

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1315 Session of
1977

INTRODUCED BY BELLOMINI, DOMBROWSKI, DiCARLO, HASKELL, FISCHER,
FEE, HOPKINS, D. S. HAYES, GREENLEAF, TENAGLIO, ARTHURS AND
O'KEEFE, JUNE 14, 1977

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 14, 1977

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," creating the Department of
21 Aging and prescribing its functions, powers and duties;
22 establishing an Advisory Council on Services for the Aging
23 and a Technical Advisory Committee on Services for the Aging;
24 and providing for district planning and service areas and for
25 area agencies.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. Section 201, act of April 9, 1929 (P.L.177,
29 No.175), known as "The Administrative Code of 1929," amended

1 July 22, 1975 (P.L.75, No.45) and December 19, 1975 (P.L.602,
2 No.172), is amended to read:

3 Section 201. Executive Officers, Administrative Departments
4 and Independent Administrative Boards and Commissions.--The
5 executive and administrative work of this Commonwealth shall be
6 performed by the Executive Department, consisting of the
7 Governor, Lieutenant Governor, Secretary of the Commonwealth,
8 Attorney General, Auditor General, State Treasurer, and
9 Secretary of Education; by the Executive Board, and the
10 Pennsylvania State Police; by the following administrative
11 departments: Department of State, Department of Justice,
12 Department of the Auditor General, Treasury Department,
13 Department of Education, Department of Military Affairs,
14 Insurance Department, Department of Banking, Department of
15 Agriculture, Department of Transportation, Department of Health,
16 Department of Labor and Industry, Department of Aging,
17 Department of Public Welfare, Department of General Services,
18 Department of Revenue, Department of Commerce, Department of
19 Community Affairs and Department of Environmental Resources; and
20 by the following independent administrative boards and
21 commissions: Pennsylvania Game Commission, Pennsylvania Fish
22 Commission, State Civil Service Commission, Pennsylvania Public
23 Utility Commission, the Pennsylvania Historical and Museum
24 Commission and the Pennsylvania Securities Commission.

25 All of the provisions of this act, which apply generally to
26 administrative departments, or generally except to the
27 Department of the Auditor General and the Treasury Department,
28 shall apply to the Executive Board and to the Pennsylvania State
29 Police.

30 Section 2. As much as applies to the Department of Public

1 Welfare of section 203 of the act, amended December 3, 1970
2 (P.L.834, No.275), is amended to read:

3 Section 203. Advisory Boards and Commissions.--The following
4 advisory boards and commissions are placed in and made parts of
5 the respective administrative departments, as follows:

6 * * *

7 In the Department of Public Welfare,
8 State Board of Public Welfare,
9 [Advisory Committee for the Aging,]
10 Advisory Committee for the Blind,
11 Advisory Committee for General and Special Hospitals,
12 Advisory Committee for Children and Youth,
13 Advisory Committee for Public Assistance,
14 Advisory Committee for Mental Health and Mental Retardation;

15 * * *

16 Section 3. Section 206 of the act, amended July 22, 1975
17 (P.L.75, No.45), is amended to read:

18 Section 206. Department Heads.--Each administrative
19 department shall have as its head an officer who shall, either
20 personally, by deputy, or by the duly authorized agent or
21 employe of the department, and subject at all times to the
22 provisions of this act, exercise the powers and perform the
23 duties by law vested in and imposed upon the department.

24 The following officers shall be the heads of the
25 administrative departments following their respective titles:

26 Secretary of the Commonwealth, of the Department of State;
27 Attorney General, of the Department of Justice;
28 Auditor General, of the Department of the Auditor General;
29 State Treasurer, of the Treasury Department;
30 Secretary of Education, of the Department of Education;

Adjutant General, of the Department of Military Affairs;
Insurance Commissioner, of the Insurance Department;
Secretary of Banking, of the Department of Banking;
Secretary of Agriculture, of the Department of Agriculture;
Secretary of Transportation, of the Department of
Transportation;
Secretary of Health, of the Department of Health;
Secretary of Labor and Industry, of the Department of
Labor and Industry;
Secretary of Aging, of the Department of Aging;
Secretary of Public Welfare, of the Department of Public
Welfare;
Secretary of Revenue, of the Department of Revenue;
Secretary of Commerce, of the Department of Commerce;
Secretary of Community Affairs, of the Department of
Community Affairs;
Secretary of Environmental Resources, of the Department
of Environmental Resources;
Secretary of General Services, of the Department of
General Services.

