

# SENATE BILL No. 1300

May 7, 2008, Introduced by Senators JACOBS, SCHAUER, JANSEN, HARDIMAN, PAPPAGEORGE and BARCIA and referred to the Committee on Families and Human Services.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
by amending section 44 (MCL 400.44), as amended by 1990 PA 270.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 44. (1) The state department shall pay a fee to an  
2 attorney or other competent professional who represents a person in  
3 obtaining benefits from the ~~federal~~-social security administration  
4 in a proceeding establishing retroactive benefits for that person  
5 under the supplemental security income for the aged, blind, and  
6 disabled program ~~, OF title XVI. of the social security act, 42~~  
7 ~~U.S.C. 1381 to 1383e.~~ The department shall pay a fee under this  
8 section only if the proceeding results in direct reimbursement to  
9 the department of interim assistance paid to the person for the  
10 period covered by the award. Direct reimbursement means a lump sum

1 payment to the department from the social security administration  
2 or from the person who received the interim assistance. A fee shall  
3 not be paid under this section for a reimbursement that results  
4 from an initial determination only, and a fee paid shall not exceed  
5 the amount of interim assistance reimbursed to the state pursuant  
6 ~~to~~ **UNDER** that proceeding. **A FEE SHALL NOT BE PAID UNDER THIS**  
7 **SECTION IF THE SOCIAL SECURITY ADMINISTRATION OR THE PERSON**  
8 **APPLYING FOR BENEFITS HAS PAID A FEE RELATED TO HIS OR HER TITLE**  
9 **XVI CLAIM.** The fee paid by the state under this section in any  
10 individual proceeding shall be determined based on the amount  
11 billed and the amount of reimbursed interim assistance. If the  
12 reimbursement for interim assistance is \$500.00 or less, the fee  
13 shall be the lesser of the amount billed or the amount reimbursed  
14 to the department. If the reimbursement for interim assistance is  
15 \$500.01 to \$2,000.00, the fee shall be the lesser of the amount  
16 billed or \$500.00. If the reimbursement for interim assistance  
17 exceeds \$2,000.00, the fee shall be the lesser of the amount billed  
18 or 25% of the reimbursement. **AN ATTORNEY OR REPRESENTATIVE**  
19 **REQUESTING A FEE UNDER THIS SECTION SHALL TAKE ALL THE NECESSARY**  
20 **STEPS TO BECOME ELIGIBLE FOR PAYMENTS BY THE SOCIAL SECURITY**  
21 **ADMINISTRATION UNDER THE TITLE XVI CLAIM. A FEE SHALL NOT BE PAID**  
22 **UNDER THIS SECTION IF THE PERSON APPLYING FOR BENEFITS HAS PAID A**  
23 **FEE OR THE ATTORNEY OR REPRESENTATIVE IS ELIGIBLE FOR THE SOCIAL**  
24 **SECURITY ADMINISTRATION TO PAY A FEE RELATED TO THE PERSON'S TITLE**  
25 **XVI CLAIM.** A fee paid under this section shall constitute full  
26 payment for services rendered.

27 (2) As used in this section:

1 (a) "Interim assistance" means general assistance paid to a  
2 person during the period covered by the award.

3 (b) "Other competent professional" means a person who has  
4 demonstrated a professional competence in, and a working knowledge  
5 of, social security law and regulations under titles II and XVI ~~of~~  
6 ~~the social security act,~~ and who is trained to represent ~~persons~~ **A**  
7 **PERSON** in ~~appeals~~ **AN APPEAL** before the social security  
8 administration.

9 (C) "TITLE II" MEANS TITLE II OF THE SOCIAL SECURITY ACT, 42  
10 USC 401 TO 434.