

adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Assistant Secretary may determine.

(c) Consultation

The Assistant Secretary shall make no grant or contract under this subchapter in any State that has established or designated a State agency for purposes of subchapter III of this chapter unless the Assistant Secretary—

(1) consults with the State agency prior to issuing the grant or contract; and

(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued.

(Pub. L. 89-73, title IV, §431, as added Pub. L. 106-501, title IV, §401, Nov. 13, 2000, 114 Stat. 2265.)

PRIOR PROVISIONS

A prior section 3033, Pub. L. 89-73, title IV, §403, as added Pub. L. 93-29, title IV, §401, May 3, 1973, 87 Stat. 46; amended Pub. L. 94-135, title I, §109, Nov. 28, 1975, 89 Stat. 717; Pub. L. 95-478, title I, §104(a)(3), Oct. 18, 1978, 92 Stat. 1537, related to task of attracting qualified persons to field of aging, prior to the general amendment of this subchapter by Pub. L. 97-115.

A prior section 431 of Pub. L. 89-73 was classified to section 3037 of this title, prior to the general amendment of this subchapter by Pub. L. 106-501.

Another prior section 431 of Pub. L. 89-73 was classified to section 3035g of this title, prior to the general amendment of this subchapter by Pub. L. 97-115.

Another prior section 431 of Pub. L. 89-73 was renumbered section 451, and was classified to section 3037 of this title, prior to the general amendment of this subchapter by Pub. L. 97-115.

§ 3033a. Responsibilities of Assistant Secretary

(a) In general

The Assistant Secretary shall be responsible for the administration, implementation, and making of grants and contracts under this subchapter and shall not delegate authority under this subchapter to any other individual, agency, or organization.

(b) Report

(1) In general

Not later than January 1 following each fiscal year, the Assistant Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report for such fiscal year that describes each project and each program—

(A) for which funds were provided under this subchapter; and

(B) that was completed in the fiscal year for which such report is prepared.

(2) Contents

Such report shall contain—

(A) the name or descriptive title of each project or program;

(B) the name and address of the individual or governmental entity that conducted such project or program;

(C) a specification of the period throughout which such project or program was conducted;

(D) the identity of each source of funds expended to carry out such project or program and the amount of funds provided by each such source;

(E) an abstract describing the nature and operation of such project or program; and

(F) a bibliography identifying all published information relating to such project or program.

(c) Evaluations

(1) In general

The Assistant Secretary shall establish by regulation and implement a process to evaluate the results of projects and programs carried out under this subchapter.

(2) Results

The Assistant Secretary shall—

(A) make available to the public the results of each evaluation carried out under paragraph (1); and

(B) use such evaluation to improve services delivered, or the operation of projects and programs carried out, under this chapter, including preparing an analysis of such services, projects, and programs, and of how the evaluation relates to improvements in such services, projects, and programs and in the strategic plan of the Administration.

(Pub. L. 89-73, title IV, §432, as added Pub. L. 106-501, title IV, §401, Nov. 13, 2000, 114 Stat. 2266; amended Pub. L. 109-365, title IV, §410, Oct. 17, 2006, 120 Stat. 2563.)

PRIOR PROVISIONS

A prior section 432 of Pub. L. 89-73 was classified to section 3035h of this title, prior to the general amendment of this subchapter by Pub. L. 97-115.

Prior sections 3034 to 3037b were omitted in the general amendment of this subchapter by Pub. L. 106-501.

Section 3034, Pub. L. 89-73, title IV, §420, as added Pub. L. 98-459, title IV, §405, Oct. 9, 1984, 98 Stat. 1783, related to purpose of former part B of this subchapter.

Another prior section 3034, Pub. L. 89-73, title IV, §404, as added Pub. L. 93-29, title IV, §401, May 3, 1973, 87 Stat. 46; amended Pub. L. 94-135, title I, §110, Nov. 28, 1975, 89 Stat. 718; Pub. L. 95-478, title I, §104(a)(4), title V, §503(c), Oct. 18, 1978, 92 Stat. 1538, 1559, provided for grants for training programs for personnel in field of aging, prior to the general amendment of this subchapter by Pub. L. 97-115.

Section 3035, Pub. L. 89-73, title IV, §421, as added Pub. L. 97-115, §11(a), Dec. 29, 1981, 95 Stat. 1601; amended Pub. L. 98-459, title IV, §406, Oct. 9, 1984, 98 Stat. 1783; Pub. L. 102-375, title IX, §904(a)(18), Sept. 30, 1992, 106 Stat. 1308; Pub. L. 103-171, §§2(16), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990, related to research and development projects.

Another prior section 3035, Pub. L. 89-73, title IV, §411, as added Pub. L. 93-29, title IV, §401, May 3, 1973, 87 Stat. 47; amended Pub. L. 95-478, title I, §104(b)(1), (2), title V, §503(c)(3), Oct. 18, 1978, 92 Stat. 1538, 1559, related to grants and contracts for research and development projects, prior to the general amendment of this subchapter by Pub. L. 97-115.

