

# SENATE BILL No. 314

April 12, 2011, Introduced by Senator SCHUITMAKER and referred to the Committee on Families, Seniors and Human Services.

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 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~~  
 8 ~~independence agency~~ **DEPARTMENT** of the county to which the person  
 9 has moved.

10           (2) ~~For~~ **EXCEPT AS PROVIDED IN SUBSECTIONS (5) AND (6), FOR THE**  
 11 purposes of the family independence program and medical assistance

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

23 (3) For purposes of medical assistance eligibility the  
24 requirements in ~~subsection (2)~~ **SUBSECTIONS (2) AND (6)** apply except  
25 as otherwise provided in federal regulations for the administration  
26 of the medical assistance program under title XIX of the social  
27 security act, ~~42 U.S.C. 1396 to 1396g and 1396i to 1396v~~ **USC 1396**

1 TO 1396W-2.

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

8 (5) FOR THE PURPOSES OF THE FAMILY INDEPENDENCE PROGRAM, A  
9 PERSON IS NOT CONSIDERED A RESIDENT OF THIS STATE UNLESS HE OR SHE  
10 HAS LIVED VOLUNTARILY IN THIS STATE FOR AT LEAST 1 YEAR PRIOR TO  
11 THE DATE OF THE APPLICATION FOR BENEFITS. RESIDENCY MAY BE  
12 DOCUMENTED BY A VALID STATE OF MICHIGAN DRIVER LICENSE, A VALID  
13 OFFICIAL STATE PERSONAL IDENTIFICATION CARD, A VALID VOTER  
14 REGISTRATION CARD, OR ANOTHER FORM OF PROOF OF RESIDENCY DETERMINED  
15 ACCEPTABLE BY THE DEPARTMENT.

16 (6) FOR THE PURPOSES OF ANY MEDICAL ASSISTANCE OR OTHER HEALTH  
17 CARE PROGRAM PROVIDING COVERAGE FOR ADULTS AND CHILDREN AGE 19 AND  
18 OLDER, A PERSON IS NOT CONSIDERED A RESIDENT OF THIS STATE UNLESS  
19 HE OR SHE HAS LIVED VOLUNTARILY IN THIS STATE FOR AT LEAST 1 YEAR  
20 PRIOR TO THE DATE OF THE APPLICATION FOR BENEFITS. RESIDENCY MAY BE  
21 DOCUMENTED BY A VALID STATE OF MICHIGAN DRIVER LICENSE, A VALID  
22 OFFICIAL STATE PERSONAL IDENTIFICATION CARD, A VALID VOTER  
23 REGISTRATION CARD, OR ANOTHER FORM OF PROOF OF RESIDENCY DETERMINED  
24 ACCEPTABLE BY THE DEPARTMENT.