

# HOUSE BILL No. 5980

April 10, 2008, Introduced by Reps. Horn, Shaffer, Green, Stahl, Moss, Meltzer, Steil, Pavlov, LaJoy, David Law, Brandenburg, Pastor, Rick Jones, Hune, Sheen, Booher, Caul, Moore, Nofs, Walker, Stakoe, Opsommer, Ball, Amos, Emmons, Pearce, Rocca, Nitz, Knollenberg, Agema, Calley, Elsenheimer, Schuitmaker, Meekhof, Casperson, Robertson, Wenke, Huizenga, Palsrok, Proos and Acciavatti and referred to the Committee on Families and Children's Services.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
by amending sections 57f and 57r (MCL 400.57f and 400.57r), section 57f as amended by 2006 PA 468 and section 57r as amended by 2007 PA 9, and by adding sections 57v, 57w, 57x, and 57y.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 57f. (1) The department shall enter into an agreement  
2       with the department of labor and economic growth to facilitate the  
3       administration of work first. The department shall make information  
4       on the program available to the legislature.

5       (2) Except as provided in section 57b, at the time the  
6       department determines that an individual is eligible to receive  
7       family independence assistance under this act, the department shall

1 determine whether that individual is eligible to participate in the  
 2 work first program or if the individual is exempt from work first  
 3 participation under this section. ~~The~~ **EXCEPT AS OTHERWISE PROVIDED**  
 4 **IN THIS SECTION, THE** particular activities in which the recipient  
 5 is required or authorized to participate, the number of hours of  
 6 work required, and other details of work first shall be developed  
 7 by the department and the department of labor and economic growth  
 8 and shall be set forth in the recipient's family self-sufficiency  
 9 plan. If a recipient has cooperated with work first, the recipient  
 10 may enroll in a program approved by the local workforce development  
 11 board **OR AUTHORIZED UNDER SUBSECTION (6)**. Any and all training or  
 12 education with the exception of high school completion, GED  
 13 preparation, ~~and~~ literacy training, **AND PROGRAMS AUTHORIZED UNDER**  
 14 **SUBSECTION (6)** must be occupationally relevant and in demand in the  
 15 labor market as determined by the local workforce development board  
 16 and may be no more than 2 years in duration. Participants must make  
 17 satisfactory progress while in training or education.

18 (3) The following individuals are exempt from participation in  
 19 work first:

20 ~~—— (a) A child under the age of 16.~~

21 ~~—— (b) A child aged 16 or older, or a minor parent, who is~~  
 22 ~~attending elementary or secondary school full time.~~

23 ~~—— (c) The parent of a child under the age of 3 months. The~~  
 24 ~~family independence agency may require a parent exempted from~~  
 25 ~~participation in work first under this subdivision to participate~~  
 26 ~~in family services, including, but not limited to, instruction in~~  
 27 ~~parenting, nutrition, and child development beginning 6 weeks after~~

~~the birth of his or her child until the child is 3 months old as fulfillment of that parent's social contract obligation under section 57e(1)(c).~~

~~—— (d) An individual aged 65 or older.~~

~~—— (e) A recipient of supplemental security income.~~

~~—— (f) An individual who meets 1 or more of the following criteria to the extent that the individual, based on medical evidence and an assessment of need by the department, is severely restricted in his or her ability to participate in employment or training activities:~~

~~—— (i) A recipient of social security disability, or medical assistance due to disability or blindness.~~

~~—— (ii) An individual suffering from a physical or mental impairment that meets federal supplemental security income disability standards, except that no minimum duration is required.~~

~~—— (iii) The spouse of an individual described in subparagraph (i) or (ii) who is the full-time caregiver of that individual.~~

~~—— (iv) A parent or caretaker of a child who is suffering from a physical or mental impairment that meets the federal supplemental security income disability standards, except that no minimum duration is required.~~

(A) ~~(g)~~ Beginning April 1, 2007, the **THE** parent of a child under the age of 3 months. The department may require a parent exempted from participation in work first under this subdivision to participate in family services, including, but not limited to, instruction in parenting, nutrition, and child development beginning 6 weeks after the birth of his or her child until the

1 child is 3 months old as fulfillment of that recipient's family  
2 self-sufficiency plan obligation under section 57e(1)(c).

3 (B) ~~(h) Beginning April 1, 2007, a~~ A recipient of supplemental  
4 security income.

5 (C) ~~(i) Beginning April 1, 2007, an~~ AN individual who meets 1  
6 or more of the following criteria to the extent that the  
7 individual, based on medical evidence and an assessment of need by  
8 the department, is severely restricted in his or her ability to  
9 participate in employment or training activities:

10 (i) A recipient of social security disability ~~—~~or medical  
11 assistance due to disability or blindness.

