possible, that the commission membership is diverse with respect to race, ethnicity, age, gender, and disability characteristics. Not more than 50% of the voting members of the commission, plus 1 additional member, shall be from the same political party.

(6) Except as provided in this subsection, members of the commission shall serve for staggered 3-year terms expiring on October 1. The members constituting the Michigan community service commission under Executive Order No. 1993-24 on the day before the effective date of this act shall serve on the commission for the remainder of the terms for which they were appointed. Of the additional members, the governor shall appoint 1/3 for terms expiring October 1, 1995, 1/3 for terms expiring October 1, 1996, and 1/3 for terms expiring October 1, 1997.

(7) A vacancy in the office of a member of the commission is created in the manner provided in section 3 of chapter 15 of the Revised Statutes of 1846, being section 201.3 of the Michigan Compiled Laws. A vacancy shall be filled by appointment by the governor for the remainder of the term. The vacancy shall not affect the power of the remaining commission members to execute the duties of the commission.

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408.224 Election of chairperson and other officers; meetings; quorum; participation in administration of grant program; business conducted at public meeting; writings subject to freedom of information act.

Sec. 4. (1) The voting members of the commission shall elect 1 of the voting members to serve as chairperson of the commission. The voting members of the commission may elect other officers from among the members of the commission.

(2) The commission shall meet quarterly. However, the commission shall meet more frequently at the call of the chairperson or if requested by 5 or more members.

(3) A majority of the members of the commission constitutes a quorum for the transaction of business at a meeting of the commission. A majority of the voting members present and serving are required for official action of the commission.

(4) Except as provided in subsection (5), a voting member of the commission shall not participate in the administration of the grant program described in section 7(r), including any discussion or decision regarding the provision of assistance or approved national service positions, or the continuation, suspension, or termination of assistance or such positions, to any program or entity if both of the following apply:

(a) A grant application relating to the grant program is pending before the commission.

(b) The application was submitted by a program or entity of which a member is, or in the 1-year period before the submission of such application was, an officer, director, trustee, full-time volunteer, or employee.

(5) If, as a result of the operation of subsection (4), the number of voting members of the commission is insufficient to establish a quorum for the purpose of administering the grant program described in section 7(r), the voting members excluded from participation by subsection (4) may participate in the administration of the grant program, to the extent permitted by regulations issued by the corporation under section 193A(b)(11) of title I, 42 U.S.C. 12651d.

(6) Subsection (4) does not limit the authority of any voting member of the commission to participate in either of the following:

(a) The discussion of, and hearing and forums on the general duties, policies, and operations of, the commission or the general administration of the grant program described in section 7(r).

(b) Similar general matters relating to the commission.

(7) The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

(8) A writing prepared, owned, used, in possession of, or retained by the commission in the performance of an official function is subject to the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

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compiled at MCL 445.2011.

408.225 Compensation; expenses.

Sec. 5. Members of the commission shall serve without compensation. However, members of the commission may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the commission.

History: 1994, Act 219, Imd. Eff. June 27, 1994.

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408.226 Staff; executive director.

Sec. 6. The commission shall have staff necessary for the commission to perform its functions. The commission staff shall include an executive director. The executive director shall report directly to the governor and the commission for the purpose of giving advice and making recommendations on programs and laws related to voluntarism and community service.

History: 1994, Act 219, Imd. Eff. June 27, 1994.

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408.227 Duties of commission.

Sec. 7. The commission shall do all of the following:

(a) Ensure that its funding decisions meet all federal and state statutory requirements.

(b) Recommend innovative statewide service programs to increase volunteer participation in all age groups and community-based problem solving by diverse participants.

(c) Develop and implement a centralized system for obtaining information and technical support concerning voluntarism and community service recruitment, projects, training methods, materials, and activities throughout this state. The commission shall provide the information and technical support upon request.

(d) Promote interagency collaboration to maximize resources and develop a model of such collaboration on the state level.

(e) Provide public recognition and support of volunteer efforts that address community needs by individuals, by private sector organizations and businesses, and by partnerships between the public and private sectors.

(f) Stimulate increased community awareness of the effects of volunteer services in this state.

