

HOUSE BILL No. 4461

February 24, 2009, Introduced by Reps. Horn, Kurtz, Moore, Opsommer, Agema, Rick Jones, Knollenberg, Meltzer, Meekhof, Walsh, Lori, Ball, Crawford, Hansen and Genetski and referred to the Committee on Families and Children's Services.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending sections 32, 57f, and 57r (MCL 400.32, 400.57f, and 400.57r), section 32 as amended by 1995 PA 223, section 57f as amended by 2006 PA 468, and section 57r as amended by 2007 PA 9, and by adding sections 57v, 57w, 57x, and 57y.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32. (1) Subject to section 14g, a person qualified for
2 and receiving assistance under this act in any county in this state
3 who moves or is taken to another county in this state may continue
4 to receive assistance in the county to which the person has moved
5 or is taken, and the county ~~family independence agency~~ **DEPARTMENT**
6 of the county from which the person has moved shall transfer all
7 necessary records relating to the person to the county ~~family~~

1 ~~independence agency~~ **DEPARTMENT** of the county to which the person
2 has moved.

3 (2) For purposes of the family independence program and
4 medical assistance under this act, a resident of this state is a
5 person who is living in this state voluntarily with the intention
6 of making his or her home in this state and not for a temporary
7 purpose and who is not receiving assistance from another state. **FOR**
8 **PURPOSES OF THE FAMILY INDEPENDENCE PROGRAM, AN INDIVIDUAL MUST**
9 **HAVE RESIDED IN THIS STATE FOR NOT LESS THAN 180 DAYS PRIOR TO**
10 **APPLYING FOR FAMILY INDEPENDENCE PROGRAM BENEFITS.** For purposes of
11 medical assistance, a resident of this state also includes a person
12 and the dependents of a person who, at the time of application, is
13 living in this state, is not receiving assistance from another
14 state, and entered the state with a job commitment or seeking
15 employment in this state. For purposes of determining eligibility
16 to receive assistance under this act, excluding recipients of
17 supplemental security income under title XVI of the social security
18 act, ~~chapter 531, 49 Stat. 620, 42 U.S.C. USC 1381 to 1382 , and~~
19 1383 to 1383d, or state supplementation under this act, the
20 continued absence of a recipient from this state, unless the
21 absence is temporary or intent to return is established as provided
22 by applicable federal regulations, shall constitute abandonment by
23 the recipient of residence in this state. Any existing rule that
24 has been promulgated under this act that defines temporary absence
25 for the purpose of eligibility for family independence assistance
26 or medical assistance, or that provides for continuation of
27 eligibility if the absence is not temporary, is not applicable.

1 (3) For purposes of medical assistance eligibility the
2 requirements in subsection (2) apply except as otherwise provided
3 in federal regulations for the administration of the medical
4 assistance program under title XIX of the social security act, 42
5 ~~U.S.C.~~ **USC** 1396 to 1396g and 1396i to 1396v.

6 (4) The residence of a husband shall not be considered to be
7 the residence of the wife if they are living separate and apart. If
8 a husband and wife are living separate and apart, each may have a
9 separate residence dependent upon proof of the fact and not upon
10 legal presumption. This subsection shall not be construed to
11 prohibit a person from acquiring or retaining a legal residence.

12 Sec. 57f. (1) The department shall enter into an agreement
13 with the department of **ENERGY**, labor, and economic growth to
14 facilitate the administration of work first. The department shall
15 make information on the program available to the legislature.

