

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 74

Session of
1977

INTRODUCED BY NOLAN, O'PAKE, MURRAY, MESSINGER, NOSZKA, ROSS,
HILL, LEWIS, LYNCH, MCKINNEY, MELLOW, ROMANELLI, SCANLON,
SMITH, STAPLETON, ZEMPRELLI, SWEENEY, DOUGHERTY AND
SCHAEFER, JANUARY 4, 1977

SENATOR SMITH, APPROPRIATIONS, RE-REPORTED AS AMENDED,
MARCH 14, 1978

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 employees 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 employees of certain departments, boards and
20 commissions shall be determined," creating the Department on
21 Aging and prescribing its functions, powers and duties.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 201, act of April 9, 1929 (P.L.177,
25 No.175), known as "The Administrative Code of 1929," amended
26 July 22, 1975 (P.L.75, No.45) and December 19, 1975 (P.L.602,

1 No.172), is amended to read:

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

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

29 ~~Section 2. Section 206 of the act amended July 22, 1975~~
30 ~~(P.L.75, No.45), is amended to read:~~

<—

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

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

~~Secretary of the Commonwealth, of the Department of State;~~

~~Attorney General, of the Department of Justice;~~

~~Auditor General, of the Department of the Auditor General;~~

~~State Treasurer, of the Treasury Department;~~

~~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 Public Welfare, of the Department of Public~~

~~Welfare;~~

~~Secretary on Aging, of the Department on Aging;~~

~~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~~

1 ~~of Environmental Resources;~~

2 ~~Secretary of General Services, of the Department of~~
3 ~~General Services.~~

4 ~~Section 3. Clause (1) of subsection (d) of section 207.1 of~~
5 ~~the act, added November 8, 1976 (No.227), is amended to read:~~

6 ~~Section 207.1. Gubernatorial Appointments. * * *~~

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

12 ~~(1) The Attorney General, the Secretary of Education, the~~
13 ~~Secretary of the Commonwealth, the Adjutant General, the~~
14 ~~Insurance Commissioner, the Secretary of Banking, the Secretary~~
15 ~~of Agriculture, the Secretary of Transportation, the Secretary~~
16 ~~of Health, the Commissioner of the State Police, the Secretary~~
17 ~~of Labor and Industry, the Secretary on Aging, the Secretary of~~
18 ~~Public Welfare, the Secretary of General Services, the Secretary~~
19 ~~of Revenue, the Secretary of Commerce, the Secretary of~~
20 ~~Community Affairs and the Secretary of Environmental Resources.~~

21 ~~* * *~~

22 ~~Section 4. The act is amended by adding an article to read:~~

23 ARTICLE XXII A

24 POWERS AND DUTIES OF THE

25 DEPARTMENT ON AGING

26 ~~Section 2201 A. Powers and Duties in General. Subject to~~
27 ~~any inconsistent provisions in this act contained, the~~
28 ~~Department on Aging shall have the power and its duty shall be:~~

29 ~~(1) To evaluate the need for social services for the aged~~
30 ~~within the State and determine the extent to which present~~

1 ~~public or private programs meet such a need.~~

2 ~~(2) To coordinate, evaluate and plan the services for the~~
3 ~~aging presently furnished by State agencies and make appropriate~~
4 ~~recommendations regarding such services to the Governor and the~~
5 ~~General Assembly.~~

6 ~~(3) To function as the sole State agency to develop a~~
7 ~~comprehensive plan to meet the needs of the State's senior~~
8 ~~citizens.~~

9 ~~(4) To receive and disburse, directly or through the several~~
10 ~~State agencies Federal funds made available for providing~~
11 ~~services for senior citizens or for purposes related thereto,~~
12 ~~and to develop and administer any State plan for the aging~~
13 ~~required by Federal law.~~

14 ~~(5) To provide consultation and assistance to communities~~
15 ~~and groups developing local services for senior citizens.~~

16 ~~(6) To promote community education regarding the problems of~~
17 ~~senior citizens through institutes, publications, radio,~~
18 ~~television and the local press.~~

19 ~~(7) To cooperate with agencies of the Federal Government in~~
20 ~~studies and conferences designed to examine the needs of senior~~
21 ~~citizens and to prepare programs and facilities to meet those~~
22 ~~needs.~~

23 ~~(8) To establish and maintain information and referral~~
24 ~~sources throughout the State when not provided by other~~
25 ~~agencies.~~

26 ~~(9) To provide such staff support as may reasonably be~~
27 ~~required by the Council and Technical Advisory Committee.~~

28 ~~(10) To provide direct services to the aged when not~~
29 ~~available through other public or private agencies or~~
30 ~~facilities.~~

~~(11) To make and enforce rules and regulations necessary and proper to the performance of its duties.~~

~~Section 2202 A. Council on Services for the Aging. (a) There is hereby created the Council on Services for the Aging which shall consist of thirty one voting members, including: two Senators appointed by the President Pro Tempore of the Senate; two Senators appointed by the Senate Minority Leader; two Representatives appointed by the Speaker of the House of Representatives; two Representatives appointed by the House Minority Leader; and twenty three citizen members, at least sixteen of whom shall be sixty years of age or older. The members of the Technical Advisory Committee created in section 2203 A of this act shall be ex officio nonvoting members of the council.~~

~~(b) The twenty three citizen members of the council shall be appointed by the Governor and shall represent, so far as possible, different geographical sections of the State. Not more than twelve of such appointments by the Governor shall be of the same political party. Of the citizen members first appointed, as designated by the Governor at the time of each appointment, seven citizen members shall serve on the council for a term of one year, seven citizen members shall serve for a term of two years and nine citizen members shall serve for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of the initial terms set forth herein, subsequent terms shall be for a period of 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 once each quarter, or as often as the chairman of the council deems necessary, or upon the written request of ten of the voting members of the council.~~

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

~~(1) To review and comment upon reports of the department to the Governor and the General Assembly.~~

~~(2) To prepare and submit to the Governor, the General Assembly and the secretary an annual report evaluating the level and quality of services provided to the aging by State agencies.~~

~~(3) To review and comment upon the comprehensive State plan prepared by the department.~~

~~(4) To review and comment upon disbursements of public funds to private agencies.~~

~~(5) To consult with the secretary regarding the operations of the department.~~

~~Section 2203 A. Technical Advisory Committee. (a) There is created the Technical Advisory Committee on Services for the Aging which shall consist of the Lieutenant Governor as Chairman, the Secretary on Aging, the Secretary of Education and the secretaries of the following departments or agencies: Labor and Industry, Health, Public Welfare, Revenue, Transportation and Community Affairs.~~

~~(b) The Technical Advisory Committee shall meet as often as the chairman of the committee deems necessary.~~

~~(c) The Technical Advisory Committee shall serve as liaison between the several State agencies and departments to facilitate the effective delivery of services and planning for services to the aging.~~

~~Section 5. The Secretary on Aging shall receive an annual salary, payable in equal semimonthly installments, of \$35,500.~~

~~Section 6. All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, and other materials which are used, employed or expended by the Department of Public Welfare in connection with the powers, duties or functions exercised under this act by the Department on Aging are hereby transferred to the Department on Aging with the same force and effect as if the appropriations had been made to and said items had been the property of the Department on Aging in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said Department on Aging.~~

~~Section 7. All positions in the Department on Aging shall be deemed to be included in the list of positions set forth in section 3(d) act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act," and the provisions and benefits of that act shall be applicable to the employees of, and positions in, the department. Persons occupying such positions on the day before the effective date of this act shall serve the probationary period authorized by section 603 of the "Civil Service Act," beginning on the effective date of this act.~~

