

# HOUSE BILL No. 5947

June 29, 1990, Introduced by Reps. Hickner, Brown, Perry Bullard, DeMars and Walberg and referred to the Committee on Social Services and Youth.

A bill to amend section 44 of Act No. 280 of the Public Acts of 1939, entitled as amended

"The social welfare act,"

as added by Act No. 184 of the Public Acts of 1987, being section 400.44 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 44 of Act No. 280 of the Public Acts of  
2 1939, as added by Act No. 184 of the Public Acts of 1987, being  
3 section 400.44 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 44. (1) The state department shall pay a reasonable  
6 attorney's fee to an attorney, and also may pay an attorney's fee  
7 to a nonattorney professional, who represents a person in  
8 obtaining benefits from the federal social security  
9 administration in a proceeding establishing retroactive benefits

1 for that person under the supplemental security income for the  
2 aged, blind, and disabled program, title XVI of the social secur-  
3 ity act, 42 U.S.C. 1381 to 1383c. An attorney's fee shall be  
4 paid under this section only if the proceeding results in a reim-  
5 bursement to the state of interim assistance paid to the person  
6 for the period covered by the award. An attorney's fee shall not  
7 be paid under this section for any reimbursement which results  
8 from an initial determination only, and any fee paid shall not  
9 exceed the amount of interim assistance reimbursed to the state  
10 pursuant to that proceeding. The attorney fee paid by the state  
11 under this section in any individual proceeding shall be \$500.00  
12 or an amount equal to 25% of the amount of the reimbursed interim  
13 assistance that the state is entitled to retain, whichever is  
14 greater. However, if the amount of reimbursed interim assistance  
15 that the state is entitled to retain pursuant to a proceeding is  
16 less than \$500.00, the attorney fee paid for that proceeding  
17 shall be equal to the amount of the reimbursed interim assistance  
18 that the state is entitled to retain. An attorney's fee paid  
19 under this section shall constitute full payment for services  
20 rendered.

21       (2) The state department may add to the fee program estab-  
22 lished in this section nonattorney professionals who have demon-  
23 strated a professional competence in, and a working knowledge of,  
24 social security law and regulations under titles II and XVI of  
25 the social security act, and who are specifically trained to rep-  
26 resent persons in appeals before the social security  
27 administration.

(3) As used in this section:

(a) "Interim assistance" means general assistance or aid to families with dependent children paid to a person during the period covered by the award.

(b) "Nonattorney professional" means a person who meets the requirements of subsection (2).

~~(4) This section is repealed upon the expiration of 3 years after its effective date, during which time the department will have provided information which shows the amount saved by the state under this effort and demonstrates the cost effectiveness of this effort.~~