

HOUSE BILL No. 4933

June 19, 2007, Introduced by Reps. Lemmons, Young, Miller, Bennett, Hopgood and Gonzales and referred to the Committee on Judiciary.

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 under the terms of this act, except
4 medical assistance, shall be considered public records and shall be
5 open to inspection by persons authorized by the federal or state
6 government, the ~~state department, of social services,~~ or the
7 officials of the county, city, or district involved, in connection
8 with their official acts and by the general public as to the names
9 of recipients and the amounts of aid or relief granted. General
10 public access shall be restricted to persons who present a signed

1 application containing the name, the address, and the occupation of
2 the persons signing the application. A person shall not utter or
3 publish the names, addresses, or other information regarding
4 applicants or recipients except in cases where fraud is charged or
5 wrongful grant of aid is alleged. A person shall not use the names,
6 addresses, or other information regarding applicants or recipients
7 for political or commercial purposes.

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

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

22 (4) Subject to restrictions prescribed by federal regulations
23 governing aid to families with dependent children or other federal
24 programs, rules of the ~~state department, of social services, or~~
25 otherwise, for preventing the disclosure of confidential
26 information to any person not authorized by law to receive the
27 confidential information, the ~~state department of social services~~

1 shall make available to a public utility regulated by the Michigan
2 public service commission or a municipality information concerning
3 applicants for, and recipients of, public assistance, the
4 disclosure of which is necessary and the use of which is strictly
5 limited to the purpose of a public utility's administering a
6 program created by statute or by order of the Michigan public
7 service commission and intended to assist applicants for, or
8 recipients of, public assistance in defraying their energy costs.

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

18 (6) **THE DIRECTOR OF THE DEPARTMENT MAY DISCLOSE THE NAMES AND**
19 **ADDRESSES OF ASSISTANCE UNDER THIS ACT TO THE EXTENT REQUIRED UNDER**
20 **SECTION 1310C OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,**
21 **MCL 600.1310C.**

22 (7) ~~(6)~~ Except as prescribed in section 61(2) and 61(3), a
23 person who violates this section ~~shall upon conviction be~~ **IS** guilty
24 of a misdemeanor ~~—~~ punishable by imprisonment for not more than 2
25 years, or ~~by~~ a fine of not more than \$1,000.00, or both. If an
26 employee of the state violates this section, the employee shall
27 also be subject to dismissal from state employment subject to rules

1 as established by the civil service commission.

2 (8) ~~(7) The county department of social services~~ shall cause
3 prompt notice to be given to appropriate law enforcement officials
4 of the furnishing of aid to dependent children in each case where a
5 child has been deserted or abandoned by a parent and aid is being
6 furnished to the child.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No. ____ or House Bill No. 4931(request no.
9 02605'07) of the 94th Legislature is enacted into law.