~~Section 8. All acts and parts of acts are repealed insofar as they are inconsistent herewith.~~

~~Section 9. This act shall take effect in 90 days.~~

SECTION 2. AS MUCH AS APPLIES TO THE DEPARTMENT OF PUBLIC

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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;

1 ADJUTANT GENERAL, OF THE DEPARTMENT OF MILITARY AFFAIRS;
2 INSURANCE COMMISSIONER, OF THE INSURANCE DEPARTMENT;
3 SECRETARY OF BANKING, OF THE DEPARTMENT OF BANKING;
4 SECRETARY OF AGRICULTURE, OF THE DEPARTMENT OF AGRICULTURE;
5 SECRETARY OF TRANSPORTATION, OF THE DEPARTMENT OF
6 TRANSPORTATION;
7 SECRETARY OF HEALTH, OF THE DEPARTMENT OF HEALTH;
8 SECRETARY OF LABOR AND INDUSTRY, OF THE DEPARTMENT OF
9 LABOR AND INDUSTRY;
10 SECRETARY OF AGING, OF THE DEPARTMENT OF AGING;
11 SECRETARY OF PUBLIC WELFARE, OF THE DEPARTMENT OF PUBLIC
12 WELFARE;
13 SECRETARY OF REVENUE, OF THE DEPARTMENT OF REVENUE;
14 SECRETARY OF COMMERCE, OF THE DEPARTMENT OF COMMERCE;
15 SECRETARY OF COMMUNITY AFFAIRS, OF THE DEPARTMENT OF
16 COMMUNITY AFFAIRS;
17 SECRETARY OF ENVIRONMENTAL RESOURCES, OF THE DEPARTMENT
18 OF ENVIRONMENTAL RESOURCES;
19 SECRETARY OF GENERAL SERVICES, OF THE DEPARTMENT OF
20 GENERAL SERVICES.

21 SECTION 4. CLAUSE (1) OF SUBSECTION (D) OF SECTION 207.1 OF
22 THE ACT, ADDED NOVEMBER 8, 1976 (P.L.1109, NO.227), IS AMENDED
23 TO READ:

24 SECTION 207.1. GUBERNATORIAL APPOINTMENTS.--* * *

25 (D) THE GOVERNOR SHALL NOMINATE IN ACCORDANCE WITH THE
26 PROVISIONS OF THE CONSTITUTION OF THE COMMONWEALTH OF
27 PENNSYLVANIA AND, BY AND WITH THE ADVICE AND CONSENT OF A
28 MAJORITY OF THE MEMBERS ELECTED TO THE SENATE APPOINT PERSONS TO
29 FILL THE FOLLOWING POSITIONS:

30 (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 CLAUSE (L) OF SECTION 448
11 OF THE ACT, AMENDED JULY 9, 1970 (P.L.470, NO.161), IS AMENDED
12 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 (L) 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

1 JURISDICTION, POWERS AND DUTIES SPECIFICALLY CONCERN AND ARE
2 DIRECTED TO ADVANCING THE WELL-BEING OF PENNSYLVANIA'S OLDER
3 CITIZENS;

4 (2) TO EFFECT THE MAXIMUM FEASIBLE COORDINATION OF, AND
5 ELIMINATE DUPLICATION IN, THE COMMONWEALTH'S ADMINISTRATION OF
6 CERTAIN FEDERAL AND STATE PROGRAMS FOR OLDER PENNSYLVANIANS;

7 (3) TO FURTHER PROMOTE THE EFFICIENT DELIVERY OF CERTAIN
8 SOCIAL AND OTHER SERVICES TO OLDER PENNSYLVANIANS; AND

9 (4) TO PROMOTE THE CREATION AND GROWTH OF INDEPENDENT CLUBS
10 AND ASSOCIATIONS OF OLDER PENNSYLVANIANS AND RELATED ACTIVITIES
11 WHICH GIVE PROMISE OF ASSISTING OLDER PERSONS TO MAINTAIN LIVES
12 OF INDEPENDENCE AND DIGNITY; INVOLVEMENT IN THE SOCIAL, ECONOMIC
13 AND POLITICAL AFFAIRS OF THEIR COMMUNITIES; AND DIGNIFIED AND
14 EFFICIENT ASSISTANCE WHEN DISABLED OR IMPAIRED.

15 SECTION 2202-A. DEFINITIONS.--AS USED IN THIS ARTICLE:

16 "AREA AGENCY" MEANS THE SINGLE LOCAL AGENCY DESIGNATED WITHIN
17 EACH PLANNING AND SERVICE AREA TO ADMINISTER THE DELIVERY OF A
18 COMPREHENSIVE AND COORDINATED PLAN OF SOCIAL AND OTHER SERVICES
19 AND ACTIVITIES.

20 "AREA PLAN" MEANS THE PLAN SUBMITTED TO THE DEPARTMENT BY AN
21 AREA AGENCY DESCRIBING THE METHODS BY WHICH IT WILL ENSURE A
22 COORDINATED AND COMPREHENSIVE PLAN OF SOCIAL AND OTHER SERVICES
23 AND ACTIVITIES IN THE PLANNING AND SERVICE AREA.

24 "BOARDING HOME" MEANS ANY INSTITUTION OR FACILITY, HOWEVER
25 NAMED WHICH IS OPERATED FOR PROFIT OR OTHERWISE AND WHICH IS
26 ADVERTISED, ANNOUNCED OR MAINTAINED FOR THE EXPRESS OR IMPLIED
27 PURPOSE OF PROVIDING SHELTER, SERVICES OR SUPERVISION FOR TWO OR
28 MORE PERSONS, UNRELATED TO THE PROPRIETOR OF THE FACILITY, WHO
29 REQUIRE SOME LEVEL OF SUPERVISION OR ASSISTANCE IN CARRYING OUT
30 DAILY ROUTINE ACTIVITIES, BUT WHO ARE NOT SO ILL, AGED OR

1 DISABLED AS TO REQUIRE INSTITUTIONALIZATION IN A FACILITY
2 PROVIDING A HIGHER LEVEL OF CARE.

3 "COUNCIL" MEANS THE PENNSYLVANIA COUNCIL ON AGING.

4 "DEPARTMENT" MEANS THE DEPARTMENT OF AGING.

5 "DOMICILIARY CARE" IS A PROTECTED LIVING ARRANGEMENT IN THE
6 COMMUNITY WHICH INCLUDES ROOM, BOARD AND SERVICES FOR PERSONS
7 EIGHTEEN AND OLDER WHO CANNOT LIVE INDEPENDENTLY BECAUSE OF
8 THEIR SOCIAL AND ECONOMIC SITUATION.

9 "LOCAL AUTHORITY" MEANS THE COUNTY COMMISSIONERS.

10 "NONPROFIT SPONSOR" MEANS ANY NONPROFIT CORPORATION
11 DESIGNATED AS AN AREA AGENCY ON AGING OR AS THE SPONSOR OF ANY
12 AGING SERVICE OR ACTIVITY.

13 "OLDER PERSONS, AGED, AGING" MEANS THOSE PERSONS RESIDING
14 WITHIN PENNSYLVANIA WHO ARE AGE SIXTY OR OVER, OR, AS THE
15 SECRETARY MAY DETERMINE APPROPRIATE, PERSONS BELOW THIS AGE.