Section 4. Clause (1) of subsection (d) of section 207.1 of
the act, added November 8, 1976 (P.L.1109, No.227), is amended
to read:

Section 207.1. Gubernatorial Appointments.--* * *

(d) The Governor shall nominate in accordance with the
provisions of the Constitution of the Commonwealth of
Pennsylvania and, by and with the advice and consent of a
majority of the members elected to the Senate appoint persons to
fill the following positions:

(1) The Attorney General, the Secretary of Education, the

1 Secretary of the Commonwealth, the Adjutant General, the
2 Insurance Commissioner, the Secretary of Banking, the Secretary
3 of Agriculture, the Secretary of Transportation, the Secretary
4 of Health, the Commissioner of the State Police, the Secretary
5 of Labor and Industry, the Secretary of Aging, the Secretary of
6 Public Welfare, the Secretary of General Services, the Secretary
7 of Revenue, the Secretary of Commerce, the Secretary of
8 Community Affairs and the Secretary of Environmental Resources.

9 * * *

10 Section 5. The first paragraph of subsection (1) of section
11 448 of the act, amended July 9, 1970 (P.L.470, No.161), is
12 amended to read:

13 Section 448. Advisory Boards and Commissions.--The advisory
14 boards and commissions, within the several administrative
15 departments, shall be constituted as follows:

16 * * *

17 (1) The following advisory committees are hereby created:

18 [Advisory Committee for the Aging,]

19 Advisory Committee for the Blind,

20 Advisory Committee for General and Special Hospitals,

21 Advisory Committee for Children and Youth,

22 Advisory Committee for Public Assistance,

23 Advisory Committee for Mental Health and Mental Retardation.

24 * * *

25 Section 6. The act is amended by adding an article to read:

26 ARTICLE XXII-A

27 DEPARTMENT OF AGING

28 Section 2201-A. Objectives.--The objectives of this article
29 are:

30 (1) to establish a cabinet-level State agency whose

jurisdiction, powers and duties specifically concern and are directed to advancing the well-being of Pennsylvania's older citizens;

(2) to effect the maximum feasible coordination of, and eliminate duplication in, the Commonwealth's administration of certain Federal and State programs for older Pennsylvanians; and

(3) to further promote the efficient delivery of certain social and other services to older Pennsylvanians.

(4) to promote the creation and growth of independent clubs and associations of older Pennsylvanians and related activities which give promise of assisting older persons to maintain lives of independence and dignity; involvement in the social, economic and political affairs of their communities; and dignified and efficient assistance when disabled or impaired.

Section 2202-A. Definitions.--As used in this article:

"Area agency" means the single local agency designated within each planning and service area to administer the delivery of a comprehensive and coordinated plan of social and other services and activities.

"Area plan" means the plan submitted to the department by an area agency describing the methods by which it will ensure a coordinated and comprehensive plan of social and other services and activities in the planning and service area.

"Boarding home" means any institution or facility, however named which is operated for profit or otherwise and which is advertised, announced or maintained for the express or implied purpose of providing shelter, services or supervision for two or more persons, unrelated to the proprietor of the facility, who require some level of supervision or assistance in carrying out daily routine activities, but who are not so ill, aged or

disabled as to require institutionalization in a facility
providing a higher level of care.

"Council" means the Pennsylvania Council on Aging.

"Department" means the Department of Aging.

"Domiciliary care" is a protected living arrangement in the
community which includes room, board and services for persons
eighteen and older who cannot live independently because of
their social and economic situation.

"Local authority" means the county commissioners.

"Nonprofit sponsor" means any nonprofit corporation
designated as an area agency on aging or as the sponsor of any
aging service or activity.

"Older persons, aged, aging" means those persons residing
within Pennsylvania who are age sixty or over, or, as the
secretary may determine appropriate, persons below this age.

"Personal care home for adults" means any premises operated
for profit in which food, shelter and personal assistance or
supervision are provided for a period exceeding twenty-four
hours for more than two adults who are not relatives of the
operator and who require assistance or supervision in such
matters as dressing, bathing, diet or medication prescribed for
self administration.