16 (2) Except as provided in section 57b, at the time the
17 department determines that an individual is eligible to receive
18 family independence assistance under this act, the department shall
19 determine whether that individual is eligible to participate in the
20 work first program or if the individual is exempt from work first
21 participation under this section. ~~The~~ **EXCEPT AS OTHERWISE PROVIDED**
22 **IN THIS SECTION, THE** particular activities in which the recipient
23 is required or authorized to participate, the number of hours of
24 work required, and other details of work first shall be developed
25 by the department and the department of **ENERGY**, labor, and economic
26 growth and shall be set forth in the recipient's family self-
27 sufficiency plan. If a recipient has cooperated with work first,

the recipient may enroll in a program approved by the local workforce development board **OR AUTHORIZED UNDER SUBSECTION (6)**. Any and all training or education with the exception of high school completion, GED preparation, ~~and literacy training, AND PROGRAMS~~ **AUTHORIZED UNDER SUBSECTION (6)** must be occupationally relevant and in demand in the labor market as determined by the local workforce development board and may be no more than 2 years in duration. Participants must make satisfactory progress while in training or education.

(3) The following individuals are exempt from participation in work first:

~~—— (a) A child under the age of 16.~~

~~—— (b) A child aged 16 or older, or a minor parent, who is attending elementary or secondary school full time.~~

~~—— (c) The parent of a child under the age of 3 months. The family independence agency may require a parent exempted from participation in work first under this subdivision to participate in family services, including, but not limited to, instruction in parenting, nutrition, and child development beginning 6 weeks after the birth of his or her child until the child is 3 months old as fulfillment of that parent's social contract obligation under section 57e(1)(c).~~

~~—— (d) An individual aged 65 or older.~~

~~—— (e) A recipient of supplemental security income.~~

~~—— (f) An individual who meets 1 or more of the following criteria to the extent that the individual, based on medical evidence and an assessment of need by the department, is severely~~

~~restricted in his or her ability to participate in employment or training activities:~~

~~—— (i) A recipient of social security disability, or medical assistance due to disability or blindness.~~

~~—— (ii) An individual suffering from a physical or mental impairment that meets federal supplemental security income disability standards, except that no minimum duration is required.~~

~~—— (iii) The spouse of an individual described in subparagraph (i) or (ii) who is the full time caregiver of that individual.~~

~~—— (iv) A parent or caretaker of a child who is suffering from a physical or mental impairment that meets the federal supplemental security income disability standards, except that no minimum duration is required.~~

(A) ~~(g) Beginning April 1, 2007, the~~ **THE** parent of a child under the age of 3 months. The department may require a parent exempted from participation in work first under this subdivision to participate in family services, including, but not limited to, instruction in parenting, nutrition, and child development beginning 6 weeks after the birth of his or her child until the child is 3 months old as fulfillment of that recipient's family self-sufficiency plan obligation under section 57e(1)(c).

(B) ~~(h) Beginning April 1, 2007, a~~ **A** recipient of supplemental security income.

(C) ~~(i) Beginning April 1, 2007, an~~ **AN** individual who meets 1 or more of the following criteria to the extent that the individual, based on medical evidence and an assessment of need by the department, is severely restricted in his or her ability to

1 participate in employment or training activities:

2 (i) A recipient of social security disability ~~or~~ medical
3 assistance due to disability or blindness.

4 (ii) An individual suffering from a physical or mental
5 impairment that meets federal supplemental security income
6 disability standards, except that no minimum duration is required.

7 (iii) The spouse of an individual described in subparagraph (i)
8 or (ii) who is the full-time caregiver of that individual.

9 (iv) A parent or caretaker of a child who is suffering from a
10 physical or mental impairment that meets the federal supplemental
11 security income disability standards, except that no minimum
12 duration is required.

13 (v) An individual with low intellectual capacity or learning
14 disabilities that impede comprehension and prevent success in
15 acquiring basic reading, writing, and math skills, including, but
16 not limited to, an individual with an intelligence quotient less
17 than 80.

18 (vi) An individual with documented chronic mental health
19 problems that cannot be controlled through treatment or medication.

20 (vii) An individual with physical limitations on his or her
21 ability to perform routine manual labor tasks, including, but not
22 limited to, bending or lifting, combined with intellectual capacity
23 or learning disabilities.

