

**STATE OF MICHIGAN**  
**93RD LEGISLATURE**  
**REGULAR SESSION OF 2006**

Introduced by Senators Sanborn, Cropsey, Hammerstrom, Sikkema and Hardiman

# ENROLLED SENATE BILL No. 1028

AN ACT to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending sections 1 and 6 (MCL 400.1 and 400.6), as amended by 1995 PA 223.

*The People of the State of Michigan enact:*

Sec. 1. (1) A department of state government is created that shall be known and designated as the department of human services and that shall possess the powers granted and perform the duties imposed in this act. The department shall consist of a director and the assistants and employees appointed or employed in the department.

(2) The department is responsible for the operation and supervision of the institutions and facilities established within the department. The institutions and facilities may be operated on a coeducational basis. The department shall make and enforce its own rules, not inconsistent with the law governing the institutions or facilities under its control, respecting the conduct of the institutions and facilities, discipline in the institutions and facilities, the care of property, and the welfare of the residents.

(3) The department is, in all respects, the legal successor to the powers, duties, and responsibilities of the juvenile institute commission.

(4) A reference in this act to "the state department of social services", "the state department", "department", or "the family independence agency" means the department of human services.

(5) A rule promulgated under this act or an exception to a rule promulgated under this act shall not discriminate in favor of or against any provider, facility, or employer licensed under this act based on the presence of, or lack of, a collective bargaining agreement with employees, nor shall collective bargaining status, level of wages, or fringe benefits be used to demonstrate or excuse compliance with state licensing or regulatory standards or requirements.

Sec. 6. (1) The department may promulgate all rules necessary or desirable for the administration of programs under this act. Rules shall be promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) The department may develop regulations to implement the goals and principles of assistance programs created under this act, including all standards and policies related to applicants and recipients that are necessary or desirable to administer the programs. These regulations are effective and binding on all those affected by the assistance programs. Except for policies described in subsections (3) and (4), regulations described in this subsection, setting standards and policies necessary or desirable to administer the programs, are exempt until March 28, 1997 from the rule promulgation requirements of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Upon March 28, 1997, regulations described in this subsection are not effective and binding unless processed as emergency rules under section 48 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.248, or promulgated in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(3) The department may develop policies to establish income and asset limits, types of income and assets to be considered for eligibility, and payment standards for assistance programs administered under this act. Policies developed under this subsection are effective and binding on all those affected by the assistance programs. Policies described in this subsection are exempt from the rule promulgation requirements of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Not less than 30 days before policies developed under this subsection are implemented, they shall be submitted to the senate and house standing committees and appropriation subcommittees with oversight of human services.

(4) The department may develop policies to implement requirements that are mandated by federal statute or regulations as a condition of receipt of federal funds. Policies developed under this subsection are effective and binding on all those affected by the programs. Policies described in this subsection are exempt from the rule promulgation requirements of the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(5) All rules, regulations, and policies established by the department shall be in writing, shall be provided to the legislature, and shall be made available for inspection by any member of the public at all department offices during regular business hours.

(6) Until March 28, 1997, a bipartisan task force of legislators appointed in the same manner as members are appointed to standing committees of the legislature shall meet regularly with the department to review proposed policies and regulations for the family independence program. Meetings of the bipartisan task force are subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(7) Subsection (2) does not apply to standards and policies related to the providers of services that have a written contractual relationship or are an enrolled medicaid provider with the department.

(8) A rule promulgated under this act or an exception to a rule promulgated under this act shall not discriminate in favor of or against any provider, facility, or employer licensed under this act based on the presence of, or lack of, a collective bargaining agreement with employees, nor shall collective bargaining status, level of wages, or fringe benefits be used to demonstrate or excuse compliance with state licensing or regulatory standards or requirements.

This act is ordered to take immediate effect.

*Carol Morey Viventi*

Secretary of the Senate

*Jay E. Randall*

Clerk of the House of Representatives

Approved .....

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Governor