

**STATE OF MICHIGAN
81ST LEGISLATURE
REGULAR SESSION OF 1981**

Introduced by Senators Irwin, Pierce, Arthurhultz, Plawecki, Kammer, Faust and Vaughn

ENROLLED SENATE BILL No. 229

AN ACT to create a commission on services to the aging within the executive office of the governor; to create an office of services to the aging as an autonomous entity within the department of management and budget; to authorize the designation of area agencies on services to the aging; to prescribe the powers and duties of the commission, the office, and the area agencies; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "older Michigianians act".

Sec. 2. As used in this act:

(a) "Area agency on aging" means an agency designated by the commission pursuant to section 4(i).

(b) "Chief elected official administrative officer" means any of the following:

(i) The president of a village.

(ii) The mayor of a city.

(iii) The supervisor of a township.

(iv) The elected county executive or appointed county manager of a county; or if the county has not adopted an optional unified form of county government, the chairperson of the county board of commissioners of the county.

(c) "Commission" means the commission on services to the aging created by section 3.

(d) "Director" means the director of the office of services to the aging.

(e) "Office" means the office of services to the aging created by section 5.

(f) "Older person" means a state resident who is 60 years of age or older, and the spouse of the older person, regardless of age.

Sec. 3. (1) A commission on services to the aging is established within the executive office of the governor. The commission shall consist of 15 members appointed by the governor by and with the advice and consent of the senate. Commission membership shall reflect the broad geographical balance as well as the distribution of older persons in the state. Members of the commission shall serve the broad interests of the state's aging and older persons. A majority of the members shall be 60 years of age or older, and no more than 8 members shall be from the same political party. The term of each member shall be 3 years. Vacancies on the commission shall be filled by appointment by the governor in a similar manner as members are appointed under this subsection, for the remainder of the unexpired term.

(2) Members of the commission created by former Act No. 146 of the Public Acts of 1975 shall continue to serve until the expiration of their terms.

(3) A member of the commission shall be entitled to receive per diem compensation and reimbursement of actual and necessary expenses while acting as an official representative of the commission as defined by commission policies and rules. The per diem compensation of the commission and the schedule for reimbursement of expenses shall be established annually by the legislature.

(4) The governor shall designate a person from among the members to serve as chairperson of the commission. The chairperson shall serve in that position at the pleasure of the governor.

Sec. 4. (1) The commission shall do all of the following:

(a) Serve as an effective and visible advocate for aging and older persons in all government decisions.

(b) Advise the governor, the legislature, and the office of services to the aging concerning the coordination and administration of state programs serving older persons.

(c) Make recommendations to the governor and the legislature regarding changes in federal and state programs, statutes, and policies.

(d) Advise the governor and legislature of the nature and magnitude of the priorities of aging and older persons.

(e) Participate in the preparation of and approve the state plan and budget required by the older Americans act of 1965, 42 U.S.C. 3001 to 3056f, before submission of the plan to the federal administration on aging.

(f) Review and approve grants to be made from state, federal, or other funds which are administered by the office.

(g) Review and advise the governor and the legislature on the state's policies concerning services to older persons.

(h) Participate in the development of and approve the statements and reports required in section 6(n).

(i) Designate planning and service areas and an agency which shall be recognized as an area agency on services to the aging within each planning and service area.

(j) Establish a state advisory council under the direction of the commission. A member of the commission shall chair the state advisory council. The commission shall establish procedures for the selection of the council.

(k) Convene public meetings or hearings to identify and discuss issues or concerns relating to aging and older persons.

(l) Establish additional specialized advisory committees as needed which shall be under the direction of the commission.

(m) Provide adequate and effective opportunities for aging and older persons to express their views on policy development and program implementation.

(n) Establish policies pertaining to implementation of federal and state statutes involving funds administered by the office.

(2) In addition, the commission shall make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, subject to the following limitations:

(a) A commission member shall not participate in the selection, award, or administration of a contract if, to his or her knowledge, any of the following persons or organizations has a financial interest in that contract:

(i) A commission member.

(ii) A member of a commission member's immediate family.

(iii) A commission member's partner.

(iv) An organization in which any of the persons listed in subparagraphs (i) to (iii) is an officer, director, or employee.

(v) A person or organization with whom any of the persons listed in subparagraphs (i) to (iii) is negotiating or has any arrangement concerning prospective employment.

(b) A commission member shall make known a potential conflict of interest under subdivision (a) before a vote regarding a contract.

(c) A commission member shall abstain from discussing a relevant motion, making a recommendation, or voting in regard to a contract, grant, or policy if his or her personal or business interest is involved as described in subdivision (a).

