

HOUSE BILL NO. 5235

July 01, 2021, Introduced by Reps. Brabec and Rabhi and referred to the Committee on Government Operations.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 32 (MCL 400.32), as amended by 1995 PA 223.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 32. (1) Subject to section 14g, ~~a person~~ **an individual**
2 qualified for and receiving assistance under this act in any county
3 in this state who moves or is taken to another county in this state
4 may continue to receive assistance in the county to which the
5 ~~person~~ **individual** has moved or is taken, and the county ~~family~~

1 ~~independence agency~~ **department** of the county from which the ~~person~~
 2 **individual** has moved shall transfer all necessary records relating
 3 to the ~~person~~ **individual** to the county ~~family independence agency~~
 4 **department** of the county to which the person has moved.

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

28 (3) For purposes of medical assistance eligibility the
 29 requirements in subsection (2) apply except as otherwise provided

1 in federal regulations for the administration of the medical
2 assistance program under title XIX. ~~of the social security act, 42~~
3 ~~U.S.C. 1396 to 1396g and 1396i to 1396v.~~

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

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Joint Resolution ____ or House Joint Resolution ____
14 (request no. 02344'21) of the 101st Legislature becomes a part of
15 the state constitution of 1963 as provided in section 1 of article
16 XII of the state constitution of 1963.