12 (ii) An individual suffering from a physical or mental  
13 impairment that meets federal supplemental security income  
14 disability standards, except that no minimum duration is required.

15 (iii) The spouse of an individual described in subparagraph (i)  
16 or (ii) who is the full-time caregiver of that individual.

17 (iv) A parent or caretaker of a child who is suffering from a  
18 physical or mental impairment that meets the federal supplemental  
19 security income disability standards, except that no minimum  
20 duration is required.

21 (v) An individual with low intellectual capacity or learning  
22 disabilities that impede comprehension and prevent success in  
23 acquiring basic reading, writing, and math skills, including, but  
24 not limited to, an individual with an intelligence quotient less  
25 than 80.

26 (vi) An individual with documented chronic mental health  
27 problems that cannot be controlled through treatment or medication.

1           (vii) An individual with physical limitations on his or her  
2 ability to perform routine manual labor tasks, including, but not  
3 limited to, bending or lifting, combined with intellectual capacity  
4 or learning disabilities.

5           (4) In addition to those individuals exempt under subsection  
6 (3), the department may grant a temporary exemption from  
7 participation in work first, not to exceed 90 days, to an  
8 individual who is suffering from a documented short-term mental or  
9 physical illness, limitation, or disability that severely restricts  
10 his or her ability to participate in employment or training  
11 activities. An individual with a documented mental or physical  
12 illness, limitation, or disability that does not severely restrict  
13 his or her ability to participate in employment or training  
14 activities shall be required to participate in work first at a  
15 medically permissible level.

16           (5) An individual is not disabled for purposes of this section  
17 if substance abuse is a contributing factor material to the  
18 determination of disability.

19           **(6) THE TIME AN INDIVIDUAL SPENDS IN AN EARLY CHILDHOOD**  
20 **EDUCATION PROGRAM OR VOLUNTEERING IN A COMMUNITY SERVICE**  
21 **ORGANIZATION COUNTS TOWARD WORK FIRST PARTICIPATION REQUIREMENTS.**  
22 **THE COMMUNITY SERVICE IS NOT REQUIRED TO BE SET UP OR COORDINATED**  
23 **THROUGH THE DEPARTMENT, BUT DOCUMENTATION OF THE HOURS AN**  
24 **INDIVIDUAL PARTICIPATES IN THE COMMUNITY SERVICE MUST BE PROVIDED**  
25 **TO THE WORK FIRST REPRESENTATIVE IN CHARGE OF THE INDIVIDUAL'S**  
26 **CASE.**

27           (7) ~~(6)~~—The department may promulgate rules in accordance with

1 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201  
2 to 24.328, identifying exemptions under this section. The director  
3 of the department may grant exemptions for extenuating  
4 circumstances beyond the exemptions provided for in this section.  
5 The department shall annually provide to the legislature, at the  
6 same time as the governor's departmental budget proposal, a report  
7 of the number of exemptions issued under this section and the  
8 individual reason for those exemptions.

9 (8) ~~(7)~~—This section does not apply after September 30, 2011.

10 Sec. 57r. ~~(1) Beginning October 1, 2007—EXCEPT AS PROVIDED IN~~  
11 **SECTION 57V**, if the department determines that an individual is  
12 eligible to participate in the work first program and resides in a  
13 county in which a jobs, education and training (JET) program is  
14 available, family independence assistance shall be paid to that  
15 individual for not longer than a cumulative total of 48 months  
16 during that individual's lifetime. If the recipient is meeting all  
17 the requirements outlined in his or her family self-sufficiency  
18 plan, has not received more than 2 penalties under section 57g  
19 after October 1, 2007, has not received any penalties under section  
20 57g in the preceding 12 months, and labor market conditions or  
21 employment barriers prevent employment placement, the recipient may  
22 apply to the department for an extension of family independence  
23 assistance benefits for a period not to exceed 12 months over the  
24 48-month cumulative lifetime total. Nothing in this subsection  
25 prevents the department from providing assistance to individuals  
26 who are determined to be exempt from work first participation under  
27 section 57f.

