

No. 1988-153

AN ACT

HB 2015

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," further providing for the Department of Aging, for the Pennsylvania Council on Aging and for services and programs for older citizens; reestablishing the Department of Aging; and further providing for the status of nonprofit corporations which lease facilities to the Commonwealth.

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

Section 1. Sections 2202-A, 2203-A, 2204-A, 2205-A, 2206-A, 2207-A, 2208-A, 2209-A, 2210-A and 2212-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, added June 20, 1978 (P.L.477, No.70), are amended to read:

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

"Area agency" means the single local agency designated *by the department* 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.] *provides a safe, supportive, homelike residential setting for three or less adults who are unrelated to the domiciliary care provider, who cannot live independently in the community, and who are placed by an area agency.*

“Federal Older Americans Act of 1965” means Public Law 89-73, 42 U.S.C. § 3001 et seq., as amended.

[“Local authority” means the county commissioners.]

“Long-term care” means those services designed to provide diagnostic, therapeutic, rehabilitative, supportive or maintenance services for individuals who have chronic functional impairments in a variety of institutional and noninstitutional care settings, including the home.

[“Nonprofit sponsor” means any nonprofit corporation designated as an area agency on aging or as the sponsor of any aging service or activity.]

“Older adults, older persons, aged, aging, elderly” [means] mean those persons residing within Pennsylvania who are age sixty or over, [or, as the secretary may determine appropriate, persons below this age] or other individuals authorized by law.

[“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] *the Department of Aging.*

“Unit of general purpose local government” means, as used with reference to the designation of area agencies on aging, a county or other unit which carries general government authority for an area designated as a planning and service area under this act or a combination of such units.

Section 2203-A. Powers and Duties in General.—(a) 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.] *Assist with planning and provide consultation to State agencies with respect to services, programs and activities which they may furnish to older citizens.*

(2.1) Develop and periodically update in consultation with the council and the area agencies, a comprehensive plan for coordinating all major Commonwealth services, programs and activities which are directed towards persons with chronic physical or mental impairments which necessitate long-term care.

(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] Develop and administer** the State plan for the aging required by Federal law.

(5.1) Administer the act of November 4, 1983 (P.L.217, No.63), known as the "Pharmaceutical Assistance Contract for the Elderly Act."

(6) Serve as an advocate for the aging at all levels of government and to provide consultation and assistance to *the area agencies*, 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] Prepare for the Governor** an annual budget as may be reasonably required **[by] to address the needs of** the Pennsylvania Council on Aging, **the four] and its** regional councils **[on aging and the Technical Advisory Committee].**

(9) Promote, *utilizing, wherever possible, the area agencies*, community education regarding the problems of older persons through institutes, publications, and use of communications media.

(10) Cooperate with *area agencies and* 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 *the use of area agencies and* 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] when these are** 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 *area agencies and 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*].

(17.1) In cooperation with the area agencies and Federal, State and local organizations and agencies, work toward the development of a continuum of community-based service and housing options for impaired and chronically ill older persons designed to maintain them in the community and avoid or delay institutional care. System development activities shall include, but not be limited to, coordinating the Commonwealth's plans for the provision, expansion and effective administration of:

(i) Personal care and health-related services provided to adults in their homes.

(ii) Housing options such as service-assisted housing options and personal care homes.

(iii) Special supports to caregivers who care for impaired older persons.

(iv) Adult day-care services, respite services and other community-based services to support care by caregivers.

(v) The promotion of informal community supports.

(vi) Geriatric assessment and nursing home screening programs.

(vii) Special services to protect the health, safety and welfare of older persons who lack the capacity to protect themselves.

(viii) Special advocacy efforts to promote greater awareness of, and more effective response to, the problems of persons with Alzheimer's disease and other related brain disorders.

To the extent that the needs of other adults involve and overlap the needs of older persons addressed by this paragraph, the department shall serve as an advocate for adults of any age.

(17.2) In cooperation with the Department of Health and the Department of Public Welfare:

(i) Develop and administer a system of preadmission assessment for persons who are at risk of needing institutional care, if the Governor finds such a system cost effective.

(ii) Develop and administer a system of managed community-based long-term care for persons who are assessed as being clinically eligible for nursing home care and who can be cared for within cost-of-care guidelines established by the department, if the Governor finds such a system cost effective.

(18) Review all proposed Commonwealth program plans and policies, and administrative regulations that are published in the Pennsylvania Bulle-

tin 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] *special transit programs 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 *and the Department of Public Welfare*, **[yearly] *periodic*** studies and evaluations pertaining to the quality of care and related services for **[nursing home patients] *consumers of long-term care services*** and report such findings to the General Assembly **[annually]**.

