

1 *Knopp* *House* BILL NO. *622 Wynick Rata* *Herritz*
 2 INTRODUCED BY *Marks* *Thompson* *Fager* *Rosen*
 3 *Wunderlich* *Meyer* *Barnhart* *Hesper* *Ramirez* *Smith* *W. Lane* *Hills*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PILOT *Barnes*
 5 PROGRAM TO PROVIDE RECIPIENTS OF PUBLIC ASSISTANCE AN *Herritz*
 6 OPPORTUNITY TO CONTRIBUTE THEIR EFFORTS TO SOCIETY IN RETURN *Ellert*
 7 FOR ASSISTANCE RECEIVED AND TO EXPLORE THE FEASIBILITY OF *Ellert*
 8 ESTABLISHING SUCH A PROGRAM PERMANENTLY." *Safat* *Erdaily*
Curfiss *Bertelsen*
Ward *Vingren*
Log *Kwaden*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Purpose. The purpose of this act is to
 12 establish a pilot work program to be applied in limited
 13 areas of the state to provide recipients of public
 14 assistance an opportunity to contribute their efforts to
 15 society and to explore the feasibility of expanding this
 16 program to cover the entire state. The goal of the program
 17 is to avail a person who is able to work, but for whatever
 18 reason cannot work, of the opportunity to contribute his
 19 efforts on a constructive work project in return for public
 20 assistance received.

21 Section 2. Department of social and rehabilitation
 22 services to establish pilot work program. The department of
 23 social and rehabilitation services shall establish a pilot
 24 program wherein an employable or potentially employable
 25 person may be required to participate in a work program to

be eligible to receive public assistance. In establishing
 this program, the department may enter into agreements with
 any governmental unit or agency or any nonprofit agency in
 the establishment of work projects. The pilot project shall
 be established in at least six counties in the state. The
 department may adopt rules necessary for the administration
 of the program.

Section 3. Determination of ability to work. The
 department shall establish rules for determination of
 employability. A person shall be considered employable if
 not rendered unable to work by:

(1) illness or significant and substantial
 incapacitation to the extent that the illness or
 incapacitation prevents the person from performing services;

(2) advanced age; or

(3) the need of the person to provide full-time care
 for other members of the person's household who are wholly
 incapacitated or who are children and for whom required care
 is not otherwise reasonably available notwithstanding
 diligent efforts by the person to obtain others to provide
 care.

Section 4. Work program not to interfere with other
 programs. (1) The work programs established under this act
 may not be used to supplant or perform any work ordinarily
 and actually performed by regular employees of any

1 department of government or to replace or perform any work
 2 ordinarily performed by craftsmen or tradesmen in private
 3 employment. Work performed for a nonprofit agency must not
 4 result in the displacement of regular employees of the
 5 agency.

6 (2) No person may be required to participate in a work
 7 project if such participation would interfere with his
 8 participation in an approved training program designed to
 9 improve his employability and in which he would otherwise
 10 participate.

11 (3) If any portion of the program is found to conflict
 12 with federal law or rules, that portion may be suspended.
 13 The reason for suspension shall be reflected in the report
 14 required under [section 6].

15 Section 5. Limitation on days of work required. A
 16 person participating in a work program may not be required
 17 to work more than the number of days necessary to earn the
 18 amount to which he is eligible under the public assistance
 19 laws of the state. The equivalent rate of reimbursement may
 20 not be less than the minimum wage.

21 Section 6. Department to report results and make
 22 recommendations. The department of social and rehabilitation
 23 services shall report to the 46th legislature the results of
 24 the pilot program established under this act and make
 25 recommendations as to the feasibility of continuing the work

1 program and expanding it throughout the state. The
 2 department's report shall be accompanied by legislation
 3 necessary to implement recommendations made.

