

HOUSE BILL No. 5341

February 19, 2014, Introduced by Reps. Hooker, MacGregor and Kurtz and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1939 PA 280, entitled
 "The social welfare act,"
 by amending section 64 (MCL 400.64), as amended by 1985 PA 140.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 64. (1) Notwithstanding sections 2(6), 35, 45(6), and
 2 46(6), applications and records concerning an applicant for or
 3 recipient of ~~aid or relief~~ **ASSISTANCE** under the terms of this act,
 4 except medical assistance, ~~shall be considered~~ **ARE** public records
 5 and ~~shall be~~ **ARE** open to inspection by persons authorized by the
 6 federal or state government, the state department, ~~of social~~
 7 ~~services,~~ or the officials of the county, city, or district
 8 involved, in connection with their official acts and by the general
 9 public as to the names of recipients and the amounts of ~~aid or~~

1 ~~relief~~**ASSISTANCE** granted. General public access ~~shall be~~**IS**
2 restricted to persons who present a signed application containing
3 the name, the address, and the occupation of the persons signing
4 the application. A person shall not utter or publish the names,
5 addresses, or other information regarding applicants or recipients
6 except in cases where fraud is charged or wrongful grant of ~~aid~~
7 **ASSISTANCE** is alleged. A person shall not use the names, addresses,
8 or other information regarding applicants or recipients for
9 political or commercial purposes.

10 (2) Records relating to persons applying for, receiving or
11 formerly receiving medical services under the categorical
12 assistance programs of this act ~~shall be~~**ARE** confidential and shall
13 be used only for purposes directly and specifically related to the
14 administration of the medical program.

15 (3) In each county, the department ~~of social services~~ shall
16 maintain an alphabetical index file in its office of cases
17 receiving assistance through the department. When a citizen makes a
18 personal visit to an office during regular office hours, and makes
19 inquiry as to the name or amount of assistance being received by a
20 person, the requester shall be given the information requested in
21 the manner prescribed by the freedom of information act, ~~Act No.~~
22 ~~442 of the Public Acts of 1976, being sections 15.231 to 15.246 of~~
23 ~~the Michigan Compiled Laws.~~**1976 PA 442, MCL 15.231 TO 15.246.**

24 (4) Subject to restrictions prescribed by federal regulations
25 governing ~~aid to families with dependent children~~**TEMPORARY**
26 **ASSISTANCE FOR NEEDY FAMILIES** or other federal programs, rules of
27 the state department, ~~of social services,~~ or otherwise, for

1 preventing the disclosure of confidential information to any person
2 not authorized by law to receive the confidential information, the
3 state department ~~of social services~~ shall make available to a
4 public utility regulated by the Michigan public service commission
5 or a municipality information concerning applicants for, and
6 recipients of, public assistance, the disclosure of which is
7 necessary and the use of which is strictly limited to the purpose
8 of a public utility's administering a program created by statute or
9 by order of the Michigan public service commission and intended to
10 assist applicants for, or recipients of, public assistance in
11 defraying their energy costs.

12 (5) The state department may disclose information regarding
13 applicants for, and recipients of, assistance under this act in
14 connection with the administration of assistance under this act,
15 including the implementation and administration of section 60a, to
16 the extent that ~~such~~ **THE** disclosure in regard to applicants for and
17 recipients of federally funded assistance is in accordance with
18 applicable federal law and regulations regarding disclosure of
19 confidential information concerning applicants for or recipients of
20 federally funded assistance.

21 (6) Except as prescribed in section 61(2) and 61(3), a person
22 who violates this section ~~shall~~ **IS**, upon conviction, ~~be~~ guilty of a
23 misdemeanor ~~—~~ punishable by imprisonment for not more than 2 years
24 ~~—~~ or by a fine of not more than \$1,000.00, or both. If an employee
25 of the state violates this section, the employee ~~shall~~ **IS** also ~~be~~
26 subject to dismissal from state employment subject to rules as
27 established by the civil service commission.

1 (7) The county department ~~of social services~~ shall ~~cause~~ **GIVE**
2 prompt notice to ~~be given to~~ appropriate law enforcement officials
3 of the furnishing of ~~aid to dependent children~~ **TEMPORARY ASSISTANCE**
4 **FOR NEEDY FAMILIES** in each case where a child has been deserted or
5 abandoned by a parent and ~~aid~~ **ASSISTANCE** is being furnished to the
6 child.

7 (8) **DOCUMENTS, REPORTS, OR RECORDS AUTHORED BY OR OBTAINED**
8 **FROM ANOTHER AGENCY OR ORGANIZATION SHALL NOT BE RELEASED OR OPEN**
9 **FOR INSPECTION UNDER SUBSECTION (1) UNLESS REQUIRED BY OTHER STATE**
10 **OR FEDERAL LAW, IN RESPONSE TO AN ORDER ISSUED BY A JUDGE,**
11 **MAGISTRATE, OR OTHER AUTHORIZED JUDICIAL OFFICER.**