(24.1) Conduct, in cooperation with the Department of Health, an ongoing Statewide prescription drug education program designed to inform older adults of the dangers of prescription drug abuse and misuse.

(24.2) Establish and administer a State Long-Term Care Ombudsman Program, including providing resources to area agencies on aging or other contractors to investigate and resolve complaints related to the health, safety or rights of older individuals who are consumers of long-term care services and to prepare and submit to the General Assembly an annual report containing data and findings regarding the types of problems experienced and complaints investigated.

(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 assis-

tance, 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.

(29) *Provide for services to adults under age sixty whose needs for services are similar to those for which the department is responsible with respect to older persons and as may be specifically authorized by law.*

(b) *In filling vacancies authorized to the department, the secretary shall assure that preference is given to persons sixty years of age or older.*

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]~~ *twenty-one* persons at least ~~[ten]~~ *eleven* of whom shall be ~~[fifty-five]~~ *sixty* years of age or older, and ~~[of]~~ which ~~[four]~~ shall ~~[be]~~ *include* the chairpersons of the regional ~~[council]~~ *councils* on aging ~~[and twelve alternate members]~~. *Eleven members of the Pennsylvania Council shall constitute a quorum for the conduct of matters which come before it. Absence of a member at three consecutive meetings shall result in the member forfeiting his seat, unless he requests in writing and receives approval from the chairman for an absence necessitated by illness of the member or the death of a loved one.*

(b) The members of the council shall be ~~[appointed]~~ *nominated* by the Governor, *subject to the consent of a majority of the members elected to the Senate*, and shall represent, as far as possible, different geographical sections of the Commonwealth. *In addition, the council shall include representatives of long-term care providers such as, for example, adult day-care providers.* The members shall ~~[be appointed on staggered terms of one to three years]~~ *serve staggered three-year terms and shall serve until their successors are appointed and qualified.* 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, *in accordance with regulations*, 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] reports** 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, *Medical Assistance program policies affecting the elderly, duration-of-stay contracts for nursing homes, health-related insurance increases and, as appropriate, other major issues affecting the aging [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] an appropriate manner in which to address these issues. [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] no more than five** 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] annually appropriated by the General Assembly**, 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.] The Commonwealth is currently divided into planning and service areas. These geographical subdivisions are established by the authority of the secretary under the Federal Older Americans Act of 1965, and may only be changed by order of the secretary under provisions set forth by the department for combining or dividing geographical areas to bring about more effective and efficient planning and service delivery.**

Section 2206-A. Designated Area Agencies.—For each planning and service area there shall be an area agency [established] *designated* by the department in accordance with the Federal Older Americans Act of 1965, as amended, *to serve as a focal point in the community for the coordination of services for older people and for the issues and concerns of aging.* [Such] An area agency so designated must be (i) an established office of aging; (ii) any office or agency of the [local authority] *unit of general purpose local government*, which is designated for this purpose by the chief elected officials of the [local authority] *unit of general purpose local government*; (iii) any office or agency designated by the chief elected officials of a combination of [local authorities] *units of general purpose local government* 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 *or designate new* area agencies based on *established* 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. *A designation or redesignation may occur when changes are made in established planning and service area boundaries, when a currently designated area agency is unable or unwilling to continue as the area agency, when removal of an area agency designation is requested by the local authority with cause shown or when the department determines that a currently designated area agency is incapable of carrying out its approved area plan. The removal of an area agency designation and the designation of a new area agency shall be carried out under regulations promulgated by the department and consistent with the Federal Older Americans Act of 1965. For the purpose of this section, the term "local authority" shall mean county commissioners or county council.*

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 *and placement 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] *personal care and health-related services*.

(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.

(a.1) The area agency shall be responsible for working toward the development, in cooperation with State and local organizations and agencies, of a continuum of community-based service and housing options for impaired and chronically ill older persons designed to maintain them in-the-community and avoid or delay institutional care. System development activities shall include, but not be limited to, coordinating area plans for the provision, expansion and effective administration of:

(1) Personal care and health-related services provided to adults in their homes.

(2) Housing options such as service-assisted housing and personal care homes.

(3) Special supports to caregivers who care for impaired older persons.

(4) Adult day-care services, respite services and other community-based services to support care by caregivers.

(5) The promotion of informal community supports.

(6) Geriatric assessment and nursing home screening programs.