4 Section 7. Expiration of act. This act expires June
 5 30, 1979.

-End-

STATE OF MONTANA

REQUEST NO. 341-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 1, 19 77, there is hereby submitted a Fiscal Note for House Bill 622 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 622 provides for establishment of a pilot program to provide public assistance recipients with an opportunity to work for the public assistance grant given them.

ASSUMPTIONS:

1. The mandatory-work program would be on a pilot basis in six counties (Lewis & Clark, Jefferson, Broadwater, Park, Gallatin and Meagher).
2. Program participants would be recipients of AFDC, Food Stamps and General Assistance. Federal law may not allow the state to require food stamp recipients to work in order to receive food stamp benefits. This matter could not be resolved within the time allotted.
3. Costs would include a \$35 per month work expense (including transportation, lunches, F.I.C.A., Workmens' Comp., etc.).
4. Two estimates are provided: Option I. Mandatory workers would exclude caretakers of children under six. Option II. Mandatory workers would not exclude caretakers of children under six.
5. Monthly day care costs equal \$4.25 per day X 21 days per month.
6. The number of children per case equals two (one above age 6 and one below).
7. Number of cases will remain the same.
8. Two state office persons (Grade 5 and 14) would be needed to supervise the project.

FISCAL IMPACT:

Option I. Caretakers of children under 6 years excluded

<u>No. of Participants</u>	<u>AFDC</u>	<u>G.A.</u>	<u>Food Stamps</u>	<u>Total</u>
(6 counties)	80	12	93	185
		<u>FY 78</u>		<u>FY 79</u>
Work expenses		\$ 77,700		\$ 77,700
Day care cost		21,420		21,420
Supervisory salary cost		<u>20,561</u>		<u>20,561</u>
Total additional cost of proposed legislation Option I		<u>\$119,681</u>		<u>\$119,681</u>

Option II. Caretakers of children under 6 years included

<u>No. of Participants</u>	<u>AFDC</u>	<u>G.A.</u>	<u>Food Stamps</u>	<u>Total</u>
(6 counties)	6	12	93	185
		<u>FY 78</u>		<u>FY 79</u>
Work expenses		\$202,020		\$202,020
Day care cost		219,555		219,555
Supervisory salary cost		<u>20,561</u>		<u>20,561</u>
Total additional cost of proposed legislation Option II		<u>\$442,136</u>		<u>\$442,136</u>

(continued on page 2)

BUDGET DIRECTOR
Office of Budget and Program Planning
Date: _____

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REQUEST NO. 341-77

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FISCAL IMPACT (continued)

The additional costs must be funded from the following sources:

<u>FY 78</u>	<u>GENERAL FUND</u>	<u>FEDERAL FUNDS</u>	<u>LOCAL FUNDS</u>
AFDC	30.03%	61.64%	8.33%
General Assistance	100.00%		
Food stamps	100.00%		
 <u>FY 79</u>			
AFDC	30.48%	61.11%	8.41%
General Assistance	100.00%		
Food stamps	100.00%		

Richard L. Franz
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: February 8, 1977

Approved by Committee on Public Health, Welfare & Safety

1 *Knopp* *House* BILL NO. *622 Wynick Rata* *Herwitz*
 2 INTRODUCED BY *Mark Thomas* *Felix* *Ramsey* *Smith* *McLane* *Steele*
 3 *Thomas* *Wendland* *Meyer* *Burke* *Hepler* *NATH* *Smith* *OK*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PILOT *Bowen*
 5 PROGRAM TO PROVIDE RECIPIENTS OF PUBLIC ASSISTANCE AN *Herwitz*
 6 OPPORTUNITY TO CONTRIBUTE THEIR EFFORTS TO SOCIETY IN RETURN *Ellard*
 7 FOR ASSISTANCE RECEIVED AND TO EXPLORE THE FEASIBILITY OF *Ellard*
 8 ESTABLISHING SUCH A PROGRAM PERMANENTLY." *Ellard* *Emery* *Enderly*

Curtiss *Leah* *Ellard*
Co *Simonson* *Bertelsen*
Simonson *16*
16
17

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 13 establish a pilot work program to be applied in limited
 14 areas of the state to provide recipients of public
 15 assistance an opportunity to contribute their efforts to
 16 society and to explore the feasibility of expanding this
 17 program to cover the entire state. The goal of the program
 18 is to avail a person who is able to work, but for whatever
 19 reason cannot work, of the opportunity to contribute his
 20 efforts on a constructive work project in return for public
 21 assistance received.