"Planning and service area" means the geographic unit within
the State, as authorized by the Federal Older Americans Act of
1965, as amended, for allocation of funds for the delivery of
social services.

"Secretary" means the Secretary of Aging.

"Sole State agency" means that State agency as designated
under the Federal Older Americans Act of 1965, as amended.

Section 2203-A. Powers and Duties in General.--The

Department of Aging hereinafter referred to in this article as the department shall, subject to any inconsistent provisions in this act contained, have the power and its duty shall be to:

(1) Evaluate the need for services for the aged within the State and determine the extent to which public and private programs meet such a need.

(2) Develop, in consultation with the council and administer a comprehensive State plan for services, programs, and activities for the aging furnished by State agencies.

(3) Provide for services to the aging through area agencies for the aging and other appropriate agencies, organizations and institutions authorized in accordance with the Federal Older Americans Act of 1965, related Federal acts, and applicable State law and to stimulate services and opportunities for the aging which are not otherwise available.

(4) Function as the sole State agency to receive and disburse Federal funds under the Older Americans Act of 1965 and State funds made available for providing services to older persons.

(5) Administer the State plan for the aging required by Federal law.

(6) Serve as an advocate for the aging at all levels of government and to provide consultation and assistance to communities and civic groups developing local services for older persons.

(7) Maintain a clearinghouse of information related to the interests of older persons and provide technical assistance and consultation to all agencies, both public and private with respect to programs and services for older persons.

(8) Provide an annual budget as may be reasonably required

by the Pennsylvania Council on Aging, the four regional councils on aging and the Technical Advisory Committee.

(9) Promote community education regarding the problems of older persons through institutes, publications, and use of communications media.

(10) Cooperate with agencies of the Federal Government in studies and conferences designed to examine the needs of the aging population and to assist in preparing programs and developing facilities to meet those needs.

(11) Promote programs, studies and policies, in cooperation with the Departments of Labor and Industry, Commerce, Public Welfare and other agencies, which will enhance the opportunity for continued work, education and training for older persons and for preretirement assistance where appropriate.

(12) Promote, through direct grants, contracts and technical assistance, the development of independent senior centers, service organizations, clubs, associations and organizations dedicated to the rights and needs of older persons and providing activities not in conflict with State or area plans for the aging.

(13) Make recommendations for legislative action to the Governor and the General Assembly.

(14) In coordination with the council, develop and conduct research, demonstration programs and training programs to advance the interests of older persons.

(15) Publish a description of the organization and function of the department so that all interested agencies and individuals may be better able to solicit assistance from the department.

(16) Administer and supervise a domiciliary care program for

1 adults.

2 (17) Within one year of the effective date of this act,
3 regulate and license personal care homes for adults and boarding
4 homes for adults which provide personal care and services which
5 regulations shall provide for appropriate roles for the
6 Departments of Health, Public Welfare, Environmental Resources
7 and Labor and Industry.

8 (18) Review all proposed Commonwealth program plans and
9 policies, and administrative regulations that are published in
10 the Pennsylvania Bulletin for their impact on older persons.
11 Where the secretary believes that they have an impact on older
12 persons, he shall comment in accordance with the provisions of
13 the Commonwealth Documents Law.

14 (19) Make and enforce rules and regulations necessary and
15 proper to the performance of its duties.

16 (20) After January 1, 1979 and at the option of the
17 secretary, to administer the act of March 11, 1971 (P.L.104,
18 No.3), known as the "Senior Citizens Property Tax or Rent Rebate
19 Act."

20 (21) After January 1, 1979 and at the option of the
21 secretary, to administer the act of January 22, 1968 (P.L.42,
22 No.8), known as the "Pennsylvania Urban Mass Transportation
23 Assistance Law of 1967."

24 (22) Serve as an advocate for the needs of the adult
25 handicapped as such needs involve and overlap the needs and
26 services of older persons.

27 (23) Cooperate with the Pennsylvania Office of Planning in
28 the development of local, regional and Statewide solutions to
29 the needs of older persons.

30 (24) Review the activities of agencies of the Commonwealth

which affect the full and fair utilization of State and community resources for programs for older persons and initiate programs which will help assure such utilization.