16 "PERSONAL CARE HOME FOR ADULTS" MEANS ANY PREMISES OPERATED
17 FOR PROFIT IN WHICH FOOD, SHELTER AND PERSONAL ASSISTANCE OR
18 SUPERVISION ARE PROVIDED FOR A PERIOD EXCEEDING TWENTY-FOUR
19 HOURS FOR MORE THAN TWO ADULTS WHO ARE NOT RELATIVES OF THE
20 OPERATOR AND WHO REQUIRE ASSISTANCE OR SUPERVISION IN SUCH
21 MATTERS AS DRESSING, BATHING, DIET OR MEDICATION PRESCRIBED FOR
22 SELF ADMINISTRATION.

23 "PLANNING AND SERVICE AREA" MEANS THE GEOGRAPHIC UNIT WITHIN
24 THE STATE, AS AUTHORIZED BY THE FEDERAL OLDER AMERICANS ACT OF
25 1965, AS AMENDED, FOR ALLOCATION OF FUNDS FOR THE DELIVERY OF
26 SOCIAL SERVICES.

27 "SECRETARY" MEANS THE SECRETARY OF AGING.

28 "SOLE STATE AGENCY" MEANS THAT STATE AGENCY AS DESIGNATED
29 UNDER THE FEDERAL OLDER AMERICANS ACT OF 1965, AS AMENDED.

30 SECTION 2203-A. POWERS AND DUTIES IN GENERAL.--THE

1 DEPARTMENT OF AGING HEREINAFTER REFERRED TO IN THIS ARTICLE AS
2 THE DEPARTMENT SHALL, SUBJECT TO ANY INCONSISTENT PROVISIONS IN
3 THIS ACT CONTAINED, HAVE THE POWER AND ITS DUTY SHALL BE TO:

4 (1) EVALUATE THE NEED FOR SERVICES FOR THE AGED WITHIN THE
5 STATE AND DETERMINE THE EXTENT TO WHICH PUBLIC AND PRIVATE
6 PROGRAMS MEET SUCH A NEED WITH SPECIAL EMPHASIS ON THE NEEDS AND
7 PARTICIPATION OF THE MINORITY ELDERLY.

8 (2) DEVELOP, IN CONSULTATION WITH THE COUNCIL AND ADMINISTER
9 A COMPREHENSIVE STATE PLAN FOR SERVICES, PROGRAMS, AND
10 ACTIVITIES FOR THE AGING FURNISHED BY STATE AGENCIES.

11 (3) PROVIDE FOR SERVICES TO THE AGING THROUGH AREA AGENCIES
12 FOR THE AGING AND OTHER APPROPRIATE AGENCIES, ORGANIZATIONS AND
13 INSTITUTIONS AUTHORIZED IN ACCORDANCE WITH THE FEDERAL OLDER
14 AMERICANS ACT OF 1965, RELATED FEDERAL ACTS, AND APPLICABLE
15 STATE LAW AND TO STIMULATE SERVICES AND OPPORTUNITIES FOR THE
16 AGING WHICH ARE NOT OTHERWISE AVAILABLE.

17 (4) FUNCTION AS THE SOLE STATE AGENCY TO RECEIVE AND
18 DISBURSE FEDERAL FUNDS UNDER THE OLDER AMERICANS ACT OF 1965 AND
19 STATE FUNDS MADE AVAILABLE FOR PROVIDING SERVICES TO OLDER
20 PERSONS.

21 (5) ADMINISTER THE STATE PLAN FOR THE AGING REQUIRED BY
22 FEDERAL LAW.

23 (6) SERVE AS AN ADVOCATE FOR THE AGING AT ALL LEVELS OF
24 GOVERNMENT AND TO PROVIDE CONSULTATION AND ASSISTANCE TO
25 COMMUNITIES AND CIVIC GROUPS DEVELOPING LOCAL SERVICES FOR OLDER
26 PERSONS.

27 (7) MAINTAIN A CLEARINGHOUSE OF INFORMATION RELATED TO THE
28 INTERESTS OF OLDER PERSONS AND PROVIDE TECHNICAL ASSISTANCE AND
29 CONSULTATION TO ALL AGENCIES, BOTH PUBLIC AND PRIVATE WITH
30 RESPECT TO PROGRAMS AND SERVICES FOR OLDER PERSONS.

1 (8) PROVIDE AN ANNUAL BUDGET AS MAY BE REASONABLY REQUIRED
2 BY THE PENNSYLVANIA COUNCIL ON AGING, THE FOUR REGIONAL COUNCILS
3 ON AGING AND THE TECHNICAL ADVISORY COMMITTEE.

4 (9) PROMOTE COMMUNITY EDUCATION REGARDING THE PROBLEMS OF
5 OLDER PERSONS THROUGH INSTITUTES, PUBLICATIONS, AND USE OF
6 COMMUNICATIONS MEDIA.

7 (10) COOPERATE WITH AGENCIES OF THE FEDERAL GOVERNMENT IN
8 STUDIES AND CONFERENCES DESIGNED TO EXAMINE THE NEEDS OF THE
9 AGING POPULATION AND TO ASSIST IN PREPARING PROGRAMS AND
10 DEVELOPING FACILITIES TO MEET THOSE NEEDS.

11 (11) PROMOTE AND SUPPORT PROGRAMS, STUDIES AND POLICIES, IN
12 COOPERATION WITH THE DEPARTMENTS OF LABOR AND INDUSTRY,
13 EDUCATION, COMMERCE, PUBLIC WELFARE AND OTHER AGENCIES, WHICH
14 WILL ENHANCE THE OPPORTUNITY FOR CONTINUED WORK, EDUCATION AND
15 TRAINING FOR OLDER PERSONS AND FOR PRERETIREMENT ASSISTANCE
16 WHERE APPROPRIATE.

17 (12) PROMOTE, THROUGH DIRECT GRANTS, CONTRACTS AND TECHNICAL
18 ASSISTANCE, THE DEVELOPMENT OF INDEPENDENT SENIOR CENTERS,
19 SERVICE ORGANIZATIONS, CLUBS, ASSOCIATIONS AND ORGANIZATIONS
20 DEDICATED TO THE RIGHTS AND NEEDS OF OLDER PERSONS AND PROVIDING
21 ACTIVITIES NOT IN CONFLICT WITH STATE OR AREA PLANS FOR THE
22 AGING.

23 (13) MAKE RECOMMENDATIONS FOR LEGISLATIVE ACTION TO THE
24 GOVERNOR AND THE GENERAL ASSEMBLY.

25 (14) IN COORDINATION WITH THE COUNCIL, DEVELOP AND CONDUCT
26 RESEARCH, DEMONSTRATION PROGRAMS AND TRAINING PROGRAMS TO
27 ADVANCE THE INTERESTS OF OLDER PERSONS.

28 (15) PUBLISH A DESCRIPTION OF THE ORGANIZATION AND FUNCTION
29 OF THE DEPARTMENT SO THAT ALL INTERESTED AGENCIES AND
30 INDIVIDUALS MAY BE BETTER ABLE TO SOLICIT ASSISTANCE FROM THE

1 DEPARTMENT.

2 (16) ADMINISTER AND SUPERVISE A DOMICILIARY CARE PROGRAM FOR
3 ADULTS.

4 (17) CONDUCT, IN COOPERATION WITH APPROPRIATE STATE AND
5 LOCAL PUBLIC AND PRIVATE AGENCIES YEARLY STUDIES AND EVALUATIONS
6 PERTAINING TO THE QUALITY OF LIFE, HEALTH AND SOCIAL NEEDS,
7 CIVIL RIGHTS AND STATUS OF OLDER PERSONS RESIDING IN BOARDING
8 HOMES, PERSONAL CARE HOMES AND SIMILAR RESIDENCIES AND REPORT
9 SUCH FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY
10 ANNUALLY.

