

HOUSE BILL No. 6585

September 20, 2006, Introduced by Reps. Pastor, Kooiman and Stahl and referred to the Committee on Family and Children Services.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 57a (MCL 400.57a), as amended by 1999 PA 26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57a. (1) The ~~family independence agency~~ **DEPARTMENT**
2 shall establish and administer the family independence program to
3 provide assistance to families who are making efforts to achieve
4 independence.

5 (2) The ~~family independence agency~~ **DEPARTMENT** shall
6 administer the family independence program to accomplish all of the
7 following:

8 (a) Provide financial support to eligible families while they
9 pursue self-improvement activities and engage in efforts to become
10 financially independent.

11 (b) Ensure that recipients who are minor parents live in

1 adult-supervised households in order to reduce long-term dependency
2 on financial assistance.

3 (c) Assist families in determining and overcoming the barriers
4 preventing them from achieving financial independence.

5 (d) Ensure that families pursue other sources of support
6 available to them.

7 (3) The ~~family independence agency~~ **DEPARTMENT** shall
8 establish income and asset levels for eligibility, types of income
9 and assets to be considered in making eligibility determinations,
10 payment standards, composition of the program group and the family
11 independence assistance group, program budgeting and accounting
12 methods, and client reporting requirements to meet the following
13 goals:

14 (a) Efficient, fair, cost-effective administration of the
15 family independence program.

16 (b) Provision of family independence assistance to families
17 willing to work toward eventual self-sufficiency.

18 **(4) AT THE TIME THE DEPARTMENT DETERMINES AN INDIVIDUAL IS**
19 **ELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE UNDER**
20 **THIS ACT, THE DEPARTMENT SHALL DETERMINE WHETHER THAT INDIVIDUAL IS**
21 **ELIGIBLE TO PARTICIPATE IN THE WORK FIRST PROGRAM OR IF THE**
22 **INDIVIDUAL IS EXEMPT FROM WORK FIRST PARTICIPATION UNDER SECTION**
23 **57F. IF THE DEPARTMENT DETERMINES THAT AN INDIVIDUAL IS ELIGIBLE TO**
24 **PARTICIPATE IN THE WORK FIRST PROGRAM, FAMILY INDEPENDENCE PROGRAM**
25 **ASSISTANCE SHALL BE PAID TO THAT INDIVIDUAL FOR NOT LONGER THAN A**
26 **CUMULATIVE TOTAL OF 48 MONTHS AFTER THE ESTABLISHMENT OF THE**
27 **STATE'S TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM ON OCTOBER**

1 1, 1996. ANY MONTH IN WHICH THE UNEMPLOYMENT RATE IN THE COUNTY IN
2 WHICH THE INDIVIDUAL RESIDES IS HIGHER THAN 10% DOES NOT COUNT
3 TOWARD THE CUMULATIVE TOTAL OF 48 MONTHS FOR FAMILY INDEPENDENCE
4 PROGRAM ASSISTANCE. ANY MONTH IN WHICH AN INDIVIDUAL IS TEMPORARILY
5 DEFERRED FROM WORK FIRST PARTICIPATION DOES NOT COUNT TOWARD THE
6 CUMULATIVE TOTAL OF 48 MONTHS IN A LIFETIME FOR FAMILY INDEPENDENCE
7 PROGRAM ASSISTANCE.

8 (5) ON DECEMBER 31, 2006, IF A FAMILY INDEPENDENCE ASSISTANCE
9 PROGRAM GROUP CONTAINING AN INDIVIDUAL THAT THE DEPARTMENT HAS
10 DETERMINED IS ELIGIBLE TO PARTICIPATE IN THE WORK FIRST PROGRAM HAS
11 RECEIVED FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR A CUMULATIVE
12 TOTAL OF AT LEAST 24 MONTHS AFTER THE ESTABLISHMENT OF THE STATE'S
13 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM ON OCTOBER 1, 1996,
14 THAT PROGRAM GROUP IS NOT SUBJECT TO THE 48-MONTH LIMITATION
15 OUTLINED IN SUBSECTION (4). FAMILY INDEPENDENCE PROGRAM ASSISTANCE
16 SHALL BE PAID TO THAT PROGRAM GROUP FOR NOT LONGER THAN A
17 CUMULATIVE TOTAL OF 36 MONTHS AFTER DECEMBER 31, 2006.

