

# SENATE BILL No. 719

December 7, 1989, Introduced by Senator J. HART and referred to the Committee on Human Resources and Senior Citizens.

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  
23 ACCORDING TO A FORMULA DEVELOPED BY THE OFFICE PURSUANT TO RULES  
24 PROMULGATED UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT  
25 NO. 306 OF THE PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO  
26 24.328 OF THE MICHIGAN COMPILED LAWS, OR ACCORDING TO THE TERMS  
27 AND CONDITIONS OF THE DONOR.

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

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

6           (a) Senate Bill No. 717.

7

8           (b) Senate Bill No. 718.

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