(25) Conduct, in cooperation with the Department of Health, yearly studies and evaluations pertaining to the quality of care and related services for nursing home patients and report such findings to the General Assembly.

(26) Collaborate with the Department of Community Affairs and the Pennsylvania Housing Finance Agency in the location, design, management and services of housing built for older persons and upon request provide technical assistance to local housing authorities, redevelopment authorities and other groups.

(27) Review and comment on all rules, regulations, eligibility or payment standards issued by the Departments of Public Welfare, Health or Labor and Industry relating to the licensure and regulation of nursing homes, hospitals, and other health facilities; medical assistance, supplemental security income; homemaking and home-health care or residential care facilities for older adults. Said rules, regulations and standards shall not take effect until they have been submitted to the department for comment.

(28) Review and comment on rules, regulations, eligibility standards, or contract provisions issued by the Departments of Revenue and Transportation relating to activities financed in whole or in part by the Pennsylvania Lottery. Said rules, regulations, eligibility standards and contract provisions shall not take effect until they have been submitted to the department for comment.

(29) Review and comment on rules, regulations, eligibility standards or contract provisions issued by the Department of

Transportation relating to specialized transportation needs of the elderly and the handicapped. Said rules, regulations, eligibility standards or contract provisions shall not take effect until they have been submitted to the department for comment.

Section 2204-A. Pennsylvania Council on Aging.--(a) There is hereby created in the Office of the Governor the Pennsylvania Council on Aging which shall consist of nineteen persons at least ten of whom shall be fifty-five years of age or older, and of which four shall be the chairpersons of the regional council on aging. The members of the Technical Advisory Committee shall be ex officio nonvoting members of the council.

(b) The members of the council shall be appointed by the Governor and shall represent, as far as possible, different geographical sections of the Commonwealth. Not more than eleven of such appointments by the Governor shall be of the same political party. The members shall be appointed on staggered terms of one to three years. Members shall be eligible for reappointment.

(c) The council shall provide for its organization and procedure including the selection of a chairman and such other officers as deemed necessary.

(d) The citizen members of the council shall receive no compensation for their services on the council but shall be reimbursed by the department for any ordinary and necessary expenses incurred in the performance of their duties.

(e) The council shall meet at least six times per year to review and comment upon all reports of the Department of Aging to the Governor and the General Assembly.

(f) The council shall have the following powers and duties:

1 (1) Assist the department in the preparation of the annual
2 State plan on aging.

3 (2) To review and comment on rules and regulations
4 promulgated by the department.

5 (3) To prepare and submit to the Governor, the General
6 Assembly, the Secretary of the Department of Aging and the
7 public an annual report evaluating the level and quality of
8 services and programs provided to the aging by Commonwealth
9 agencies together with recommendations for improved, expanded or
10 additional programs and services for the aging.

11 (4) To carry out public hearings on matters affecting the
12 rights and interests of the aging including matters involving
13 cases of neglect, abuse and age discrimination against older
14 persons in the administration of the laws of the Commonwealth
15 and its political subdivisions.

16 (5) To carry out comprehensive studies in the areas of age
17 discrimination, health care, housing, taxation, income support
18 and transportation and to report to the Governor, the General
19 Assembly, the secretary and the public its findings and
20 recommendations in regard to appropriate action and a long-term
21 strategy for the aging in each of these respective areas of
22 study within one year of the effective date of this act. In each
23 succeeding year, the council shall engage in similar studies and
24 reports on major issues affecting the aging.

25 (6) Consult with the secretary regarding the operations of
26 the department.

27 (7) To establish at least four regional councils on aging
28 which shall consist of fifteen citizen members and concerning
29 which the composition, members' terms of offices, organization
30 and duties and responsibilities shall be determined by the

1 council.

2 (8) Employ, with such funds as are provided by the
3 department, sufficient staff and services to carry out these
4 duties and powers as well as the duties and powers of the
5 regional councils.

6 Section 2205-A. Planning and Service Area.--The Commonwealth
7 shall be divided into district planning and service areas as
8 determined by the secretary, pursuant to the Federal Older
9 Americans Act of 1965, as amended.