24 **(D) AN INDIVIDUAL AGED 65 OR OLDER.**

25 (4) In addition to those individuals exempt under subsection
26 (3), the department may grant a temporary exemption from
27 participation in work first, not to exceed 90 days, to an

1 individual who is suffering from a documented short-term mental or
2 physical illness, limitation, or disability that severely restricts
3 his or her ability to participate in employment or training
4 activities. An individual with a documented mental or physical
5 illness, limitation, or disability that does not severely restrict
6 his or her ability to participate in employment or training
7 activities shall be required to participate in work first at a
8 medically permissible level.

9 (5) An individual is not disabled for purposes of this section
10 if substance abuse is a contributing factor material to the
11 determination of disability.

12 (6) THE TIME AN INDIVIDUAL SPENDS IN AN EARLY CHILDHOOD
13 EDUCATION PROGRAM OR VOLUNTEERING IN A COMMUNITY SERVICE
14 ORGANIZATION COUNTS TOWARD WORK FIRST PARTICIPATION REQUIREMENTS.
15 THE COMMUNITY SERVICE IS NOT REQUIRED TO BE SET UP OR COORDINATED
16 THROUGH THE DEPARTMENT, BUT DOCUMENTATION OF THE HOURS AN
17 INDIVIDUAL PARTICIPATES IN THE COMMUNITY SERVICE MUST BE PROVIDED
18 TO THE WORK FIRST REPRESENTATIVE IN CHARGE OF THE INDIVIDUAL'S
19 CASE.

20 (7) ~~(6)~~—The department may promulgate rules in accordance with
21 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201
22 to 24.328, identifying exemptions under this section. The director
23 of the department may grant exemptions for extenuating
24 circumstances beyond the exemptions provided for in this section.
25 The department shall annually provide to the legislature, at the
26 same time as the governor's departmental budget proposal, a report
27 of the number of exemptions issued under this section and the

1 individual reason for those exemptions.

2 (8) ~~(7)~~ This section does not apply after September 30, 2011.

3 Sec. 57r. ~~(1) Beginning October 1, 2007~~ **EXCEPT AS PROVIDED IN**

4 **SECTION 57V**, if the department determines that an individual is
5 eligible to participate in the work first program and resides in a
6 county in which a jobs, education and training (JET) program is
7 available, family independence assistance shall be paid to that
8 individual for not longer than a cumulative total of 48 months
9 during that individual's lifetime. If the recipient is meeting all
10 the requirements outlined in his or her family self-sufficiency
11 plan, has not received more than 2 penalties under section 57g
12 after October 1, 2007, has not received any penalties under section
13 57g in the preceding 12 months, and labor market conditions or
14 employment barriers prevent employment placement, the recipient may
15 apply to the department for an extension of family independence
16 assistance benefits for a period not to exceed 12 months over the
17 48-month cumulative lifetime total. Nothing in this subsection
18 prevents the department from providing assistance to individuals
19 who are determined to be exempt from work first participation under
20 section 57f.

21 ~~(2) This section does not apply after September 30, 2011.~~

22 **SEC. 57V. (1) AN INDIVIDUAL WHO IS INELIGIBLE TO RECEIVE**
23 **FAMILY INDEPENDENCE PROGRAM BENEFITS BECAUSE HE OR SHE HAS GAINED**
24 **EMPLOYMENT AND NO LONGER FITS THE FINANCIAL ELIGIBILITY CRITERIA**
25 **FOR FAMILY INDEPENDENCE PROGRAM BENEFITS OR BECAUSE HE OR SHE HAS**
26 **RECEIVED FAMILY INDEPENDENCE PROGRAM BENEFITS FOR THE MAXIMUM**
27 **PERIOD ALLOWED UNDER LAW MAY REIMBURSE THE STATE FOR ALL THE MONEY**

1 THAT HE OR SHE RECEIVED FOR FAMILY INDEPENDENCE PROGRAM BENEFITS.
2 AS AN ALTERNATIVE TO CASH REPAYMENT TO THE STATE UNDER THIS
3 SECTION, AT THE DEPARTMENT'S DIRECTION, AN INDIVIDUAL MAY
4 PARTICIPATE IN COMMUNITY SERVICE AT AN ORGANIZATION THAT IS NOT
5 OPERATED FOR PROFIT AND IS EXEMPT FROM FEDERAL INCOME TAX UNDER
6 SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE, 26 USC 501. THE
7 DEPARTMENT SHALL ESTABLISH A SCHEDULE THAT TRANSLATES THE AMOUNT OF
8 HOURS OF COMMUNITY SERVICE TO BE PERFORMED INTO THE EQUIVALENT
9 AMOUNT OF CASH REPAYMENT.

