

HOUSE BILL No. 4744

May 1, 1989, Introduced by Reps. Runco, Weeks, Middaugh, Porreca, Emmons, DeMars, Bandstra, Munsell, Willis Bullard, Perry Bullard, Sikkema, Van Singel, Kosteva, Krause, Oxender, Griffin, Rocca, Maynard, Bartnik, Hart, Webb, Gubow, Varga, Strand, Crandall, Honigman, Sparks, Law, Fitzgerald, Bankes, Bender and Camp and referred to the Committee on Public Health.

A bill to amend section 9 of Act No. 180 of the Public Acts of 1981, entitled as amended

"Older Michiganians act,"

being section 400.589 of the Michigan Compiled Laws; and to add sections 9a and 9b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 9 of Act No. 180 of the Public Acts of
2 1981, being section 400.589 of the Michigan Compiled Laws, is
3 amended and sections 9a and 9b are added to read as follows:

4 Sec. 9. (1) An agency designated by the commission as an
5 area agency on aging may be any of the following:

6 (a) An established office on aging located within the region
7 to be served by an area agency on aging.

8 (b) An office or agency of a unit of local government
9 ~~which~~ THAT is designated for the purpose of serving as an area

1 agency on aging by the chief elected official of that unit of
2 government.

3 (c) An office or agency designated by the appropriate chief
4 elected officials of a combination of units of local government.

5 (d) A public or nonprofit private agency, except a regional
6 or local agency of the state, ~~which~~ THAT is under the supervi-
7 sion or direction of the state agency.

8 (2) An area agency on aging designated by the commission is
9 authorized to carry out the following duties and powers:

10 (a) Serve as an advocate for aging and older persons by rep-
11 resenting their interests to public officials and public and pri-
12 vate organizations within the planning and service area.

13 (b) Develop and administer an area plan for a comprehensive
14 and coordinated service delivery system in the planning and serv-
15 ice area, providing opportunities for older persons and service
16 providers to express their views to the area agency on policy
17 development and program implementation under the plan.

18 (c) Assess the kinds and levels of service needed by older
19 persons in the planning and service area, and the effectiveness
20 of other public and private programs serving those needs.

21 (d) Enter into subcontracts with local organizations for the
22 direct provision of services to meet the priority needs of older
23 persons identified in the plan.

24 (e) Coordinate and assist regional or local public and non-
25 profit agencies in the planning and development of programs to
26 establish an areawide network of comprehensive, coordinated
27 service and opportunities for older persons.

1 (f) Serve as an advocate for aging and older persons by
2 assisting them in obtaining the benefits currently available
3 under federal and state law and by representing their interests
4 to public officials and public and private organizations within
5 the planning and serving area.

6 (g) Receive information from the office and commission
7 regarding legislation, regulation, and program and policy direc-
8 tion, and serve as the clearinghouse for dissemination of infor-
9 mation from and to older persons and service providers within the
10 planning and service area.

11 (h) Give priority in planning and administering services and
12 programs to those older persons with the greatest economic and
13 social need.

14 (i) Undertake other activities necessary to develop and
15 administer the area plan in compliance with the policies, guide-
16 lines, or rules as set forth by federal or state statute and reg-
17 ulation, the commission, and the office.

18 (j) Provide adequate and effective opportunities for older
19 persons to express their views on policy development and program
20 implementation.

21 (3) AN AREA AGENCY ON AGING DESIGNATED BY THE COMMISSION
22 SHALL USE FUNDS DISTRIBUTED FROM THE SENIOR CARE RESPITE FUND
23 CREATED IN SECTION 9A TO PROVIDE DAY CARE FOR OLDER PERSONS OR
24 OTHER TYPES OF RESPITE SERVICES FOR PERSONS PROVIDING CARE TO
25 OLDER PERSONS. THE AREA AGENCY ON AGING MAY DEVELOP NEW PROGRAMS
26 OR FUND EXISTING PROGRAMS, AND MAY PROVIDE THE SERVICES DIRECTLY
27 OR BY CONTRACTING WITH OTHER LOCAL AGENCIES TO PROVIDE THE

1 SERVICES. THE AREA AGENCY ON AGING MAY DESIGN RESPITE PROGRAMS
2 TO MEET THE NEEDS OF ITS CONSTITUENTS. USE OF THE MONEY DISTRIB-
3 UTED TO AN AREA AGENCY ON AGING FROM THE SENIOR CARE RESPITE FUND
4 IS NOT SUBJECT TO REGULATION BY THE OFFICE.

5 (4) ~~(3)~~ Each area agency on aging shall have an advisory
6 council, 1/2 of the membership of which shall be 60 years of age
7 or older.

8 SEC. 9A. (1) THE SENIOR CARE RESPITE FUND IS CREATED IN THE
9 DEPARTMENT OF TREASURY. THE FUND SHALL BE ADMINISTERED BY THE
10 OFFICE AND SHALL BE EXPENDED ONLY AS PROVIDED IN SECTION 9B.

11 (2) THE STATE TREASURER SHALL CREDIT TO THE FUND ALL OF THE
12 FOLLOWING:

13 (A) MONEY THAT DESCENDS TO THE STATE AS AN ESCHEAT PURSUANT
14 TO SECTION 403A OF THE NONPROFIT HEALTH CARE CORPORATION REFORM
15 ACT, ACT NO. 350 OF THE PUBLIC ACTS OF 1980, BEING SECTION
16 550.1403A OF THE MICHIGAN COMPILED LAWS.

17 (B) MONEY RECEIVED AS A GIFT OR DONATION TO THE FUND.

18 (C) MONEY FROM ANY OTHER SOURCE AS PROVIDED BY LAW.

19 (3) ANY BALANCES IN THE FUND AT THE END OF ANY FISCAL YEAR
20 SHALL BE CARRIED OVER AS A PART OF THE FUND AND SHALL NOT REVERT
21 TO THE GENERAL FUND OF THE STATE.

22 SEC. 9B. THE OFFICE SHALL ANNUALLY DISTRIBUTE THE MONEY IN
23 THE SENIOR CARE RESPITE FUND IN EQUAL SHARES TO THE AREA AGENCIES
24 ON AGING TO BE USED FOR THE PURPOSES DESCRIBED IN SECTION 9(3).

25 Section 2. This amendatory act shall not take effect unless
26 all of the following bills of the 85th Legislature are enacted
27 into law:

1 (a) Senate Bill No. _____ or House Bill No. 4745 (request
2 no. 02763'89 a).

3 (b) Senate Bill No. _____ or House Bill No. 4746 (request
4 no. 02764'89).