18 (6) IF THE DEPARTMENT DETERMINES THAT AN INDIVIDUAL IS
19 ELIGIBLE TO PARTICIPATE IN THE WORK FIRST PROGRAM, FAMILY
20 INDEPENDENCE PROGRAM ASSISTANCE SHALL NOT BE PAID TO THAT
21 INDIVIDUAL'S PROGRAM GROUP FOR LONGER THAN 24 CONSECUTIVE MONTHS
22 DURING ANY PERIOD STARTING WITH THE FIRST PAYMENT RECEIVED AFTER
23 DECEMBER 31, 2006.

24 (7) NOTHING IN THIS SECTION PREVENTS THE DEPARTMENT FROM
25 PROVIDING FAMILY INDEPENDENCE PROGRAM ASSISTANCE TO PROGRAM GROUPS
26 IN WHICH ADULT RECIPIENTS ARE DETERMINED TO BE EXEMPT UNDER SECTION
27 56I(1)(C) OR 57F(3).

1 (8) THE DEPARTMENT SHALL REASSESS THE RECIPIENT'S ELIGIBILITY
2 FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE NOT LATER THAN 24 MONTHS
3 AFTER THE DATE THE APPLICATION FOR FAMILY INDEPENDENCE PROGRAM
4 ASSISTANCE WAS APPROVED.

5 (9) ~~-(4)-~~ Not later than October 1, 2001, the ~~family~~
6 ~~independence agency~~ **DEPARTMENT** shall implement an automated finger
7 imaging system designed to prevent an individual from receiving
8 cash assistance, food stamps, or both under more than 1 name.
9 Beginning at the effective date of the establishment and
10 implementation of the finger imaging system, an individual applying
11 for cash assistance, food stamps, or both must provide the ~~family~~
12 ~~independence agency~~ **DEPARTMENT** with an automated finger image or
13 images as a condition of eligibility. Finger imaging obtained
14 ~~pursuant to~~ **UNDER** this subsection shall be used only for the
15 purposes of reducing fraud in obtaining public benefits or
16 assistance under this act.

17 (10) ~~-(5)-~~ The ~~family independence agency~~ **DEPARTMENT** shall
18 establish the automated finger image system that, at a minimum,
19 includes the following:

20 (a) Confidentiality of the automated finger image records
21 taken ~~pursuant~~ **ACCORDING** to this section.

22 (b) A system for administrative appeal of a matter relating to
23 the taking or verification of an individual's automated finger
24 image.

25 (c) A requirement to exempt children from providing the
26 automated finger image unless there is a reasonable suspicion that
27 the family group is committing fraud. For the purpose of this

1 subdivision, "family group" means a family and all those
2 individuals living with a family who apply for or receive cash
3 assistance, food stamps, or both.

4 (d) A requirement to exempt individuals from whom the
5 automated finger image technology is unable to obtain an accurate
6 finger image.

7 (e) A requirement to exempt patients placed in nursing homes
8 from providing the automated finger image.

9 (f) In addition to the population groups named in subdivisions
10 (c), (d), and (e), authority to exempt certain other population
11 groups from providing the automated finger image including, but not
12 limited to, homebound recipients.

13 (11) ~~-(6)-~~ The ~~family independence agency~~ **DEPARTMENT** shall
14 remove an individual's finger image from the department's file if
15 the individual has not received benefits or assistance from the
16 ~~family independence agency~~ **DEPARTMENT** within the previous 12
17 months.

