

HOUSE BILL No. 5065

September 21, 1989, Introduced by Reps., Barns, Hart, Webb, Varga and Gire and referred to the Committee on Senior Citizens and Retirement.

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. EXCEPT WHERE A WAIVER ALLOWING DIRECT
27 SERVICE DELIVERY IS GRANTED BY THE OFFICE, THE AREA AGENCY ON

1 AGING SHALL AWARD THE DISTRIBUTED FUNDS BY GRANT OR CONTRACT TO
2 COMMUNITY AGENCIES AND ORGANIZATIONS FOR THE PROVISION OF RESPITE
3 SERVICES.

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

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

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

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

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

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

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

21 SEC. 9B. (1) THE OFFICE SHALL ANNUALLY DISTRIBUTE THE MONEY
22 IN THE SENIOR CARE RESPITE FUND TO THE AREA AGENCIES ON AGING AS
23 FOLLOWS:

24 (A) MONEY THAT DESCENDS TO THE STATE AS AN ESCHEAT PURSUANT
25 TO SECTION 403A OF THE NONPROFIT HEALTH CARE CORPORATION REFORM
26 ACT, ACT NO. 350 OF THE PUBLIC ACTS OF 1980, BEING SECTION
27 550.1403A OF THE MICHIGAN COMPILED LAWS, IN EQUAL SHARES.

1 (B) ALL OTHER MONEY IN THE FUND ACCORDING TO A FORMULA
2 DEVELOPED BY THE OFFICE PURSUANT TO RULES PROMULGATED UNDER THE
3 ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC
4 ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN
5 COMPILED LAWS, OR ACCORDING TO THE TERMS AND CONDITIONS OF THE
6 DONOR.

7 (2) ADMINISTRATIVE COSTS OF THE OFFICE FOR ADMINISTERING THE
8 SENIOR CARE RESPITE FUND SHALL BE PAID OUT OF THE FUND.

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

12 (a) Senate Bill No. ____ or House Bill No. 5066 (request
13 no. 03578'89).

14 (b) Senate Bill No. ____ or House Bill No. 5067 (request
15 no. 03579'89).