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 23 services to establish pilot work program. The department of
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 25 program wherein an employable or potentially employable
 person may be required to participate in a work program to

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 3 any governmental unit or agency or any nonprofit agency in
 4 the establishment of work projects. The pilot project shall
 5 be established in at least six counties in the state. The
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 9 department shall establish rules for determination of
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- 16 (3) the need of the person to provide full-time care
- 17 for other members of the person's household who are wholly
- 18 incapacitated or who are children and for whom required care
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 23 programs. (1) The work programs established under this act
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Wood *Vincent* *Log* *Kwaalen*

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 22 recommendations. The department of social and rehabilitation
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 2 department's report shall be accompanied by legislation
 3 necessary to implement recommendations made.

4 Section 7. Expiration of act. This act expires June
 5 30, 1979.

-End-

Knopp
 Meyer
 Barber
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 Himmerton
 10/16
 Lopez

House BILL NO. 622 *Wynick Rata*
 INTRODUCED BY *Mark Thayer*

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PILOT PROGRAM TO PROVIDE RECIPIENTS OF PUBLIC ASSISTANCE AN OPPORTUNITY TO CONTRIBUTE THEIR EFFORTS TO SOCIETY IN RETURN FOR ASSISTANCE RECEIVED AND TO EXPLORE THE FEASIBILITY OF ESTABLISHING SUCH A PROGRAM PERMANENTLY."

PROGRAM TO PROVIDE RECIPIENTS OF PUBLIC ASSISTANCE AN OPPORTUNITY TO CONTRIBUTE THEIR EFFORTS TO SOCIETY IN RETURN FOR ASSISTANCE RECEIVED AND TO EXPLORE THE FEASIBILITY OF ESTABLISHING SUCH A PROGRAM PERMANENTLY."

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 24 the pilot program established under this act and make
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 2 department's report shall be accompanied by legislation
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4 Section 7. Expiration of act. This act expires June
 5 30, 1979.

-End-

April 14, 1977

STANDING COMMITTEE REPORT
Senate Committee on Finance and Claims

That House Bill No. 622 be amended as follows:

1. Amend page 1, section 1, line 12 and 13.

Following: line 11

Strike: "establish a pilot work program to be applied in limited areas of the state to"

2. Amend page 1, section 2

Following: line 20

Strike: section 2 in its entirety

Insert: "Section 2. County authorized to create county resource corps. A county may create a county resource corps composed of persons receiving public assistance, unemployed persons, and other volunteers who seek constructive activity. The purpose of the corps shall be to work on projects improving the quality of life and the environment in the county and in communities within the county.

Section 3. County resource corps projects. (1) All projects to be performed by a county resource corps shall be planned to give participants creative job opportunities and work experiences and to provide participants with a sense of accomplishment.

(2) In planning a project, a county shall give special emphasis to projects which:

(a) help low-income people; and

(b) help beautify the county and the communities within the county.

(3) County resource corps projects may involve but are not limited to:

(a) helping to care for and to provide recreational opportunities for mentally retarded persons;

(b) helping to care for and to provide recreational opportunities for senior citizens;

(c) helping to provide children with recreational facilities and opportunities;

(d) helping child day-care centers;

(e) helping to winterize homes;

(f) helping to conserve natural resources; and

(g) helping the county and the communities within the county pursuant to suggestions from schools, parks, citizen action programs, and other concerned citizen groups.