18 (12) ~~-(7)-~~ The ~~family independence agency~~ **DEPARTMENT** may
19 negotiate and enter into a compact or reciprocal agreement with
20 another state department, the federal government, an agency of the
21 federal government, or an agency of another state for the purpose
22 of implementing and administering the finger imaging provisions of
23 this section as long as the compact or reciprocal agreement is not
24 inconsistent with the limitations of use and access contained in
25 subsection ~~-(4)-~~ (9).

26 (13) ~~-(8)-~~ The ~~family independence agency~~ **DEPARTMENT** shall
27 conduct ~~semi-annual~~ **SEMIANNUAL** security reviews to monitor the

1 automated finger imaging system to insure that all of the following
2 occur:

3 (a) All records maintained as part of the system are accurate
4 and complete.

5 (b) Effective software and hardware designs have been
6 instituted with security features to prevent unauthorized access to
7 records.

8 (c) Access to record information is restricted to authorized
9 personnel.

10 (d) System and operational programs are used that will
11 prohibit inquiry, record updates, or destruction of records from a
12 terminal other than automated finger imaging system terminals that
13 are designated to permit inquiry, record updates, or destruction of
14 records.

15 (e) System and operational programs are used to detect and
16 report all unauthorized attempts to penetrate an automated finger
17 imaging system, program, or file.

18 (14) ~~-(9)-~~ Beginning December 31 of the first year the
19 automated finger imaging system has been fully implemented, the
20 ~~family independence agency~~ **DEPARTMENT** shall compile and report
21 annually to the senate and house committees having jurisdiction
22 over ~~family independence agency~~ **DEPARTMENT** matters the following
23 information concerning the operation of the automated finger
24 imaging system:

25 (a) An analysis of the costs and savings of the system
26 including, but not limited to, administrative costs, operation
27 costs, and actual savings due to confirmed fraud and fraud

1 deterrence.

2 (b) The number of individuals who have applied for assistance
3 under more than 1 name.

4 (c) The number of individuals refusing to provide a finger
5 image and the reasons for the refusal.

6 (d) A detailed summary of the results of reviews required by
7 subsection ~~-(8)-~~ (13).

8 (15) ~~-(10)-~~ Except as necessary to carry out a compact or
9 agreement under subsection ~~-(7)-~~ (12) or unless otherwise required
10 by law, the ~~family independence agency~~ **DEPARTMENT** shall not sell,
11 transfer, or release information identifying an individual named in
12 the automated finger imaging system record to a third person,
13 including, but not limited to, another state department or agency.

14 (16) ~~-(11)-~~ A person shall not disclose information from the
15 automated finger imaging system record in a manner that is not
16 authorized by law or rule. A violation of this subsection is a
17 misdemeanor punishable by imprisonment for not more than 93 days or
18 a fine of not more than \$500.00, or both.

19 (17) ~~-(12)-~~ At the time an individual applies for cash
20 assistance, food stamps, or both, the ~~family independence agency~~
21 **DEPARTMENT** shall inform the individual of all of the following:

22 (a) The requirement to allow the department to take a finger
23 image from the individual.

24 (b) The fact that the finger image may be compared to the
25 finger images of other benefit recipients to prevent duplicate
26 participation.

27 (c) The fact that the department is prohibited by law from

1 using the finger image for a different purpose.

2 Enacting section 1. This amendatory act does not take effect
3 unless all of the following bills of the 93rd Legislature are
4 enacted into law:

5 (a) Senate Bill No._____ or House Bill No. 6580(request no.
6 05677'06).

7 (b) Senate Bill No._____ or House Bill No. 6581(request no.
8 05678'06).

9 (c) Senate Bill No._____ or House Bill No. 6583(request no.
10 05679'06).

11 (d) Senate Bill No._____ or House Bill No. 6584(request no.
12 05680'06).

13 (e) Senate Bill No._____ or House Bill No. 6587(request no.
14 05681'06).

15 (f) Senate Bill No._____ or House Bill No. 6586(request no.
16 05682'06).