(g) Utilize local, state, and federal resources to initiate, strengthen, and expand quality service programs.

(h) Serve as this state's representative to national and state organizations that support the commission's mission.

(i) Prepare for this state a national 3-year service plan that is developed through an open and public process that provides maximum participation and input from national service programs in this state and other interested members of the public. The plan shall be updated annually and contain information that the commission considers appropriate or the corporation requires. The plan shall ensure outreach to diverse community-based agencies that serve underrepresented populations, by either using established state networks and registries or establishing these networks and registries.

(j) Prepare this state's financial assistance applications under section 117B of title I, 42 U.S.C. 12543, and section 130 of title I, 42 U.S.C. 12582.

(k) Assist in the preparation of the department of education's application for assistance under section 113 of title I, 42 U.S.C. 12525.

(*l*) Prepare this state's application under section 130 of title I, 42 U.S.C. 12582, for the approval of service positions that include the national service educational award described in division D of title I, 42 U.S.C. 12601 to 12604.

(m) Make recommendations to the corporation with respect to priorities for programs receiving assistance under the domestic volunteer service act of 1973, Public Law 93-113, 87 Stat. 394.

(n) Make technical assistance available to enable applicants for assistance under section 121 of title I, 42 U.S.C. 12571, to plan and implement service programs and to apply for assistance under the national service laws, using information and materials available through a clearinghouse established under section 198A of title I, 42 U.S.C. 12653a, if appropriate.

(o) Assist in the provision of health care and child care benefits under section 140 of title I, 42 U.S.C.

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12594, to participants in national service programs that receive assistance under section 121 of title I, 42 U.S.C. 12571.

(p) Develop a state system for the recruitment and placement of participants in programs that receive assistance under the national service laws.

(q) Disseminate information about national service programs that receive assistance under national service laws and about approved national service positions.

(r) Use assistance provided under section 121 of title I, 42 U.S.C. 12571, to administer this state's grant program in support of national service programs including the selection, oversight, and evaluation of grant recipients.

(s) Develop projects, training methods, curriculum materials, and other materials and activities related to national service programs that receive assistance directly from the corporation or from the state using assistance provided under section 121 of title I, for use by such programs upon request.

(t) Establish policies and procedures for the use of federal funds received under title I or the national service laws.

(u) Coordinate its functions, including recruitment, public awareness, and training activities, with any division of the corporation for national and community services.

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408.228 National service program.

Sec. 8. The commission shall not directly carry out any national service program that receives assistance under section 121 of title I, 42 U.S.C. 12571.

History: 1994, Act 219, Imd. Eff. June 27, 1994.

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408.229 Delegation of nonpolicymaking duties.

Sec. 9. Subject to requirements prescribed by the corporation, the commission may delegate nonpolicymaking duties to a state agency or to a public or private nonprofit organization.

History: 1994, Act 219, Imd. Eff. June 27, 1994.

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408.230 Liability.

Sec. 10. (1) Except as provided in subsection (3), this state assumes liability with respect to any claim arising out of or resulting from any act or omission by a member of the commission within the scope of service of the commission member.

(2) A member of the commission shall not have any personal liability for any claim arising out of any act or omission by the member within the scope of the member's service on the commission.

(3) Subsection (2) does not limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of the commission member.

(4) This section does not do any of the following:

(a) Affect any other immunities and protections that may be available to the commission member under any law applicable to the member's service on the commission.

(b) Affect any other right or remedy against the state under any applicable law, or against any person other than a member of the commission.

(c) Limit or alter in any way the immunities available for state officials and employees not described in this act.

History: 1994, Act 219, Imd. Eff. June 27, 1994.

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408.231 Compliance with federal law.

Sec. 11. The commission shall comply with all requirements of federal law, including but not limited to

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requirements of coordination with other state agencies or with volunteer service programs.

History: 1994, Act 219, Imd. Eff. June 27, 1994.

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408.232 Cooperation of state departments and agencies with commission.

Sec. 12. State departments and agencies shall cooperate with the commission in the performance of its functions. The commission may request, and state departments and agencies shall provide, policy and technical information required by the commission in the performance of its functions.

History: 1994, Act 219, Imd. Eff. June 27, 1994.

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