Sec. 5. The office of services to the aging is created within the department of management and budget. The office shall exercise its powers and functions, including the functions of budgeting and procurement and management-related functions, as an autonomous entity, independent of the director of the department of management and budget. The governor shall appoint a director of the office by and with the advice and consent of the senate. The director shall be exempt from the state classified civil service. The director shall receive compensation as provided by the legislature. The director shall serve as a special assistant to the governor on the problems of aging and older persons. The director or a designee of the director shall serve as office liaison to the commission.

Sec. 6. The office of services to the aging shall do all of the following:

- (a) Serve as a visible and effective advocate for aging and older persons.
- (b) Function as the single state agency within the state to supervise and administer the state plan required by the older Americans act of 1965, 42 U.S.C. 3001 to 3056f.
- (c) Be primarily responsible for the coordination of all state activities related to the purposes of this act.
- (d) Cooperate with agencies of the state and federal government and receive funds for any purpose authorized by the legislature.
- (e) Make necessary contracts incidental to the performance of its duties and the execution of its policies.
- (f) Provide technical assistance to state and local agencies for the purposes of planning, program development, administration, and evaluation; and encourage, promote, and aid in the establishment of services for aging and older persons.
- (g) Collect, analyze, and disseminate data concerning services which affect aging and older persons.
- (h) Establish an educational and public information program to foster public understanding of the problems and opportunities of aging and older persons; provide information on programs available to assist older persons; and encourage the development of private and public community programs to improve the status of older persons.
 - (i) Evaluate the effect of federal and state statutes on aging and older persons and recommend to the governor and the legislature appropriate changes.
 - (j) Evaluate in cooperation with appropriate state departments and agencies the effectiveness of public and private policies which affect older persons in the state funded by federal, state, local, and private resources, including services which provide a comprehensive and integrated system of health and social services which respond to individual needs.
 - (k) Supervise, monitor, assess, evaluate, and provide technical assistance to area agencies on aging, and other agencies receiving funds from the office, in meeting specified objectives.
 - (l) Make recommendations to the governor and the legislature on budget and grant requests for programs for aging and older persons.
 - (m) Participate in the development of the annual plan of services that is required to be submitted to the department of health and human services under section 2004 of the omnibus budget reconciliation act of 1981, Public Law 97-35, 95 Stat. 357 to 933, and provide recommendations to the governor on the components of the plan which relate to services to aging and older persons.
 - (n) Develop a comprehensive triennial state plan on aging with yearly updates regarding the priority needs of aging and older persons, as well as recommendations for future action. The office shall prepare an annual report to be submitted to the governor and the legislature by January 31 of each year. The annual report shall detail the progress of the office and the commission in implementing the triennial plan.
 - (o) Establish an appeals procedure, subject to approval by the commission, the applicability of which shall not be limited to denials of funding.
 - (p) Serve as a clearinghouse for the collection and distribution of information on aging and older persons.
 - (q) Establish demonstration programs for services to the aging and older persons in selected communities in the state. Particular emphasis shall be given to services designed to foster continued participation of older persons in family and community life and to prevent as nearly as possible unnecessary institutionalization of older persons. The programs shall be established to demonstrate and test their effectiveness, to stimulate continued support for them, and to create new services, using federal, state, local, or private funds and resources.
 - (r) Function as the state agency for voluntary services for, and provided by, older persons. The office shall do all of the following:

(i) Be designated as the state agency for coordination and development of foster grandparent and senior companion programs. The office shall be authorized to receive and allocate funds from federal, state, and other sources for foster grandparent and senior companion programs, to negotiate waiver of rules with the federal agency responsible for administering foster grandparent and senior companion programs and funds, and, where federal foster grandparent and senior companion programs cannot be modified, to institute policies and rule variations with subprograms of foster grandparent and senior companion programs distinctly established through the use of state funds. Administrative agencies established before October 6, 1976, to develop and administer foster grandparent and senior companion programs shall be continued under this act pursuant to contracts initiated with the federal government. This subparagraph shall not be construed to prohibit the termination of a grantee for cause. Expansion of foster grandparent and senior companion programs shall be under the administration of existing programs where feasible. Other state and local governmental agencies serving children, youth, and mentally retarded persons in need of protective care and treatment in institutional and community settings shall cooperate with the office in the development and administration of voluntary services for, and provided by, aging and older persons. The office may negotiate with the federal administration to obtain the same nontaxable status for state funded foster grandparent and senior companion stipends as that given to participants in the federal program.

(ii) Be designated as the state agency for coordination and development of retired senior volunteer programs. The office shall be authorized to receive and allocate funds from federal, state, and other sources for retired senior volunteer programs, to negotiate waiver of rules with the federal agency responsible for administering retired senior volunteer programs and funds, and, where federal retired senior volunteer programs cannot be modified, to institute policies and rule variations with subprograms of retired senior volunteer programs distinctly established through the use of state funds. Administrative agencies established before October 1, 1978, to develop and administer retired senior volunteer programs shall be continued under this act pursuant to contracts initiated with the federal government. Nothing in this subparagraph shall be construed to prohibit the termination of a grantee for cause. Expansion of retired senior volunteer programs shall be under the administration of existing programs where feasible. Other state and local governmental agencies shall cooperate with the office in the development and administration of voluntary services for, and provided by, aging and older persons.