10 Section 2206-A. Designated Area Agencies.--(a) For each
11 planning and service area there shall be an area agency
12 established by the department in accordance with the Federal
13 Older Americans Act of 1965, as amended. Such area agency so
14 designated must be (i) an established office of aging; (ii) any
15 office or agency of the local authority, which is designated for
16 this purpose by the chief elected officials of the local
17 authority; (iii) any office or agency designated by the chief
18 elected officials of a combination of local authorities to act
19 on behalf of such combination for this purpose; or (iv) any
20 public or nonprofit private agency in a planning and service
21 area which is under the supervision or direction for this
22 purpose of the designated State agency and which can engage in
23 the planning or provision of a broad range of social services
24 within such planning and service area; and must provide
25 assurance, found adequate by the department, that it will have
26 the ability to develop and administer an area plan. The
27 secretary may redesignate area agencies based on regulations
28 which shall be issued within one hundred twenty days of the
29 effective date of this act. Such regulations shall include
30 criteria of efficiencies, appropriateness and equity and shall

provide for public hearings on redesignation conducted in the affected planning and service areas. Any such determinations of redesignation shall be executed not less than one hundred days prior to the beginning of the fiscal year of the local authority.

Section 2207-A. Area Agencies; Powers and Duties.--(a) The area agency shall have the authority to act as an advocate at all levels of government and within the community at large for the interests of older persons within the planning and service area. It shall develop a comprehensive area plan to coordinate services for older persons within its planning and service area as the department may prescribe by regulation. The area plan shall make provision for:

(1) Information and referral.

(2) Social service case management and casework services including protective placement and services.

(3) Transportation services.

(4) Legal counseling and representation.

(5) In-home services including residential repair, homemaker, home chore services, and congregate and home delivered meals.

(6) Assistance to secure adequate housing and health services.

(7) Other services required by Federal law and other such services and activities designated by the department or identified as critical needs by the area agency.

(8) The establishment of an affiliated network of multiservice centers and neighborhood centers for older persons. Each center shall provide those services required by the department in accordance with regulations adopted by the

department, which regulations shall provide for the maximum involvement of members of such centers and sponsoring organizations in the identification and prioritization of services and activities to be conducted in such centers.

(b) The area agency shall give priority of services to older persons with the greatest needs and least resources. Factors identifying older persons who are entitled to priority are:

(1) Functional disability, i.e., severe restriction of ability to carry out daily activities.

(2) Aloneness, i.e., living alone in a private apartment or home unaccompanied by a related adult.

(3) Advanced age, i.e., seventy-five years of age or above.

(4) Low income.

(5) Services to minorities in proportion to their numbers consistent with the provisions of the Human Relations Act.

(6) Inadequate housing.

(7) Lack of access to recreational and social activities.

(c) In carrying out this section, the area agency shall provide preference in filling all jobs for persons age fifty-five and above and shall require such preference in all sub-contracts utilizing funds provided by the Commonwealth. The Department of Aging shall issue regulations pursuant to this section within one hundred fifty days of the effective date of this act.

(d) The area agency may grant to or contract with any public, private or nonprofit agency for the provisions of social services. The area agency is authorized to use, with their consent, the services, equipment, personnel and facilities of Federal and State agencies, with or without reimbursement, and on a similar basis to cooperate with other public and private

agencies, and instrumentalities, in the use of services,
equipment and facilities.

Section 2208-A. Area Agency Advisory Boards.--In each
planning and service area, an advisory board of at least fifteen
members shall be appointed to the area agency. The department
shall issue regulations designating the composition and powers
of advisory boards within one hundred eighty days of the
effective date of this act. Such regulations shall provide for a
majority of such boards to be composed of persons above the age
of sixty; maximum possible involvement of such boards in
determining local programs and policies and advocacy roles
within area agency programs and local communities as well as for
administrative funds to carry out their functions.

Section 2209-A. Area Agencies; Reports and Plans.--(a) The
area agency shall submit to the Department of Aging an annual
report describing and evaluating its programs and services
within thirty days after the close of the area agency's fiscal
year.