11 (18) REVIEW ALL PROPOSED COMMONWEALTH PROGRAM PLANS AND
12 POLICIES, AND ADMINISTRATIVE REGULATIONS THAT ARE PUBLISHED IN
13 THE PENNSYLVANIA BULLETIN FOR THEIR IMPACT ON OLDER PERSONS.
14 WHERE THE SECRETARY BELIEVES THAT THEY HAVE AN IMPACT ON OLDER
15 PERSONS, HE SHALL COMMENT IN ACCORDANCE WITH THE PROVISIONS OF
16 THE COMMONWEALTH DOCUMENTS LAW.

17 (19) MAKE AND ENFORCE RULES AND REGULATIONS NECESSARY AND
18 PROPER TO THE PERFORMANCE OF ITS DUTIES.

19 (20) AFTER JULY 1, 1979 AND AT THE OPTION OF THE SECRETARY,
20 TO ADMINISTER THE ACT OF MARCH 11, 1971 (P.L.104, NO.3), KNOWN
21 AS THE "SENIOR CITIZENS PROPERTY TAX OR RENT REBATE ACT."

22 (21) AFTER JULY 1, 1979 AND AT THE OPTION OF THE SECRETARY,
23 TO ADMINISTER THE ACT OF JANUARY 22, 1968 (P.L.42, NO.8), KNOWN
24 AS THE "PENNSYLVANIA URBAN MASS TRANSPORTATION ASSISTANCE LAW OF
25 1967."

26 (22) SERVE AS AN ADVOCATE FOR THE NEEDS OF THE ADULT
27 HANDICAPPED AS SUCH NEEDS INVOLVE AND OVERLAP THE NEEDS AND
28 SERVICES OF OLDER PERSONS.

29 (23) COOPERATE WITH THE PENNSYLVANIA OFFICE OF PLANNING IN
30 THE DEVELOPMENT OF LOCAL, REGIONAL AND STATEWIDE SOLUTIONS TO

1 THE NEEDS OF OLDER PERSONS.

2 (24) REVIEW THE ACTIVITIES OF REGULATORY AND AGENCIES OF THE
3 COMMONWEALTH WHICH AFFECT THE FULL AND FAIR UTILIZATION OF STATE
4 AND COMMUNITY RESOURCES FOR PROGRAMS AND BENEFITS FOR OLDER
5 PERSONS AND INITIATE PROGRAMS WHICH WILL HELP ASSURE SUCH
6 UTILIZATION.

7 (25) CONDUCT, IN COOPERATION WITH THE DEPARTMENT OF HEALTH,
8 YEARLY STUDIES AND EVALUATIONS PERTAINING TO THE QUALITY OF CARE
9 AND RELATED SERVICES FOR NURSING HOME PATIENTS AND REPORT SUCH
10 FINDINGS TO THE GENERAL ASSEMBLY ANNUALLY.

11 (26) COLLABORATE WITH THE DEPARTMENT OF COMMUNITY AFFAIRS
12 AND THE PENNSYLVANIA HOUSING FINANCE AGENCY IN THE LOCATION,
13 DESIGN, MANAGEMENT AND SERVICES OF HOUSING BUILT FOR OLDER
14 PERSONS AND UPON REQUEST PROVIDE TECHNICAL ASSISTANCE TO LOCAL
15 HOUSING AUTHORITIES, NONPROFIT HOUSING AND COMMUNITY GROUPS,
16 REDEVELOPMENT AUTHORITIES, AND OTHER GROUPS WITH A SPECIAL
17 EMPHASIS ON PROGRAMS ON UTILITY COSTS, REHABILITATION AND
18 MAINTENANCE OF THE HOMES OF OLDER PERSONS.

19 (27) REVIEW AND COMMENT ON ALL RULES, REGULATIONS,
20 ELIGIBILITY OR PAYMENT STANDARDS ISSUED BY THE DEPARTMENTS OF
21 PUBLIC WELFARE, ENVIRONMENTAL RESOURCES, HEALTH OR LABOR AND
22 INDUSTRY RELATING TO THE LICENSURE AND REGULATION OF NURSING
23 HOMES, HOSPITALS, AND OTHER HEALTH FACILITIES; MEDICAL
24 ASSISTANCE, SUPPLEMENTAL SECURITY INCOME; HOMEMAKING AND HOME-
25 HEALTH CARE OR RESIDENTIAL CARE FACILITIES FOR OLDER ADULTS.
26 SAID RULES, REGULATIONS AND STANDARDS SHALL NOT TAKE EFFECT
27 UNTIL THEY HAVE BEEN SUBMITTED TO THE DEPARTMENT FOR COMMENT.

28 (28) REVIEW AND COMMENT ON RULES, REGULATIONS, ELIGIBILITY
29 STANDARDS, OR CONTRACT PROVISIONS ISSUED BY THE DEPARTMENTS OF
30 REVENUE AND TRANSPORTATION RELATING TO ACTIVITIES FINANCED IN

1 WHOLE OR IN PART BY THE PENNSYLVANIA LOTTERY. SAID RULES,
2 REGULATIONS, ELIGIBILITY STANDARDS AND CONTRACT PROVISIONS SHALL
3 NOT TAKE EFFECT UNTIL THEY HAVE BEEN SUBMITTED TO THE DEPARTMENT
4 FOR COMMENT.

5 (29) REVIEW AND COMMENT ON RULES, REGULATIONS, ELIGIBILITY
6 STANDARDS OR CONTRACT PROVISIONS ISSUED BY THE DEPARTMENT OF
7 TRANSPORTATION RELATING TO SPECIALIZED TRANSPORTATION NEEDS OF
8 THE ELDERLY AND THE HANDICAPPED IN RURAL AND URBAN AREAS. SAID
9 RULES, REGULATIONS, ELIGIBILITY STANDARDS OR CONTRACT PROVISIONS
10 SHALL NOT TAKE EFFECT UNTIL THEY HAVE BEEN SUBMITTED TO THE
11 DEPARTMENT FOR COMMENT.

12 SECTION 2204-A. PENNSYLVANIA COUNCIL ON AGING.--(A) THERE
13 IS HEREBY CREATED IN THE OFFICE OF THE GOVERNOR THE PENNSYLVANIA
14 COUNCIL ON AGING WHICH SHALL CONSIST OF NINETEEN PERSONS AT
15 LEAST TEN OF WHOM SHALL BE FIFTY-FIVE YEARS OF AGE OR OLDER, AND
16 OF WHICH FOUR SHALL BE THE CHAIRPERSONS OF THE REGIONAL COUNCIL
17 ON AGING AND TWELVE ALTERNATE MEMBERS.

18 (B) THE MEMBERS OF THE COUNCIL SHALL BE APPOINTED BY THE
19 GOVERNOR AND SHALL REPRESENT, AS FAR AS POSSIBLE, DIFFERENT
20 GEOGRAPHICAL SECTIONS OF THE COMMONWEALTH. THE MEMBERS SHALL BE
21 APPOINTED ON STAGGERED TERMS OF ONE TO THREE YEARS. MEMBERS
22 SHALL BE ELIGIBLE FOR REAPPOINTMENT.

23 (C) THE COUNCIL SHALL PROVIDE FOR ITS ORGANIZATION AND
24 PROCEDURE INCLUDING THE SELECTION OF A CHAIRMAN AND SUCH OTHER
25 OFFICERS AS DEEMED NECESSARY.