(s) Establish, evaluate, and improve opportunities for aging and older persons to provide volunteer services.

(t) Pursue and receive on behalf of the state any grant or gift and accept any grant or gift so that the title shall pass to the state. All grants and gifts shall be deposited with the state treasurer and used for the purposes set forth in the grant or the gift if the purposes are within the powers conferred on the office and the use is approved by the legislature. If the use is not approved, the grant or gift shall revert to the donor, or the donor's administrator or assigns.

(u) Train and assign staff who shall institute food delivery systems, inform older persons of the delivery systems, and train older persons to operate the food delivery systems. The office shall also do all of the following:

(i) Develop means to reduce the cost of food to older persons and increase the nutritional adequacy of food purchased and consumed.

(ii) Provide technical assistance to local clubs, groups, or organizations of older persons for the development of buying clubs, food cooperatives, or shopping assistance programs; provide education in purchase and preparation of foods; and encourage retail grocers to package raw food in meal-size portions.

(iii) Provide ongoing assistance until the individual projects become self-sufficient.

(iv) Coordinate and develop efforts in conjunction with those of other state or local public or private agencies such as the cooperative extension services, public health agencies, senior nutrition projects, the department of social services, the retail grocers association, the department of agriculture, and others deemed appropriate by the office.

(v) Provide in its annual report to the governor and the legislature pursuant to subdivision (n), a report on the effect of the programs.

(vi) Provide trained personnel, technical assistance, and coordination with other state agencies.

(v) Function as the administrator of employment programs and related services for, and provided by, older persons. The office shall encourage the employment of older persons in government agencies and private organizations.

(w) Subject to Act No. 370 of the Public Acts of 1941, as amended, being sections 38.401 to 38.428 of the Michigan Compiled Laws, and the rules of the state civil service commission ensure that preference is given to older persons in employment by the office and all recipients of funds from the office.

(x) Encourage the development of preretirement and postretirement programs for older persons.

(y) Develop, in consultation with the various components of the aging network, basic core needs assessment and evaluation instruments. The office shall provide technical assistance to aid local organizations in augmenting these core instruments.

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

Sec. 7. The office shall develop interagency agreements with departments or agencies providing services to older persons. The agreements shall specify methods of interagency planning and coordination of services. The agreements shall be renewed annually.

Sec. 8. (1) The business which the commission created pursuant to this act may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

(2) A writing prepared, owned, used, in the possession of, or retained by the commission, the office, or by an area agency created pursuant to this act in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

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

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

(b) An office or agency of a unit of local government which is designated for the purpose of serving as an area agency on aging by the chief elected official of that unit of government.

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

(d) A public or nonprofit private agency, except a regional or local agency of the state, which is under the supervision or direction of the state agency.

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

(a) Serve as an advocate for aging and older persons by representing their interests to public officials and public and private organizations within the planning and service area.

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

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

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

(e) Coordinate and assist regional or local public and nonprofit agencies in the planning and development of programs to establish an areawide network of comprehensive, coordinated service and opportunities for older persons.

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

(g) Receive information from the office and commission regarding legislation, regulation, and program and policy direction, and serve as the clearinghouse for dissemination of information from and to older persons and service providers within the planning and service area.

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

(i) Undertake other activities necessary to develop and administer the area plan in compliance with the policies, guidelines, or rules as set forth by federal or state statute and regulation, the commission, and the office.

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

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

Sec. 10. A proposed state program concerned with providing services to older persons shall be submitted to, and coordinated with, the office, and an allotment of funds for that purpose shall not be recommended to the state administrative board without the review and approval of the office. The office shall obtain from the department of management and budget a copy of any budget request relating to programs for older persons.


Sec. 11. The office, in consultation with, and with the approval of, the commission, shall promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, for the implementation and administration of this act. A draft of the proposed rules to implement this act shall be submitted to public hearing no later than 30 days following the effective date of this act.

Sec. 12. A thorough review of the functions, responsibilities, and performance of the office and commission shall be completed every 5 years after the effective date of this act.

Sec. 13. The equipment, records, and supplies of the commission and office which are repealed pursuant to section 14 are transferred to the commission and office created by sections 3 and 5, respectively.

Sec. 14. Act No. 146 of the Public Acts of 1975, as amended, being sections 400.541 to 400.553 of the Compiled Laws of 1970, is repealed.

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved

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Governor.