10 (2) AN INDIVIDUAL DESCRIBED IN SUBSECTION (1) IS ELIGIBLE TO
11 RECEIVE FURTHER FAMILY INDEPENDENCE PROGRAM BENEFITS AFTER HE OR
12 SHE HAS REPAID THE STATE 100% OF THE AMOUNT HE OR SHE RECEIVED IN
13 FAMILY INDEPENDENCE PROGRAM BENEFITS. AFTER THAT INDIVIDUAL HAS
14 REIMBURSED THE STATE AS PROVIDED IN THIS SECTION AND IN RULES
15 PROMULGATED BY THE DEPARTMENT, HE OR SHE IS ELIGIBLE TO RECEIVE
16 FAMILY INDEPENDENCE PROGRAM BENEFITS FOR AN ADDITIONAL 24-MONTH
17 PERIOD PROVIDED HE OR SHE MEETS ALL THE OTHER FAMILY INDEPENDENCE
18 PROGRAM ELIGIBILITY REQUIREMENTS.

19 (3) AN INDIVIDUAL DESCRIBED IN SUBSECTION (1) MAY BEGIN
20 REPAYMENT TO THE STATE AT ANY TIME AFTER NOTIFICATION BY THE
21 DEPARTMENT THAT HE OR SHE IS NO LONGER ELIGIBLE TO RECEIVE FAMILY
22 INDEPENDENCE PROGRAM BENEFITS FOR 1 OF THE REASONS SET FORTH IN
23 SUBSECTION (1).

24 (4) THE DEPARTMENT SHALL PROMULGATE RULES TO IMPLEMENT THIS
25 SECTION ACCORDING TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
26 1969 PA 306, MCL 24.201 TO 24.328.

27 (5) MONEY REPAID TO THE STATE UNDER THIS SECTION SHALL BE

1 DEPOSITED INTO THE CASH ASSISTANCE REPAYMENT FUND CREATED IN
2 SECTION 57W.

3 SEC. 57W. (1) THE CASH ASSISTANCE REPAYMENT FUND IS CREATED
4 WITHIN THE STATE TREASURY.

5 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
6 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
7 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT
8 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

9 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
10 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

11 (4) THE DEPARTMENT OF HUMAN SERVICES SHALL BE THE
12 ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.

13 (5) THE DEPARTMENT OF HUMAN SERVICES SHALL EXPEND MONEY FROM
14 THE FUND, UPON APPROPRIATION, FOR OFFSETTING FUTURE FAMILY
15 INDEPENDENCE PROGRAM OBLIGATIONS.

16 SEC. 57X. BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY ACT
17 THAT ADDED THIS SECTION, IF THE INDIVIDUAL HAS A MEMBER OF THE
18 FAMILY GROUP WHO IS TRUANT FROM SCHOOL UNDER THE LOCAL SCHOOL
19 DISTRICT'S ATTENDANCE POLICY, THE FAMILY GROUP IS NO LONGER
20 ELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM BENEFITS UNTIL THE MEMBER
21 IS NO LONGER TRUANT.

22 SEC. 57Y. A FAMILY INDEPENDENCE PROGRAM RECIPIENT WHO IS THE
23 PARENT OF A CHILD UNDER 5 YEARS OLD MUST PARTICIPATE IN AN EARLY
24 CHILDHOOD EDUCATION PROGRAM THAT IS AVAILABLE IN HIS OR HER AREA IN
25 ORDER TO CONTINUE TO BE ELIGIBLE FOR FAMILY INDEPENDENCE BENEFITS.