

No. 1978-70

AN ACT

SB 74

Amending the act of April 9, 1929 (P.L. 177, No. 175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," creating the Department of Aging and prescribing its functions, powers and duties.

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

Section 1. Section 201, act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929," amended July 22, 1975 (P.L. 75, No. 45) and December 19, 1975 (P.L. 602, No. 172), is amended to read:

Section 201. Executive Officers, Administrative Departments and Independent Administrative Boards and Commissions.—The executive and administrative work of this Commonwealth shall be performed by the Executive Department, consisting of the Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, and Secretary of Education; by the Executive Board, and the Pennsylvania State Police; by the following administrative departments: Department of State, Department of Justice, Department of the Auditor General, Treasury Department, Department of Education, Department of Military Affairs, Insurance Department, Department of Banking, Department of Agriculture, Department of Transportation, Department of Health, Department of Labor and Industry, *Department of Aging*, Department of Public Welfare, Department of General Services, Department of Revenue, Department of Commerce, Department of Community Affairs and Department of Environmental Resources; and by the following independent administrative boards and commissions: Pennsylvania Game Commission, Pennsylvania Fish Commission, State Civil Service Commission, Pennsylvania Public Utility Commission, the Pennsylvania Historical and Museum Commission and the Pennsylvania Securities Commission.

All of the provisions of this act, which apply generally to administrative

departments, or generally except to the Department of the Auditor General and the Treasury Department, shall apply to the Executive Board and to the Pennsylvania State Police.

Section 2. As much as applies to the Department of Public Welfare of section 203 of the act, amended December 3, 1970 (P.L.834, No.275), is amended to read:

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

* * *

In the Department of Public Welfare,
 State Board of Public Welfare,
[Advisory Committee for the Aging,]
 Advisory Committee for the Blind,
 Advisory Committee for General and Special Hospitals,
 Advisory Committee for Children and Youth,
 Advisory Committee for Public Assistance,
 Advisory Committee for Mental Health and Mental Retardation;

* * *

Section 3. Section 206 of the act, amended July 22, 1975 (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 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 Secretary of the Commonwealth, the Adjutant General, the Insurance Commissioner, the Secretary of Banking, the Secretary of Agriculture, the Secretary of Transportation, the Secretary of Health, the Commissioner of the State Police, the Secretary of Labor and Industry, *the Secretary of Aging*, the Secretary of Public Welfare, the Secretary of General Services, the Secretary of Revenue, the Secretary of Commerce, the Secretary of Community Affairs and the Secretary of Environmental Resources.

* * *

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

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

* * *

(1) The following advisory committees are hereby created:

[Advisory Committee for the Aging,]
 Advisory Committee for the Blind,
 Advisory Committee for General and Special Hospitals,
 Advisory Committee for Children and Youth,
 Advisory Committee for Public Assistance,
 Advisory Committee for Mental Health and Mental Retardation.

* * *

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

ARTICLE XXII-A
DEPARTMENT OF AGING

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

(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;

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

(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 with special emphasis on the needs and participation of the minority elderly.

(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 and support programs, studies and policies, in cooperation with the Departments of Labor and Industry, Education, 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 adults.

(17) Conduct, in cooperation with appropriate State and local public and private agencies yearly studies and evaluations pertaining to the quality of life, health and social needs, civil rights and status of older persons residing in boarding homes, personal care homes and similar residencies and report such findings and recommendations to the General Assembly annually.

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

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

(20) After July 1, 1979 and at the option of the secretary, to administer those provisions of the act of January 22, 1968 (P.L.42, No.8), known as the "Pennsylvania Urban Mass Transportation Assistance Law of 1967," which relate to free local transit for the elderly. The secretary shall confer with the Department of Transportation in order to insure that the regulations promulgated by the Department of Aging do not conflict with those promulgated by the Department of Transportation.

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

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

(23) Review the activities of regulatory and agencies of the Commonwealth which affect the full and fair utilization of State and community resources for programs and benefits for older persons and initiate programs which will help assure such utilization.

(24) 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 annually.

(25) 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, nonprofit housing and community groups, redevelopment authorities, and other groups with a special emphasis on programs on utility costs, rehabilitation and maintenance of the homes of older persons.

(26) Review and comment on all rules, regulations, eligibility or payment standards issued by the Departments of Public Welfare, Environmental Resources, 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.

(27) 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.

(28) 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 in rural and urban areas. 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 and twelve alternate members.