(4) In planning a county resource corps project, a county shall seek the advice of low-income people, from persons who would be involved in the project, and from the department of community affairs.

Section 4. Participation in county resource corps projects.

(1) A county resource corps shall be open to all persons who desire to participate in county resource corps projects.

(2) Public employment offices under the Montana state employment service shall encourage but may not require unemployed persons to participate in county resource corps projects.

April 14, 1977

Page 2

H.B. 622

(3) A county welfare department, acting pursuant to guidelines established by the department of social and rehabilitation services, may require an employable recipient of public assistance benefits to participate in county resource corps projects for no more than 80 hours a month, provided:

(a) the recipient is given the right to request a hearing on the matter before the board of social and rehabilitation appeals;

(b) the recipient is free to search for and accept other employment at any times; and

(c) the county resource corps projects are planned to give participants creative job opportunities and work experiences and to provide participants with a sense of accomplishment.

Section 5. County resource corps basically a volunteer program. Except in the case of employable recipients of public assistance benefits required to participate in county resource corps projects, participation in such projects is strictly on a voluntary basis. However, participants shall be reimbursed for their travel expenses and other out-of-pocket expenses incidental to their participation.

Section 6. Credit for state employment to be given. Participants in county resource corps projects shall be given credit for state employment equal to the average number of hours of participation a month. Participants having an average number of hours of participation a month equal to at least 120 hours shall receive full-time credit.

Section 7. Workers' compensation coverage. A county shall provide workers' compensation coverage for all participants in county resource corps projects.

Renumber: following sections

3. Amend page 2, section 3, line 9

Following: "department"

Insert: "of social and rehabilitation services"

4. Amend page 3, section 5, line 15 through line 20

Strike: section 5 in its entirety

Renumber: following sections

HOUSE BILL NO. 622

INTRODUCED BY MARKS, MOORE, FAGG, FABREGA, KROPP,

WYKICK, HURWITZ, TURNER, UNDERDAL, STOBIE, CURTISS,

LUND, GOULD, SIVERTSEN, BERTELSEN, SEVERSON, AAGESON,

BURNETT, ELLISON, KEYSER, RAMIREZ, NATHE, PORTER, SMITH,

McLANE, O'KEEFE, FEDA, BARRETT, ELLERD, SEIFERT, EUDAILY,

CUX, VINGER, LORY, KVAALEN, KOTH, ELLIS, MEYER, WOOD, ERNST

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PILOT PROGRAM TO PROVIDE RECIPIENTS OF PUBLIC ASSISTANCE AN OPPORTUNITY TO CONTRIBUTE THEIR EFFORTS TO SOCIETY IN RETURN FOR ASSISTANCE RECEIVED AND TO EXPLORE THE FEASIBILITY OF ESTABLISHING SUCH A PROGRAM PERMANENTLY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Purpose. The purpose of this act is to establish a pilot work program to be applied in limited areas of the state to provide recipients of public assistance an opportunity to contribute their efforts to society and to explore the feasibility of expanding this program to cover the entire state. The goal of the program is to avail a person who is able to work, but for whatever reason cannot work, of the opportunity to contribute his efforts on a constructive work project in return for public assistance received.

~~Section 2. Department of social and rehabilitation services to establish pilot work program. The department of social and rehabilitation services shall establish a pilot program wherein an employable or potentially employable person may be required to participate in a work program to be eligible to receive public assistance in establishing this program. The department may enter into agreements with any governmental unit or agency or any nonprofit agency in the establishment of work projects. The pilot project shall be established in at least six counties in the state. The department may adopt rules necessary for the administration of the program.~~

SECTION 2. COUNTY AUTHORIZED TO CREATE COUNTY RESOURCE CORPS. A COUNTY MAY CREATE A COUNTY RESOURCE CORPS COMPOSED OF PERSONS RECEIVING PUBLIC ASSISTANCE, UNEMPLOYED PERSONS, AND OTHER VOLUNTEERS WHO SEEK CONSTRUCTIVE ACTIVITY. THE PURPOSE OF THE CORPS SHALL BE TO WORK ON PROJECTS IMPROVING THE QUALITY OF LIFE AND THE ENVIRONMENT IN THE COUNTY AND IN COMMUNITIES WITHIN THE COUNTY.