26 (D) THE CITIZEN MEMBERS OF THE COUNCIL SHALL RECEIVE NO
27 COMPENSATION FOR THEIR SERVICES ON THE COUNCIL BUT SHALL BE
28 REIMBURSED BY THE DEPARTMENT FOR ANY ORDINARY AND NECESSARY
29 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

30 (E) THE COUNCIL SHALL MEET AT LEAST SIX TIMES PER YEAR TO

1 REVIEW AND COMMENT UPON ALL REPORTS OF THE DEPARTMENT OF AGING
2 TO THE GOVERNOR AND THE GENERAL ASSEMBLY.

3 (F) THE COUNCIL SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

4 (1) ASSIST THE DEPARTMENT IN THE PREPARATION OF THE ANNUAL
5 STATE PLAN ON AGING.

6 (2) TO REVIEW AND COMMENT ON RULES AND REGULATIONS
7 PROMULGATED BY THE DEPARTMENT.

8 (3) TO PREPARE AND SUBMIT TO THE GOVERNOR, THE GENERAL
9 ASSEMBLY, THE SECRETARY OF THE DEPARTMENT OF AGING AND THE
10 PUBLIC AN ANNUAL REPORT EVALUATING THE LEVEL AND QUALITY OF
11 SERVICES AND PROGRAMS PROVIDED TO THE AGING BY COMMONWEALTH
12 AGENCIES TOGETHER WITH RECOMMENDATIONS FOR IMPROVED, EXPANDED OR
13 ADDITIONAL PROGRAMS AND SERVICES FOR THE AGING.

14 (4) TO CARRY OUT PUBLIC HEARINGS ON MATTERS AFFECTING THE
15 RIGHTS AND INTERESTS OF THE AGING INCLUDING MATTERS INVOLVING
16 CASES OF NEGLECT, ABUSE AND AGE DISCRIMINATION AGAINST OLDER
17 PERSONS IN THE ADMINISTRATION OF THE LAWS OF THE COMMONWEALTH
18 AND ITS POLITICAL SUBDIVISIONS.

19 (5) TO CARRY OUT COMPREHENSIVE STUDIES IN THE AREAS OF AGE
20 DISCRIMINATION, HEALTH CARE, HOUSING, UTILITY COSTS, TAXATION,
21 INCOME SUPPORT AND TRANSPORTATION AND TO REPORT TO THE GOVERNOR,
22 THE GENERAL ASSEMBLY, THE SECRETARY AND THE PUBLIC ITS FINDINGS
23 AND RECOMMENDATIONS IN REGARD TO APPROPRIATE ACTION AND A LONG-
24 TERM STRATEGY FOR THE AGING IN EACH OF THESE RESPECTIVE AREAS OF
25 STUDY WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT. IN EACH
26 SUCCEEDING YEAR, THE COUNCIL SHALL ENGAGE IN SIMILAR STUDIES AND
27 REPORTS ON MAJOR ISSUES AFFECTING THE AGING.

28 (6) CONSULT WITH THE SECRETARY REGARDING THE OPERATIONS OF
29 THE DEPARTMENT.

30 (7) TO ESTABLISH AT LEAST FOUR REGIONAL COUNCILS ON AGING

1 WHICH SHALL CONSIST OF FIFTEEN CITIZEN MEMBERS AND CONCERNING
2 WHICH THE COMPOSITION, MEMBERS' TERMS OF OFFICES, ORGANIZATION
3 AND DUTIES AND RESPONSIBILITIES SHALL BE DETERMINED BY THE
4 COUNCIL.

5 (8) EMPLOY, WITH SUCH FUNDS AS ARE PROVIDED BY THE
6 DEPARTMENT, SUFFICIENT STAFF AND SERVICES TO CARRY OUT THESE
7 DUTIES AND POWERS AS WELL AS THE DUTIES AND POWERS OF THE
8 REGIONAL COUNCILS.

9 SECTION 2205-A. PLANNING AND SERVICE AREA.--THE COMMONWEALTH
10 SHALL BE DIVIDED INTO DISTRICT PLANNING AND SERVICE AREAS AS
11 DETERMINED BY THE SECRETARY, PURSUANT TO THE FEDERAL OLDER
12 AMERICANS ACT OF 1965, AS AMENDED.

13 SECTION 2206-A. DESIGNATED AREA AGENCIES.--(A) FOR EACH
14 PLANNING AND SERVICE AREA THERE SHALL BE AN AREA AGENCY
15 ESTABLISHED BY THE DEPARTMENT IN ACCORDANCE WITH THE FEDERAL
16 OLDER AMERICANS ACT OF 1965, AS AMENDED. SUCH AREA AGENCY SO
17 DESIGNATED MUST BE (I) AN ESTABLISHED OFFICE OF AGING; (II) ANY
18 OFFICE OR AGENCY OF THE LOCAL AUTHORITY, WHICH IS DESIGNATED FOR
19 THIS PURPOSE BY THE CHIEF ELECTED OFFICIALS OF THE LOCAL
20 AUTHORITY; (III) ANY OFFICE OR AGENCY DESIGNATED BY THE CHIEF
21 ELECTED OFFICIALS OF A COMBINATION OF LOCAL AUTHORITIES TO ACT
22 ON BEHALF OF SUCH COMBINATION FOR THIS PURPOSE; OR (IV) ANY
23 PUBLIC OR NONPROFIT PRIVATE AGENCY IN A PLANNING AND SERVICE
24 AREA WHICH IS UNDER THE SUPERVISION OR DIRECTION FOR THIS
25 PURPOSE OF THE DESIGNATED STATE AGENCY AND WHICH CAN ENGAGE IN
26 THE PLANNING OR PROVISION OF A BROAD RANGE OF SOCIAL SERVICES
27 WITHIN SUCH PLANNING AND SERVICE AREA; AND MUST PROVIDE
28 ASSURANCE, FOUND ADEQUATE BY THE DEPARTMENT, THAT IT WILL HAVE
29 THE ABILITY TO DEVELOP AND ADMINISTER AN AREA PLAN. THE
30 SECRETARY MAY REDESIGNATE AREA AGENCIES BASED ON REGULATIONS

1 WHICH SHALL BE ISSUED WITHIN ONE HUNDRED TWENTY DAYS OF THE
2 EFFECTIVE DATE OF THIS ACT. SUCH REGULATIONS SHALL INCLUDE
3 CRITERIA OF EFFICIENCIES, APPROPRIATENESS AND EQUITY AND SHALL
4 PROVIDE FOR PUBLIC HEARINGS ON REDESIGNATION CONDUCTED IN THE
5 AFFECTED PLANNING AND SERVICE AREAS. ANY SUCH DETERMINATIONS OF
6 REDESIGNATION SHALL BE EXECUTED NOT LESS THAN ONE HUNDRED DAYS
7 PRIOR TO THE BEGINNING OF THE FISCAL YEAR OF THE LOCAL
8 AUTHORITY.

9 SECTION 2207-A. AREA AGENCIES; POWERS AND DUTIES.--(A) THE
10 AREA AGENCY SHALL HAVE THE AUTHORITY TO ACT AS AN ADVOCATE AT
11 ALL LEVELS OF GOVERNMENT AND WITHIN THE COMMUNITY AT LARGE FOR
12 THE INTERESTS OF OLDER PERSONS WITHIN THE PLANNING AND SERVICE
13 AREA. IT SHALL DEVELOP A COMPREHENSIVE AREA PLAN TO COORDINATE
14 SERVICES FOR OLDER PERSONS WITHIN ITS PLANNING AND SERVICE AREA
15 AS THE DEPARTMENT MAY PRESCRIBE BY REGULATION. THE AREA PLAN
16 SHALL MAKE PROVISION FOR:

17 (1) INFORMATION AND REFERRAL, ADVOCACY PROGRAMS.