(b) The area agency shall submit to the department for
approval an area plan ninety days prior to the start of the area
agency's fiscal year. The area agency shall conduct, prior to
the submission of the area plan to the department for approval,
a public hearing on the area plan. If the department approves
the area plan, or fails to act within sixty days, the area plan
shall go into effect at the beginning of the fiscal year. If the
department disapproves the area plan, it shall forward the
reasons for disapproval to the area agency which shall have
twenty days to resubmit an amended area plan. If the department
approves the resubmitted area plan, it shall be effective at the
beginning of the fiscal year. If the resubmitted area plan is

1 disapproved, the department shall forward its revised area plan
2 for implementation by the area agency at the beginning of the
3 fiscal year, provided that the department shall hold a hearing
4 in the area prior to such action and that the department may
5 authorize the continuation of the provision of services under
6 the current area plan for a period not to exceed ninety days.

7 Section 2210-A. Allocation of Resources.--(a) The area
8 agency shall receive a basic allocation of resources, consisting
9 of State and Federal funds, based upon the proportion of older
10 persons who reside in the planning and service area in relation
11 to the total number of older persons who reside in the
12 Commonwealth of Pennsylvania, except that each area agency is
13 entitled to a minimum allocation of resources as uniformly
14 established by the secretary.

15 (b) The department may allocate additional resources to area
16 agencies based upon the total number of older persons who reside
17 within the planning and service area, the availability of
18 transportation services, the rural-urban distribution of older
19 persons, and attendant rural program cost differentials, the
20 need for social and medical services, the amount of funds
21 devoted by county commissioners for older persons and other
22 special circumstances as determined by the secretary.

23 (c) Funds appropriated to carry out the purposes of this act
24 shall be distributed to the local authorities or nonprofit
25 agencies as grants for services to the aging, if there is an
26 acceptable plan in accordance with section 2209-A.

27 (d) The Department of Public Welfare shall transfer, for
28 three State fiscal years immediately subsequent to the effective
29 date of this act, to the Department of Aging a proportion of the
30 State allotment under Title XX of the Social Security Act equal

1 to the proportion of such funds allocated to the office for the
2 aging in relation to the State's total allotment in the fiscal
3 year immediately preceding the effective date of this act.

4 Section 2211-A. Evaluation.--The Department of Aging shall
5 continually review and evaluate the activities of area agencies
6 and the impact and effectiveness of all programs under this act.
7 The department shall ensure that evaluations, including an
8 onsite evaluation, be made annually of all area agency
9 activities and programs. A written report of the findings of the
10 evaluation shall be submitted to the area agency subject to the
11 evaluation and within thirty days shall be available to the
12 public. In all evaluations, the department shall obtain the
13 views of program beneficiaries concerning strengths and
14 weaknesses of the program. Other departments and agencies of the
15 Commonwealth shall make available to the department information
16 necessary for such evaluations. Annually the department shall
17 submit to the Governor and the General Assembly a report on its
18 activities including statistical data reflecting services and
19 activities provided older persons during the preceding fiscal
20 year.

21 Section 2212-A. Demonstration Programs.--In recognition of
22 the need for expanded knowledge and experience concerning the
23 status of older persons in Pennsylvania, the Secretary of Aging
24 may provide for research and demonstration programs for the
25 purpose of:

26 (1) Studying current living conditions and needs of older
27 persons, with special emphasis on persons with low income,
28 functional disabilities, advanced age and isolated living
29 situations.

30 (2) Studying existing methods and alternatives for providing

1 services, programs and opportunities to older persons.

2 (3) Identifying those factors of particular detriment or
3 benefit to the welfare of older persons.

4 (4) Developing new approaches and alternatives for living
5 arrangements, social services, institutional care, health
6 services, legal representation and the coordination of community
7 services for older persons.

8 Section 7. Section 2328 of the act, amended July 9, 1970
9 (P.L.470, No.161), is amended to read:

10 Section 2328. Powers and Duties of Advisory Committees.--The
11 [Advisory Committee for the Aging, the] Advisory Committee for
12 the Blind, the Advisory Committee for General and Special
13 Hospitals, the Advisory Committee for Children and Youth, the
14 Advisory Committee for Public Assistance and the Advisory
15 Committee for Mental Health and Mental Retardation, shall,
16 concerning matters within their respective special fields of
17 interest, have the power and their duty shall be:

18 (a) To advise the appropriate major program unit of the
19 Department of Public Welfare. This advice shall include, but
20 shall not be limited to, such matters as standards of
21 eligibility, nature and extent of service, amounts of payments
22 to individuals, standards of approval, certification and
23 licensure of institutions and agencies, ways and means of
24 coordinating public and private welfare activities, and such
25 other matters as may, by law, require citizen review or may be
26 referred to the committees by the departmental units advised by
27 them; and the Advisory Committee for Mental Health and Mental
28 Retardation shall also have the power and duty to advise the
29 Governor and the Secretary of Public Welfare with regard to the
30 appointment of the Commissioner of Mental Health.