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

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

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

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

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

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

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

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

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

Section 2206-A. Designated Area Agencies.—For each planning and service area there shall be an area agency established by the department in accordance with the Federal Older Americans Act of 1965, as amended. Such area agency so designated must be (i) an established office of aging; (ii) any office or agency of the local authority, which is designated for this

purpose by the chief elected officials of the local authority; (iii) any office or agency designated by the chief elected officials of a combination of local authorities to act on behalf of such combination for this purpose; or (iv) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area; and must provide assurance, found adequate by the department, that it will have the ability to develop and administer an area plan. The secretary may redesignate area agencies based on regulations which shall be issued within one hundred twenty days of the effective date of this act. Such regulations shall include 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, advocacy programs.*
- (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 and the area 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 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 selection process, 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 disapproved, the department shall forward its revised area plan for implementation by the area agency at the beginning of the fiscal year, provided that the department shall hold a hearing in the area prior to such action and that the department may authorize the continuation of the provision of services under the current area plan for a period not to exceed ninety days.

Section 2210-A. Allocation of Resources.—(a) The area agency shall receive a basic allocation of resources, consisting of State and Federal funds weighted by the proportion of older poor persons who reside in the planning and service area in relation to the total number of older poor persons who reside in the Commonwealth of Pennsylvania utilizing poverty threshold income standards as determined by the United States Office of Management and Budget except that each area agency shall be held harmless to the amount of such funds received in the program year in which this act becomes effective.

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

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

(d) The Department of Public Welfare shall transfer, for three State fiscal years immediately subsequent to the effective date of this act, to the Department of Aging a proportion of the State allotment under Title XX of the Social Security Act at least equal to the proportion of such funds, including training and administrative funds, allocated to the office for the aging in relation to the State's total allotment in the same fiscal year as the effective date of this act.

Section 2211-A. Evaluation.—The Department of Aging shall continually review and evaluate the activities of area agencies and the impact and effectiveness of all programs under this act. The department shall ensure that evaluations, including an onsite evaluation, be made annually of all area agency activities and programs. A written report of the findings of the evaluation shall be submitted to the area agency subject to the evaluation and within thirty days shall be available to the public. In all evaluations, the department shall obtain the views of program beneficiaries concerning strengths and weaknesses of the program. Other departments and agencies of the Commonwealth shall make available to the department

information necessary for such evaluations. Annually the department shall submit to the Governor and the General Assembly a report on its activities including statistical data reflecting services and activities provided older persons during the preceding fiscal year.

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

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

(2) Studying existing methods and alternatives for providing services, programs and opportunities to older persons.

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

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

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

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

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

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

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

(d) To make recommendations to the State Board of Public Welfare on matters referred to the committees for consideration and advice, or as may

be required to promote the effectiveness of the programs, of the departmental units advised by them.

Section 8. The Secretary of Aging shall receive an annual salary of \$41,250, payable in semimonthly installments.

Section 9. (a) 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 of Aging are hereby transferred to the Department of 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 of Aging in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said Department of Aging.

(b) All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations, and other materials which are used, employed or expended by the Department of Transportation in connection with the powers, duties or functions exercised under this act by the Department of Aging are hereby transferred to the Department of 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 of Aging in the first instance and as if said contracts, agreements and obligations had been incurred or entered into by said Department of Aging.

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

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

Section 11. The Department of Aging shall expire on January 1, 1985 unless reestablished by the General Assembly during the legislative session of the year immediately preceding the scheduled expiration. The department may be reestablished for periods not to exceed six years.

Section 12. The provisions of this act which establish the Department of Aging shall not be construed to grant any power or authority to either the Department of Revenue or the Department of Aging to transfer or exchange any of the powers or duties imposed on the Department of Revenue by the act of March 11, 1971 (P.L.104, No.3), known as the "Senior Citizens Property Tax or Rent Rebate Act."

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

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

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

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

Section 14. The Department of Aging shall be a consolidation of functions transferred thereto by this act and new job positions shall not be established before July 1, 1980 except administrative positions necessary in the organization and operation of a department. Personnel transferred from other departments shall be assigned to job positions before any other persons are employed. In filling all vacancies authorized to the department, the secretary shall assure preference to persons above the age of 50.

Section 15. This act shall take effect January 1, 1979 and the Governor shall nominate a secretary within 30 days of that date. Programs and activities authorized by this act shall not commence before July 1, 1979 except that the secretary and adequate staff, to be supported from the affected authorizations described in section 9, shall immediately commence transitional and budgetary activities upon his confirmation.

APPROVED—The 20th day of June, A. D. 1978.

MILTON J. SHAPP