18 (2) SOCIAL SERVICE CASE MANAGEMENT AND CASEWORK SERVICES
19 INCLUDING PROTECTIVE PLACEMENT AND SERVICES.

20 (3) TRANSPORTATION SERVICES.

21 (4) LEGAL COUNSELING AND REPRESENTATION.

22 (5) IN-HOME SERVICES INCLUDING RESIDENTIAL REPAIR,
23 HOMEMAKER, HOME CHORE SERVICES, AND CONGREGATE AND HOME
24 DELIVERED MEALS.

25 (6) ASSISTANCE TO SECURE ADEQUATE HOUSING AND HEALTH
26 SERVICES.

27 (7) OTHER SERVICES REQUIRED BY FEDERAL LAW AND OTHER SUCH
28 SERVICES AND ACTIVITIES DESIGNATED BY THE DEPARTMENT OR
29 IDENTIFIED AS CRITICAL NEEDS BY THE AREA AGENCY AND THE AREA
30 AGENCY ADVISORY BOARD. THE STATE PLAN ON AGING AND GRANTS AND

CONTRACTS PROVIDED BY THE DEPARTMENT SHALL REASONABLY
ACCOMMODATE SUCH LOCALLY DESIGNATED PRIORITIES AND CRITICAL
NEEDS.

(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

1 THIS ACT.

2 (D) THE AREA AGENCY MAY GRANT TO OR CONTRACT WITH ANY
3 PUBLIC, PRIVATE OR NONPROFIT AGENCY FOR THE PROVISIONS OF SOCIAL
4 SERVICES. THE AREA AGENCY IS AUTHORIZED TO USE, WITH THEIR
5 CONSENT, THE SERVICES, EQUIPMENT, PERSONNEL AND FACILITIES OF
6 FEDERAL AND STATE AGENCIES, WITH OR WITHOUT REIMBURSEMENT, AND
7 ON A SIMILAR BASIS TO COOPERATE WITH OTHER PUBLIC AND PRIVATE
8 AGENCIES, AND INSTRUMENTALITIES, IN THE USE OF SERVICES,
9 EQUIPMENT AND FACILITIES.

10 SECTION 2208-A. AREA AGENCY ADVISORY BOARDS.--IN EACH
11 PLANNING AND SERVICE AREA, AN ADVISORY BOARD OF AT LEAST FIFTEEN
12 MEMBERS SHALL BE APPOINTED TO THE AREA AGENCY. THE DEPARTMENT
13 SHALL ISSUE REGULATIONS DESIGNATING THE SELECTION PROCESS,
14 COMPOSITION AND POWERS OF ADVISORY BOARDS WITHIN ONE HUNDRED
15 EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS ACT. SUCH REGULATIONS
16 SHALL PROVIDE FOR A MAJORITY OF SUCH BOARDS TO BE COMPOSED OF
17 PERSONS ABOVE THE AGE OF SIXTY; MAXIMUM POSSIBLE INVOLVEMENT OF
18 SUCH BOARDS IN DETERMINING LOCAL PROGRAMS AND POLICIES AND
19 ADVOCACY ROLES WITHIN AREA AGENCY PROGRAMS AND LOCAL COMMUNITIES
20 AS WELL AS FOR ADMINISTRATIVE FUNDS TO CARRY OUT THEIR
21 FUNCTIONS.

22 SECTION 2209-A. AREA AGENCIES; REPORTS AND PLANS.--(A) THE
23 AREA AGENCY SHALL SUBMIT TO THE DEPARTMENT OF AGING AN ANNUAL
24 REPORT DESCRIBING AND EVALUATING ITS PROGRAMS AND SERVICES
25 WITHIN THIRTY DAYS AFTER THE CLOSE OF THE AREA AGENCY'S FISCAL
26 YEAR.

27 (B) THE AREA AGENCY SHALL SUBMIT TO THE DEPARTMENT FOR
28 APPROVAL AN AREA PLAN NINETY DAYS PRIOR TO THE START OF THE AREA
29 AGENCY'S FISCAL YEAR. THE AREA AGENCY SHALL CONDUCT, PRIOR TO
30 THE SUBMISSION OF THE AREA PLAN TO THE DEPARTMENT FOR APPROVAL,

1 A PUBLIC HEARING ON THE AREA PLAN. IF THE DEPARTMENT APPROVES
2 THE AREA PLAN, OR FAILS TO ACT WITHIN SIXTY DAYS, THE AREA PLAN
3 SHALL GO INTO EFFECT AT THE BEGINNING OF THE FISCAL YEAR. IF THE
4 DEPARTMENT DISAPPROVES THE AREA PLAN, IT SHALL FORWARD THE
5 REASONS FOR DISAPPROVAL TO THE AREA AGENCY WHICH SHALL HAVE
6 TWENTY DAYS TO RESUBMIT AN AMENDED AREA PLAN. IF THE DEPARTMENT
7 APPROVES THE RESUBMITTED AREA PLAN, IT SHALL BE EFFECTIVE AT THE
8 BEGINNING OF THE FISCAL YEAR. IF THE RESUBMITTED AREA PLAN IS
9 DISAPPROVED, THE DEPARTMENT SHALL FORWARD ITS REVISED AREA PLAN
10 FOR IMPLEMENTATION BY THE AREA AGENCY AT THE BEGINNING OF THE
11 FISCAL YEAR, PROVIDED THAT THE DEPARTMENT SHALL HOLD A HEARING
12 IN THE AREA PRIOR TO SUCH ACTION AND THAT THE DEPARTMENT MAY
13 AUTHORIZE THE CONTINUATION OF THE PROVISION OF SERVICES UNDER
14 THE CURRENT AREA PLAN FOR A PERIOD NOT TO EXCEED NINETY DAYS.

15 SECTION 2210-A. ALLOCATION OF RESOURCES.--(A) THE AREA
16 AGENCY SHALL RECEIVE A BASIC ALLOCATION OF RESOURCES, CONSISTING
17 OF STATE AND FEDERAL FUNDS, BASED UPON THE PROPORTION OF OLDER
18 PERSONS WHO RESIDE IN THE PLANNING AND SERVICE AREA IN RELATION
19 TO THE TOTAL NUMBER OF OLDER PERSONS WHO RESIDE IN THE
20 COMMONWEALTH OF PENNSYLVANIA, EXCEPT THAT EACH AREA AGENCY IS
21 ENTITLED TO A MINIMUM ALLOCATION OF RESOURCES AS UNIFORMLY
22 ESTABLISHED BY THE SECRETARY.

23 (B) THE DEPARTMENT MAY ALLOCATE ADDITIONAL RESOURCES TO AREA
24 AGENCIES BASED UPON THE TOTAL NUMBER OF OLDER PERSONS WHO RESIDE
25 WITHIN THE PLANNING AND SERVICE AREA, THE AVAILABILITY OF
26 TRANSPORTATION SERVICES, THE RURAL-URBAN DISTRIBUTION OF OLDER
27 PERSONS, AND ATTENDANT RURAL PROGRAM COST DIFFERENTIALS, THE
28 NEED FOR SOCIAL AND MEDICAL SERVICES, THE AMOUNT OF FUNDS
29 DEVOTED BY COUNTY COMMISSIONERS FOR OLDER PERSONS AND OTHER
30 SPECIAL CIRCUMSTANCES AS DETERMINED BY THE SECRETARY.

