

# HOUSE BILL NO. 4776

June 15, 2023, Introduced by Reps. Brabec and Morgan and referred to the Committee on Government Operations.

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~~**an individual**  
2 qualified for and receiving assistance under this act in any county  
3 in this state who moves or is taken to another county in this state  
4 may continue to receive assistance in the county to which the  
5 ~~person~~**individual** has moved or is taken, and the county ~~family~~  
6 ~~independence agency~~**department** of the county from which the ~~person~~

1 **individual** has moved shall transfer all necessary records relating  
 2 to the ~~person~~**individual** to the county ~~family independence agency~~  
 3 **department** of the county to which the person has moved.

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

27 (3) For purposes of medical assistance eligibility the  
 28 requirements in subsection (2) apply except as otherwise provided  
 29 in federal regulations for the administration of the medical

1 assistance program under title XIX. ~~of the social security act, 42~~  
2 ~~U.S.C. 1396 to 1396g and 1396i to 1396v.~~

3 (4) The residence of ~~a husband~~ **one spouse** shall not be  
4 considered ~~to be~~ the residence of the ~~wife~~ **other spouse** if ~~they~~ **the**  
5 **spouses** are living separate and apart. If ~~a husband and wife~~ **the**  
6 **spouses** are living separate and apart, each may have a separate  
7 residence dependent upon proof of the fact and not upon legal  
8 presumption. This subsection ~~shall~~ **does** not be ~~construed to~~  
9 prohibit ~~a person~~ **an individual** from acquiring or retaining a legal  
10 residence.

11 Enacting section 1. This amendatory act does not take effect  
12 unless Senate Joint Resolution \_\_\_\_ or House Joint Resolution F  
13 (request no. 00367'23) of the 102nd Legislature becomes a part of  
14 the state constitution of 1963 as provided in section 1 of article  
15 XII of the state constitution of 1963.