SECTION 3. COUNTY RESOURCE CORPS PROJECTS. (1) ALL PROJECTS TO BE PERFORMED BY A COUNTY RESOURCE CORPS SHALL BE PLANNED TO GIVE PARTICIPANTS CREATIVE JOB OPPORTUNITIES AND WORK EXPERIENCES AND TO PROVIDE PARTICIPANTS WITH A SENSE OF ACCOMPLISHMENT.

(2) IN PLANNING A PROJECT, A COUNTY SHALL GIVE SPECIAL

1 EMPHASIS TO PROJECTS WHICH:

2 (A) HELP LOW-INCOME PEOPLE; AND

3 (B) HELP BEAUTIFY THE COUNTY AND THE COMMUNITIES
 4 WITHIN THE COUNTY.

5 (3) COUNTY RESOURCE CORPS PROJECTS MAY INVOLVE BUT ARE
 6 NOT LIMITED TO:

7 (A) HELPING TO CARE FOR AND TO PROVIDE RECREATIONAL
 8 OPPORTUNITIES FOR MENTALLY RETARDED PERSONS;

9 (B) HELPING TO CARE FOR AND TO PROVIDE RECREATIONAL
 10 OPPORTUNITIES FOR SENIOR CITIZENS;

11 (C) HELPING TO PROVIDE CHILDREN WITH RECREATIONAL
 12 FACILITIES AND OPPORTUNITIES;

13 (D) HELPING CHILD DAY-CARE CENTERS;

14 (E) HELPING TO WINTERIZE HOMES;

15 (F) HELPING TO CONSERVE NATURAL RESOURCES; AND

16 (G) HELPING THE COUNTY AND THE COMMUNITIES WITHIN THE
 17 COUNTY PURSUANT TO SUGGESTIONS FROM SCHOOLS, PARKS, CITIZEN
 18 ACTION PROGRAMS, AND OTHER CONCERNED CITIZEN GROUPS.

19 (4) IN PLANNING A COUNTY RESOURCE CORPS PROJECT, A
 20 COUNTY SHALL SEEK THE ADVICE OF LOW-INCOME PEOPLE, FROM
 21 PERSONS WHO WOULD BE INVOLVED IN THE PROJECT, AND FROM THE
 22 DEPARTMENT OF COMMUNITY AFFAIRS.

23 SECTION 4. PARTICIPATION IN COUNTY RESOURCE CORPS
 24 PROJECTS. (1) A COUNTY RESOURCE CORPS SHALL BE OPEN TO ALL
 25 PERSONS WHO DESIRE TO PARTICIPATE IN COUNTY RESOURCE CORPS

1 PROJECTS.

2 (2) PUBLIC EMPLOYMENT OFFICES UNDER THE MONTANA STATE
 3 EMPLOYMENT SERVICE SHALL ENCOURAGE BUT MAY NOT REQUIRE
 4 UNEMPLOYED PERSONS TO PARTICIPATE IN COUNTY RESOURCE CORPS
 5 PROJECTS.