1 (C) FUNDS APPROPRIATED TO CARRY OUT THE PURPOSES OF THIS ACT
2 SHALL BE DISTRIBUTED TO THE LOCAL AUTHORITIES OR NONPROFIT
3 AGENCIES AS GRANTS FOR SERVICES TO THE AGING, IF THERE IS AN
4 ACCEPTABLE PLAN IN ACCORDANCE WITH SECTION 2209-A.

5 (D) THE DEPARTMENT OF PUBLIC WELFARE SHALL TRANSFER, FOR
6 THREE STATE FISCAL YEARS IMMEDIATELY SUBSEQUENT TO THE EFFECTIVE
7 DATE OF THIS ACT, TO THE DEPARTMENT OF AGING A PROPORTION OF THE
8 STATE ALLOTMENT UNDER TITLE XX OF THE SOCIAL SECURITY ACT AT
9 LEAST EQUAL TO THE PROPORTION OF SUCH FUNDS, INCLUDING TRAINING
10 AND ADMINISTRATIVE FUNDS, ALLOCATED TO THE OFFICE FOR THE AGING
11 IN RELATION TO THE STATE'S TOTAL ALLOTMENT IN THE SAME FISCAL
12 YEAR AS THE EFFECTIVE DATE OF THIS ACT.

13 SECTION 2211-A. EVALUATION.--THE DEPARTMENT OF AGING SHALL
14 CONTINUALLY REVIEW AND EVALUATE THE ACTIVITIES OF AREA AGENCIES
15 AND THE IMPACT AND EFFECTIVENESS OF ALL PROGRAMS UNDER THIS ACT.
16 THE DEPARTMENT SHALL ENSURE THAT EVALUATIONS, INCLUDING AN
17 ONSITE EVALUATION, BE MADE ANNUALLY OF ALL AREA AGENCY
18 ACTIVITIES AND PROGRAMS. A WRITTEN REPORT OF THE FINDINGS OF THE
19 EVALUATION SHALL BE SUBMITTED TO THE AREA AGENCY SUBJECT TO THE
20 EVALUATION AND WITHIN THIRTY DAYS SHALL BE AVAILABLE TO THE
21 PUBLIC. IN ALL EVALUATIONS, THE DEPARTMENT SHALL OBTAIN THE
22 VIEWS OF PROGRAM BENEFICIARIES CONCERNING STRENGTHS AND
23 WEAKNESSES OF THE PROGRAM. OTHER DEPARTMENTS AND AGENCIES OF THE
24 COMMONWEALTH SHALL MAKE AVAILABLE TO THE DEPARTMENT INFORMATION
25 NECESSARY FOR SUCH EVALUATIONS. ANNUALLY THE DEPARTMENT SHALL
26 SUBMIT TO THE GOVERNOR AND THE GENERAL ASSEMBLY A REPORT ON ITS
27 ACTIVITIES INCLUDING STATISTICAL DATA REFLECTING SERVICES AND
28 ACTIVITIES PROVIDED OLDER PERSONS DURING THE PRECEDING FISCAL
29 YEAR.

30 SECTION 2212-A. DEMONSTRATION PROGRAMS.--IN RECOGNITION OF

1 THE NEED FOR EXPANDED KNOWLEDGE AND EXPERIENCE CONCERNING THE
2 STATUS OF OLDER PERSONS IN PENNSYLVANIA, THE SECRETARY OF AGING
3 MAY PROVIDE FOR RESEARCH AND DEMONSTRATION PROGRAMS FOR THE
4 PURPOSE OF:

5 (1) STUDYING CURRENT LIVING CONDITIONS AND NEEDS OF OLDER
6 PERSONS, WITH SPECIAL EMPHASIS ON PERSONS WITH LOW INCOME,
7 FUNCTIONAL DISABILITIES, ADVANCED AGE AND ISOLATED LIVING
8 SITUATIONS.

9 (2) STUDYING EXISTING METHODS AND ALTERNATIVES FOR PROVIDING
10 SERVICES, PROGRAMS AND OPPORTUNITIES TO OLDER PERSONS.

11 (3) IDENTIFYING THOSE FACTORS OF PARTICULAR DETRIMENT OR
12 BENEFIT TO THE WELFARE OF OLDER PERSONS.

13 (4) DEVELOPING NEW APPROACHES AND ALTERNATIVES FOR LIVING
14 ARRANGEMENTS, SOCIAL SERVICES, INSTITUTIONAL CARE, HEALTH
15 SERVICES, LEGAL REPRESENTATION AND THE COORDINATION OF COMMUNITY
16 SERVICES FOR OLDER PERSONS.

17 SECTION 7. SECTION 2328 OF THE ACT, AMENDED JULY 9, 1970
18 (P.L.470, NO.161), IS AMENDED TO READ:

19 SECTION 2328. POWERS AND DUTIES OF ADVISORY COMMITTEES.--THE
20 [ADVISORY COMMITTEE FOR THE AGING, THE] ADVISORY COMMITTEE FOR
21 THE BLIND, THE ADVISORY COMMITTEE FOR GENERAL AND SPECIAL
22 HOSPITALS, THE ADVISORY COMMITTEE FOR CHILDREN AND YOUTH, THE
23 ADVISORY COMMITTEE FOR PUBLIC ASSISTANCE AND THE ADVISORY
24 COMMITTEE FOR MENTAL HEALTH AND MENTAL RETARDATION, SHALL,
25 CONCERNING MATTERS WITHIN THEIR RESPECTIVE SPECIAL FIELDS OF
26 INTEREST, HAVE THE POWER AND THEIR DUTY SHALL BE:

27 (A) TO ADVISE THE APPROPRIATE MAJOR PROGRAM UNIT OF THE
28 DEPARTMENT OF PUBLIC WELFARE. THIS ADVICE SHALL INCLUDE, BUT
29 SHALL NOT BE LIMITED TO, SUCH MATTERS AS STANDARDS OF
30 ELIGIBILITY, NATURE AND EXTENT OF SERVICE, AMOUNTS OF PAYMENTS

1 TO INDIVIDUALS, STANDARDS OF APPROVAL, CERTIFICATION AND
2 LICENSURE OF INSTITUTIONS AND AGENCIES, WAYS AND MEANS OF
3 COORDINATING PUBLIC AND PRIVATE WELFARE ACTIVITIES, AND SUCH
4 OTHER MATTERS AS MAY, BY LAW, REQUIRE CITIZEN REVIEW OR MAY BE
5 REFERRED TO THE COMMITTEES BY THE DEPARTMENTAL UNITS ADVISED BY
6 THEM; AND THE ADVISORY COMMITTEE FOR MENTAL HEALTH AND MENTAL
7 RETARDATION SHALL ALSO HAVE THE POWER AND DUTY TO ADVISE THE
8 GOVERNOR AND THE SECRETARY OF PUBLIC WELFARE WITH REGARD TO THE
9 APPOINTMENT OF THE COMMISSIONER OF MENTAL HEALTH.

10 (B) TO ARRANGE FOR AND CONDUCT SUCH PUBLIC HEARINGS AS MAY
11 BE REQUIRED BY LAW OR WHICH THEY DEEM NECESSARY AND ADVISABLE,

12 (C) TO PROMOTE BETTER PUBLIC UNDERSTANDING OF THE PROGRAMS
13 AND OBJECTIVES OF THE DEPARTMENTAL UNITS ADVISED BY THEM, AND

14 (D) TO MAKE RECOMMENDATIONS TO THE STATE BOARD OF PUBLIC
15 WELFARE ON MATTERS REFERRED TO THE COMMITTEES FOR CONSIDERATION
16 AND ADVICE, OR AS MAY BE REQUIRED TO PROMOTE THE EFFECTIVENESS
17 OF THE PROGRAMS, OF THE DEPARTMENTAL UNITS ADVISED BY THEM.

