

FILED

**Jane Dee Hull
Secretary of State**

State of Arizona
Senate
Forty-second Legislature
Second Regular Session
1996

CHAPTER 139

SENATE BILL 1394

AN ACT

AMENDING SECTION 46-238, ARIZONA REVISED STATUTES; RELATING TO SUPPLEMENTAL SECURITY INCOME ATTORNEY FEES.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 46-238, Arizona Revised Statutes, is amended to
3 read:

4 46-238. Federal reimbursements; disbursement; payments

5 Notwithstanding any other law, the department shall account for federal
6 grant monies received by this state for general assistance recipients under
7 title XVI of the social security act, as amended. The department shall
8 disburse these monies in accordance with the following:

9 1. ~~The department shall disburse~~ To the general assistance line item
10 an amount equal to any general assistance monies provided to a recipient for
11 the period of time the recipient has been deemed eligible for supplemental
12 security income benefits. Within ten days of receiving the monies, the
13 department shall disburse all remaining monies for such recipient directly
14 to the recipient.

15 2. From the amount disbursed to the general assistance line item, the
16 department shall pay the claim of any attorney, or advocate under the
17 supervision of an attorney, for representing a general assistance recipient
18 in an appeal of any claim for federal supplemental security income benefits
19 before an administrative law judge or for a subsequent adjudication or appeal
20 that is decided in favor of ~~such~~ THE recipient. The MAXIMUM amount of the
21 payment shall be ~~limited to~~ two times the maximum federal supplemental
22 security income monthly benefit for an individual or fifty per cent of the
23 amount actually retained by the department for general assistance paid to the

1 recipient, whichever is greater. THE AMOUNT PAID TO THE ATTORNEY OR ADVOCATE
2 FROM THE DEPARTMENT AND ANY OTHER SOURCES, IF ANY, CANNOT EXCEED TWENTY-FIVE
3 PER CENT OF THE BACK AWARD FOR TITLE XVI OR COMBINED TITLE XVI AND TITLE II
4 BENEFITS UNDER THE SOCIAL SECURITY ACT. IF THE TOTAL AMOUNT WOULD EXCEED THE
5 TWENTY-FIVE PER CENT LIMIT, THE DEPARTMENT SHALL REDUCE THE REIMBURSEMENT
6 AMOUNT ACCORDINGLY. In either case, the payment shall not exceed the amount
7 actually retained by the department for general assistance paid to the
8 recipient. No payments may be made unless the attorney or advocate submits
9 a claim with proof of representation within thirty days of the date of such
10 decision, PROVIDES ALL REQUIRED DOCUMENTATION and follows procedures ~~and uses~~
11 ~~forms~~ developed by the department of ~~economic security~~ for this purpose. The
12 payment shall be made within thirty days after the claim is received.

APPROVED BY THE GOVERNOR APRIL 9, 1996.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 1996