6 (3) A COUNTY WELFARE DEPARTMENT, ACTING PURSUANT TO
 7 GUIDELINES ESTABLISHED BY THE DEPARTMENT OF SOCIAL AND
 8 REHABILITATION SERVICES, MAY REQUIRE AN EMPLOYABLE RECIPIENT
 9 OF PUBLIC ASSISTANCE BENEFITS TO PARTICIPATE IN COUNTY
 10 RESOURCE CORPS PROJECTS FOR NO MORE THAN 80 HOURS A MONTH,
 11 PROVIDED:

12 (A) THE RECIPIENT IS GIVEN THE RIGHT TO REQUEST A
 13 HEARING ON THE MATTER BEFORE THE BOARD OF SOCIAL AND
 14 REHABILITATION APPEALS;

15 (B) THE RECIPIENT IS FREE TO SEARCH FOR AND ACCEPT
 16 OTHER EMPLOYMENT AT ANY TIMES; AND

17 (C) THE COUNTY RESOURCE CORPS PROJECTS ARE PLANNED TO
 18 GIVE PARTICIPANTS CREATIVE JOB OPPORTUNITIES AND WORK
 19 EXPERIENCES AND TO PROVIDE PARTICIPANTS WITH A SENSE OF
 20 ACCOMPLISHMENT.

21 SECTION 5. COUNTY RESOURCE CORPS BASICALLY A VOLUNTEER
 22 PROGRAM, EXCEPT IN THE CASE OF EMPLOYABLE RECIPIENTS OF
 23 PUBLIC ASSISTANCE BENEFITS REQUIRED TO PARTICIPATE IN COUNTY
 24 RESOURCE CORPS PROJECTS, PARTICIPATION IN SUCH PROJECTS IS
 25 STRICTLY ON A VOLUNTARY BASIS. HOWEVER, PARTICIPANTS SHALL

1 ~~BE REIMBURSED FOR THEIR TRAVEL EXPENSES AND OTHER~~
2 ~~OUT-OF-POCKET EXPENSES INCIDENTAL TO THEIR PARTICIPATION.~~

3 ~~SECTION 6. CREDIT FOR STATE EMPLOYMENT TO BE GIVEN.~~
4 ~~PARTICIPANTS IN COUNTY RESOURCE CORPS PROJECTS SHALL BE~~
5 ~~GIVEN CREDIT FOR STATE EMPLOYMENT EQUAL TO THE AVERAGE~~
6 ~~NUMBER OF HOURS OF PARTICIPATION A MONTH. PARTICIPANTS~~
7 ~~HAVING AN AVERAGE NUMBER OF HOURS OF PARTICIPATION A MONTH~~
8 ~~EQUAL TO AT LEAST 120 HOURS SHALL RECEIVE FULL-TIME CREDIT.~~

9 ~~SECTION 7. WORKERS' COMPENSATION COVERAGE. A COUNTY~~
10 ~~SHALL PROVIDE WORKERS' COMPENSATION COVERAGE FOR ALL~~
11 ~~PARTICIPANTS IN COUNTY RESOURCE CORPS PROJECTS.~~

12 Section 8. Determination of ability to work. The
13 department ~~OF SOCIAL AND REHABILITATION SERVICES~~ shall
14 establish rules for determination of employability. A
15 person shall be considered employable if not rendered unable
16 to work by:

17 (1) illness or significant and substantial
18 incapacitation to the extent that the illness or
19 incapacitation prevents the person from performing services;

20 (2) advanced age; or

21 (3) the need of the person to provide full-time care
22 for other members of the person's household who are wholly
23 incapacitated or who are children and for whom required care
24 is not otherwise reasonably available notwithstanding
25 diligent efforts by the person to obtain others to provide

1 care.

2 Section 9. Work program not to interfere with other
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5 and actually performed by regular employees of any
6 department of government or to replace or perform any work
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8 employment. Work performed for a nonprofit agency must not
9 result in the displacement of regular employees of the
10 agency.

11 (2) No person may be required to participate in a work
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13 participation in an approved training program designed to
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16 (3) If any portion of the program is found to conflict
17 with federal law or rules, that portion may be suspended.
18 The reason for suspension shall be reflected in the report
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21 ~~person participating in a work program may not be required~~
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25 ~~not be less than the minimum wage.~~

1 Section 10. Department to report results and make
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4 the pilot program established under this act and make
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9 Section 11. Expiration of act. This act expires June
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