18 SECTION 8. THE SECRETARY OF AGING SHALL RECEIVE AN ANNUAL
19 SALARY OF \$41,250, PAYABLE IN SEMIMONTHLY INSTALLMENTS.

20 SECTION 9. (A) ALL PERSONNEL, ALLOCATIONS, APPROPRIATIONS,
21 EQUIPMENT, FILES, RECORDS, CONTRACTS, AGREEMENTS, OBLIGATIONS,
22 AND OTHER MATERIALS WHICH ARE USED, EMPLOYED OR EXPENDED BY THE
23 DEPARTMENT OF PUBLIC WELFARE IN CONNECTION WITH THE POWERS,
24 DUTIES OR FUNCTIONS EXERCISED UNDER THIS ACT BY THE DEPARTMENT
25 OF AGING ARE HEREBY TRANSFERRED TO THE DEPARTMENT OF AGING WITH
26 THE SAME FORCE AND EFFECT AS IF THE APPROPRIATIONS HAD BEEN MADE
27 TO AND SAID ITEMS HAD BEEN THE PROPERTY OF THE DEPARTMENT OF
28 AGING IN THE FIRST INSTANCE AND AS IF SAID CONTRACTS, AGREEMENTS
29 AND OBLIGATIONS HAD BEEN INCURRED OR ENTERED INTO BY SAID
30 DEPARTMENT OF AGING.

1 (B) ALL PERSONNEL, ALLOCATIONS, APPROPRIATIONS, EQUIPMENT,
2 FILES, RECORDS, CONTRACTS, AGREEMENTS, OBLIGATIONS, AND OTHER
3 MATERIALS WHICH ARE USED, EMPLOYED OR EXPENDED BY THE DEPARTMENT
4 OF REVENUE IN CONNECTION WITH THE POWERS, DUTIES OR FUNCTIONS
5 EXERCISED UNDER THIS ACT BY THE DEPARTMENT OF AGING ARE HEREBY
6 TRANSFERRED TO THE DEPARTMENT OF AGING WITH THE SAME FORCE AND
7 EFFECT AS IF THE APPROPRIATIONS HAD BEEN MADE TO AND SAID ITEMS
8 HAD BEEN THE PROPERTY OF THE DEPARTMENT OF AGING IN THE FIRST
9 INSTANCE, AND AS IF SAID CONTRACTS, AGREEMENTS AND OBLIGATIONS
10 HAD BEEN INCURRED OR ENTERED INTO BY SAID DEPARTMENT OF AGING.

11 (C) ALL PERSONNEL, ALLOCATIONS, APPROPRIATIONS, EQUIPMENT,
12 FILES, RECORDS, CONTRACTS, AGREEMENTS, OBLIGATIONS, AND OTHER
13 MATERIALS WHICH ARE USED, EMPLOYED OR EXPENDED BY THE DEPARTMENT
14 OF TRANSPORTATION IN CONNECTION WITH THE POWERS, DUTIES OR
15 FUNCTIONS EXERCISED UNDER THIS ACT BY THE DEPARTMENT OF AGING
16 ARE HEREBY TRANSFERRED TO THE DEPARTMENT OF AGING WITH THE SAME
17 FORCE AND EFFECT AS IF THE APPROPRIATIONS HAD BEEN MADE TO AND
18 SAID ITEMS HAD BEEN THE PROPERTY OF THE DEPARTMENT OF AGING IN
19 THE FIRST INSTANCE AND AS IF SAID CONTRACTS, AGREEMENTS AND
20 OBLIGATIONS HAD BEEN INCURRED OR ENTERED INTO BY SAID DEPARTMENT
21 OF AGING.

22 SECTION 10. (A) ALL POSITIONS IN THE DEPARTMENT OF AGING
23 SHALL BE DEEMED TO BE INCLUDED IN THE LIST OF POSITIONS SET
24 FORTH IN SECTION 3(D) OF THE ACT OF AUGUST 5, 1941 (P.L.752,
25 NO.286), KNOWN AS THE "CIVIL SERVICE ACT," AND THE PROVISIONS
26 AND BENEFITS OF THE ACT SHALL BE APPLICABLE TO THE EMPLOYEES OF,
27 AND POSITIONS IN, THE DEPARTMENT.

28 (B) ALL PERSONNEL TRANSFERRED TO THE DEPARTMENT OF AGING
29 FROM OTHER STATE AGENCIES AND DEPARTMENTS PURSUANT TO THIS ACT
30 SHALL RETAIN ANY CIVIL SERVICE OR OTHER EMPLOYMENT STATUS

1 ASSIGNED TO SAID PERSONNEL IN THOSE DEPARTMENTS AND AGENCIES
2 PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

3 SECTION 11. THE DEPARTMENT OF AGING SHALL EXPIRE ON JANUARY
4 1, 1985 UNLESS REESTABLISHED BY THE GENERAL ASSEMBLY DURING THE
5 LEGISLATIVE SESSION OF THE YEAR IMMEDIATELY PRECEDING THE
6 SCHEDULED EXPIRATION. THE DEPARTMENT MAY BE REESTABLISHED FOR
7 PERIODS NOT TO EXCEED SIX YEARS.

8 SECTION 12. (A) SECTION 601, ACT OF JUNE 13, 1967 (P.L.31,
9 NO.21), KNOWN AS THE "PUBLIC WELFARE CODE," IS REPEALED.

10 (B) THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE
11 "PUBLIC WELFARE CODE," IS REPEALED INsofar AS IT IS INCONSISTENT
12 HERewith.

13 (C) THE ACT OF JANUARY 22, 1968 (P.L.42, NO.8), KNOWN AS THE
14 "PENNSYLVANIA URBAN MASS TRANSPORTATION ASSISTANCE LAW OF 1967,"
15 IS REPEALED INsofar AS IT IS INCONSISTENT HERewith.

16 (D) THE ACT OF MARCH 11, 1971 (P.L.104, NO.3), KNOWN AS THE
17 "SENIOR CITIZENS PROPERTY TAX OR RENT REBATE ACT," IS REPEALED
18 INsofar AS IT IS INCONSISTENT HERewith.

19 (E) ALL OTHER ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS
20 THEY ARE INCONSISTENT HERewith.

21 SECTION 13. IN FILLING ALL VACANCIES AUTHORIZED TO THE
22 DEPARTMENT, THE SECRETARY SHALL ASSURE PREFERENCE TO PERSONS
23 ABOVE THE AGE OF 50.

24 SECTION 14. THIS ACT SHALL TAKE EFFECT JANUARY 1, 1979 AND
25 THE GOVERNOR SHALL NOMINATE A SECRETARY WITHIN 30 DAYS OF THAT
26 DATE. PROGRAMS AND ACTIVITIES AUTHORIZED BY THIS ACT SHALL NOT
27 COMMENCE BEFORE JULY 1, 1979 EXCEPT THAT THE SECRETARY AND
28 ADEQUATE STAFF, TO BE SUPPORTED FROM THE AFFECTED AUTHORIZATIONS
29 DESCRIBED IN SECTION 9, SHALL IMMEDIATELY COMMENCE TRANSITIONAL
30 AND BUDGETARY ACTIVITIES UPON HIS CONFIRMATION.