~~(2) This section does not apply after September 30, 2011.~~

SEC. 57V. (1) AN INDIVIDUAL WHO IS INELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM BENEFITS BECAUSE HE OR SHE HAS GAINED EMPLOYMENT AND NO LONGER FITS THE FINANCIAL ELIGIBILITY CRITERIA FOR FAMILY INDEPENDENCE PROGRAM BENEFITS OR BECAUSE HE OR SHE HAS RECEIVED FAMILY INDEPENDENCE PROGRAM BENEFITS FOR THE MAXIMUM PERIOD ALLOWED UNDER LAW MAY REIMBURSE THE STATE FOR ALL THE MONEY THAT HE OR SHE RECEIVED FOR FAMILY INDEPENDENCE PROGRAM BENEFITS. AS AN ALTERNATIVE TO CASH REPAYMENT TO THE STATE UNDER THIS SECTION, AT THE DEPARTMENT'S DIRECTION, AN INDIVIDUAL MAY PARTICIPATE IN COMMUNITY SERVICE AT AN ORGANIZATION THAT IS NOT OPERATED FOR PROFIT AND IS EXEMPT FROM FEDERAL INCOME TAX UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE, 26 USC 501. THE DEPARTMENT SHALL ESTABLISH A SCHEDULE THAT TRANSLATES THE AMOUNT OF HOURS OF COMMUNITY SERVICE TO BE PERFORMED INTO THE EQUIVALENT AMOUNT OF CASH REPAYMENT.

(2) AN INDIVIDUAL DESCRIBED IN SUBSECTION (1) IS ELIGIBLE TO RECEIVE FURTHER FAMILY INDEPENDENCE PROGRAM BENEFITS AFTER HE OR SHE HAS REPAID THE STATE 100% OF THE AMOUNT HE OR SHE RECEIVED IN FAMILY INDEPENDENCE PROGRAM BENEFITS. AFTER THAT INDIVIDUAL HAS REIMBURSED THE STATE AS PROVIDED IN THIS SECTION AND IN RULES PROMULGATED BY THE DEPARTMENT, HE OR SHE IS ELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM BENEFITS FOR AN ADDITIONAL 24-MONTH PERIOD PROVIDED HE OR SHE MEETS ALL THE OTHER FAMILY INDEPENDENCE PROGRAM ELIGIBILITY REQUIREMENTS.

(3) AN INDIVIDUAL DESCRIBED IN SUBSECTION (1) MAY BEGIN REPAYMENT TO THE STATE AT ANY TIME AFTER NOTIFICATION BY THE

1 DEPARTMENT THAT HE OR SHE IS NO LONGER ELIGIBLE TO RECEIVE FAMILY  
2 INDEPENDENCE PROGRAM BENEFITS FOR 1 OF THE REASONS SET FORTH IN  
3 SUBSECTION (1).

4 (4) THE DEPARTMENT SHALL PROMULGATE RULES TO IMPLEMENT THIS  
5 SECTION ACCORDING TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,  
6 1969 PA 306, MCL 24.201 TO 24.328.

7 (5) MONEY REPAID TO THE STATE UNDER THIS SECTION SHALL BE  
8 DEPOSITED INTO THE CASH ASSISTANCE REPAYMENT FUND CREATED IN  
9 SECTION 57W.

10 SEC. 57W. (1) THE CASH ASSISTANCE REPAYMENT FUND IS CREATED  
11 WITHIN THE STATE TREASURY.

12 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM  
13 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL  
14 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT  
15 TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

16 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL  
17 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

18 (4) THE DEPARTMENT OF HUMAN SERVICES SHALL BE THE  
19 ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.

20 (5) THE DEPARTMENT OF HUMAN SERVICES SHALL EXPEND MONEY FROM  
21 THE FUND, UPON APPROPRIATION, FOR OFFSETTING FUTURE FAMILY  
22 INDEPENDENCE PROGRAM OBLIGATIONS.

23 SEC. 57X. BEGINNING THE EFFECTIVE DATE OF THE AMENDATORY ACT  
24 THAT ADDED THIS SECTION, IF THE INDIVIDUAL HAS A MEMBER OF THE  
25 FAMILY GROUP WHO IS TRUANT FROM SCHOOL UNDER THE LOCAL SCHOOL  
26 DISTRICT'S ATTENDANCE POLICY, THE FAMILY GROUP IS NO LONGER  
27 ELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM BENEFITS UNTIL THE MEMBER

1 IS NO LONGER TRUANT.

2 SEC. 57Y. A FAMILY INDEPENDENCE PROGRAM RECIPIENT WHO IS THE  
3 PARENT OF A CHILD UNDER 5 YEARS OLD MUST PARTICIPATE IN AN EARLY  
4 CHILDHOOD EDUCATION PROGRAM THAT IS AVAILABLE IN HIS OR HER AREA IN  
5 ORDER TO CONTINUE TO BE ELIGIBLE FOR FAMILY INDEPENDENCE BENEFITS.