

HOUSE BILL No. 4309

February 15, 1991, Introduced by Reps. Robertson, Brackenridge, Bandstra, Rocca, Jaye, Munsell, McBryde, O'Connor, London, Shugars, Horton, Dalman, Willis Bullard and Bobier and referred to the Committee on Social Services and Youth.

A bill to amend Act No. 280 of the Public Acts of 1939, entitled as amended "The social welfare act," as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws, by adding section 60b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 280 of the Public Acts of 1939, as
2 amended, being sections 400.1 to 400.121 of the Michigan Compiled
3 Laws, is amended by adding section 60b to read as follows:

4 SEC. 60B. (1) AS USED IN THIS SECTION:

5 (A) "OVERPAYMENT" MEANS A PAYMENT OF PUBLIC ASSISTANCE MADE
6 TO A PUBLIC ASSISTANCE RECIPIENT IN EXCESS OF THAT TO WHICH HE OR
7 SHE IS ENTITLED, OR A PAYMENT MADE TO A PERSON WHO IS INELIGIBLE
8 UNDER THIS ACT TO RECEIVE THAT PAYMENT.

1 (B) "PUBLIC ASSISTANCE RECIPIENT" MEANS A PERSON RECEIVING
2 ASSISTANCE UNDER THIS ACT.

3 (2) THE STATE DEPARTMENT SHALL TAKE ALL NECESSARY STEPS TO
4 RECOVER AN OVERPAYMENT MADE TO A PUBLIC ASSISTANCE RECIPIENT.
5 PROCEDURES FOR THE RECOVERY OF OVERPAYMENTS MADE UNDER FEDERALLY
6 ASSISTED PROGRAMS SHALL BE CONSISTENT WITH FEDERAL LAW AND
7 REGULATIONS.

8 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), IF NECESSARY TO
9 RECOVER AN OVERPAYMENT IN THE CASE OF A PERSON WHO IS NO LONGER A
10 PUBLIC ASSISTANCE RECIPIENT, THE STATE DEPARTMENT SHALL BRING AN
11 ACTION TO RECOVER THE OVERPAYMENT IN A COURT OF COMPETENT
12 JURISDICTION.

13 (4) IN THE CASE OF AN INDIVIDUAL WHO IS NO LONGER A PUBLIC
14 ASSISTANCE RECIPIENT, THE STATE DEPARTMENT MAY WAIVE RECOVERY OF
15 AN OVERPAYMENT IF THE COST OF RECOVERY IS EQUAL TO OR GREATER
16 THAN THE AMOUNT OF THE OVERPAYMENT. THE COST OF RECOVERY SHALL
17 BE DETERMINED BY THE STATE DEPARTMENT IN ACCORDANCE WITH FEDERAL
18 REGULATIONS. THIS SUBSECTION DOES NOT APPLY IF THE OVERPAYMENT
19 IS THE RESULT OF FRAUD ON THE PART OF THE PUBLIC ASSISTANCE
20 RECIPIENT.