1 (b) To arrange for and conduct such public hearings as may
2 be required by law or which they deem necessary and advisable,

3 (c) To promote better public understanding of the programs
4 and objectives of the departmental units advised by them, and

5 (d) To make recommendations to the State Board of Public
6 Welfare on matters referred to the committees for consideration
7 and advice, or as may be required to promote the effectiveness
8 of the programs, of the departmental units advised by them.

9 Section 8. The Secretary of Aging shall receive an annual
10 salary, payable in semimonthly installments, of \$35,500.

11 Section 9. (a) All personnel, allocations, appropriations,
12 equipment, files, records, contracts, agreements, obligations,
13 and other materials which are used, employed or expended by the
14 Department of Public Welfare in connection with the powers,
15 duties or functions exercised under this act by the Department
16 of Aging are hereby transferred to the Department of Aging with
17 the same force and effect as if the appropriations had been made
18 to and said items had been the property of the Department of
19 Aging in the first instance and as if said contracts, agreements
20 and obligations had been incurred or entered into by said
21 Department of Aging.

22 (b) All personnel, allocations, appropriations, equipment,
23 files, records, contracts, agreements, obligations, and other
24 materials which are used, employed or expended by the Department
25 of Revenue in connection with the powers, duties or functions
26 exercised under this act by the Department of Aging are hereby
27 transferred to the Department of Aging with the same force and
28 effect as if the appropriations had been made to and said items
29 had been the property of the Department of Aging in the first
30 instance, and as if said contracts, agreements and obligations

1 had been incurred or entered into by said Department of Aging.

2 (c) All personnel, allocations, appropriations, equipment,
3 files, records, contracts, agreements, obligations, and other
4 materials which are used, employed or expended by the Department
5 of Transportation in connection with the powers, duties or
6 functions exercised under this act by the Department of Aging
7 are hereby transferred to the Department of Aging with the same
8 force and effect as if the appropriations had been made to and
9 said items had been the property of the Department of Aging in
10 the first instance and as if said contracts, agreements and
11 obligations had been incurred or entered into by said Department
12 of Aging.

13 Section 10. (a) All positions in the Department of Aging
14 shall be deemed to be included in the list of positions set
15 forth in section 3(d) of the act of August 5, 1941 (P.L.752,
16 No.286), known as the "Civil Service Act," and the provisions
17 and benefits of the act shall be applicable to the employees of,
18 and positions in, the department.

19 (b) All personnel transferred to the Department of Aging
20 from other State agencies and departments pursuant to this act
21 shall retain any civil service or other employment status
22 assigned to said personnel in those departments and agencies
23 prior to the effective date of this act.

24 Section 11. The Department of Aging shall expire on January
25 1, 1984 unless reestablished by the General Assembly during the
26 legislative session of the year immediately preceding the
27 scheduled expiration. The department may be reestablished for
28 periods not to exceed six years.

29 Section 12. (a) Section 601, act of June 13, 1967 (P.L.31,
30 No.21), known as the "Public Welfare Code," is repealed.

1 (b) The act of June 13, 1967 (P.L.31, No.21), known as the
2 "Public Welfare Code," is repealed insofar as it is inconsistent
3 herewith.

4 (c) The act of January 22, 1968 (P.L.42, No.8), known as the
5 "Pennsylvania Urban Mass Transportation Assistance Law of 1967,"
6 is repealed insofar as it is inconsistent herewith.

7 (d) The act of March 11, 1971 (P.L.104, No.3), known as the
8 "Senior Citizens Property Tax or Rent Rebate Act," is repealed
9 insofar as it is inconsistent herewith.

10 (e) All other acts and parts of acts are repealed insofar as
11 they are inconsistent herewith.

12 Section 13. This act shall take effect January 1, 1978.