(7) Special services to protect the health, safety and welfare of older persons who lack the capacity to protect themselves.

(8) Special advocacy efforts to promote greater awareness of, and more effective response to, the problems of persons with Alzheimer's disease and other related brain disorders.

To the extent that the needs of other adults involve and overlap the needs of older persons addressed by this provision, the area agency shall serve as an advocate for adults of any age.

(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 *of age [fifty-five] sixty* 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] in accordance with the regulations promulgated by the department.*

(d) *[The] Consistent with the Federal Older Americans Act of 1965 and provisions set forth by the department, the area agency may grant to or contract with any public[,] or private [or nonprofit] agency for the [provisions] provision 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] Councils.**—In each planning and service area, an advisory **[board] council** of at least fifteen members shall be appointed to *advise* 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.] with regard to the needs of older persons residing in the planning and service area and the area agency's responses to those needs. The composition and responsibility of the area agency advisory council shall be consistent with the provisions of the Federal Older Americans Act of 1965 and the regulations of the department. As a minimum, these regulations shall require that each council be composed of a majority of persons above the age of sixty. Such councils shall be given the maximum possible opportunity to influence local programs and policies and advocacy roles within area agency programs and local communities. Area agencies shall provide advisory councils with the funds necessary 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.] *(a) Under provisions set forth by the department, the area agency shall submit to the department a comprehensive area plan on aging which clearly explains the area agency's objectives for providing services to the aging of the planning and service area. This plan may be submitted as part of a coordinated county human service plan, provided that the format is approved by the department.*

(b) Each area agency, under provisions set forth by the department, shall submit an annual report which describes and evaluates its programs and services after the close of each year of funding by the department.

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] State funds received in the *preceding* 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 *or cost reimbursement* 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, includ-

ing 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 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, *medical and* 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 2. Section 2402(d) of the act, amended October 23, 1988 (P.L.1059, No.122), is amended to read:

Section 2402. Grounds, Buildings and Monuments in General.—The Department of General Services shall have the power, and its duty shall be:

* * *

(d) To contract in writing for and rent proper and adequate offices, rooms, or other accommodations, outside of the Capitol buildings, for any department, board, or commission, which cannot be properly and adequately accommodated with offices, rooms, and accommodations in the Capitol buildings; and, in all cases in which the head of a department, for such department or for a departmental administrative board or commission within such department, or an independent administrative board or commission, with the approval of the Executive Board, has established or is about to establish a branch office in any city or place outside of the capital city, with the approval of the Board of Commissioners of Public Grounds and Buildings, to contract in writing for and rent such offices, rooms, and other accommodations, as shall be proper and adequate for such department, board, or commission. The department shall rent such garages or contract for such garage space as may be necessary for the accommodation of State-owned automobiles, either in or outside of the capital city, at such rentals or rates as it shall deem reasonable. The department may also, if the General Assembly shall have appropriated funds therefor, lease any lands which may be necessary for use by any department, board, or commission in the exercise of its powers or the performance of its duties. It shall be unlawful for any other department, board, commission, or agency of the State Government to enter into any leases, but the Department of General Services shall act only as agent in executing leases for departments, boards, and commissions, the expenses of which are paid wholly or mainly out of special funds, and, in such cases, the rentals shall be paid out of such special funds. Any nonprofit corporation which leases lands, offices or accommodations to the Common-

wealth for any department, board, commission or agency *with a rental amount in excess of one million five hundred thousand dollars (\$1,500,000) per year* shall be deemed an agency as defined by the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act," and the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, and any such nonprofit corporation shall be subject to and governed by the provisions of the "Sunshine Act" and the Right-to-Know Law.

* * *

Section 3. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 4. (a) This act shall constitute the legislation necessary to reestablish the Department of Aging under the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

(b) The Department of Aging shall terminate December 31, 1997, unless reestablished pursuant to the Sunset Act.

(c) Persons who are members of the Pennsylvania Council on Aging, on the effective date of this act, shall serve on the council provided for in this act until their current terms expire, provided that any current members whose terms have expired on or before the effective date of this act shall serve until their successors are duly appointed and qualified.

(d) Each rule and regulation of the Department of Aging in effect on the effective date of this act shall remain in effect until amended by the department, provided that the department shall immediately initiate the repeal or amendment of a rule or regulation which is inconsistent with the provisions of this act.

Section 5. This act shall take effect January 1, 1989.

APPROVED—The 15th day of December, A. D. 1988.

ROBERT P. CASEY