Section 3035a, Pub. L. 89-73, title IV, §422, as added Pub. L. 97-115, §11(a), Dec. 29, 1981, 95 Stat. 1602; amended Pub. L. 98-459, title IV, §407, Oct. 9, 1984, 98 Stat. 1784; Pub. L. 100-175, title I, §§152, 153, 156(c), 182(o), Nov. 29, 1987, 101 Stat. 951, 954, 967; Pub. L. 100-628, title VII, §705(8), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102-375, title I, §102(b)(4), title IV, §406, title IX, §904(a)(19), Sept. 30, 1992, 106 Stat. 1201, 1245, 1308; Pub. L. 103-82, title IV, §405(g)(3), Sept. 21, 1993, 107 Stat. 921; Pub. L.

103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, related to demonstration projects.

Another prior section 3035a, Pub. L. 89-73, title IV, §412, as added Pub. L. 93-29, title IV, §401, May 3, 1973, 87 Stat. 47, related to special comprehensive study and demonstration projects on transportation problems of older Americans, prior to repeal by Pub. L. 95-478, title I, §104(b)(3), Oct. 18, 1978, 92 Stat. 1539.

Section 3035b, Pub. L. 89-73, title IV, §423, as added Pub. L. 97-115, §11(a), Dec. 29, 1981, 95 Stat. 1603; amended Pub. L. 98-459, title IV, §408, Oct. 9, 1984, 98 Stat. 1784; Pub. L. 100-175, title I, §§105(f), 134(c)(5), 154, 156(d), Nov. 29, 1987, 101 Stat. 930, 941, 951, 955; Pub. L. 102-375, title IV, §407(a), Sept. 30, 1992, 106 Stat. 1246; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, related to special projects in comprehensive long-term care.

Another prior section 3035b, Pub. L. 89-73, title IV, §421, as added Pub. L. 95-478, title I, §104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1539, authorized demonstration projects showing methods of improving or expanding social services or nutrition services or otherwise promoting the well-being of older individuals, prior to the general amendment of this subchapter by Pub. L. 97-115.

Section 3035c, Pub. L. 89-73, title IV, §424, as added Pub. L. 97-115, §11(a), Dec. 29, 1981, 95 Stat. 1604; amended Pub. L. 98-459, title IV, §409, Oct. 9, 1984, 98 Stat. 1784; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, related to special demonstration and support projects for legal assistance for older individuals.

Another prior section 3035c, Pub. L. 89-73, title IV, §422, as added Pub. L. 95-478, title I, §104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1541, related to special projects in comprehensive long-term care, prior to the general amendment of this subchapter by Pub. L. 97-115.

Section 3035d, Pub. L. 89-73, title IV, §425, as added Pub. L. 97-115, §11(a), Dec. 29, 1981, 95 Stat. 1605; amended Pub. L. 98-459, title IV, §410(a), Oct. 9, 1984, 98 Stat. 1785; Pub. L. 100-175, title I, §134(c)(6), Nov. 29, 1987, 101 Stat. 941; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, related to national impact activities.

Another prior section 3035d, Pub. L. 89-73, title IV, §423, as added Pub. L. 95-478, title I, §104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1542, related to special demonstration projects on legal services for older Americans, prior to the general amendment of this subchapter by Pub. L. 97-115.

Section 3035e, Pub. L. 89-73, title IV, §426, as added Pub. L. 97-115, §11(a), Dec. 29, 1981, 95 Stat. 1605; amended Pub. L. 98-459, title IV, §410(b), Oct. 9, 1984, 98 Stat. 1785; Pub. L. 102-375, title I, §102(b)(9)(D), Sept. 30, 1992, 106 Stat. 1202, related to utility and home heating cost demonstration projects.

Another prior section 3035e, Pub. L. 89-73, title IV, §424, as added Pub. L. 95-478, title I, §104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1543, provided for national impact demonstrations, prior to the general amendment of this subchapter by Pub. L. 97-115.

Section 3035f, Pub. L. 89-73, title IV, §427, as added Pub. L. 100-175, title I, §156(e)(1), Nov. 29, 1987, 101 Stat. 955; amended Pub. L. 102-375, title IV, §408, Sept. 30, 1992, 106 Stat. 1249; Pub. L. 103-171, §3(a)(7), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 106-402, title IV, §401(b)(9)(B), Oct. 30, 2000, 114 Stat. 1739, related to ombudsman, legal assistance, and advocacy demonstration projects.

Another prior section 3035f, Pub. L. 89-73, title IV, §425, as added Pub. L. 95-478, title I, §104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1543, provided for utility and home heating cost demonstration projects, prior to the general amendment of this subchapter by Pub. L. 97-115.

Section 3035g, Pub. L. 89-73, title IV, §428, as added Pub. L. 100-175, title I, §157(a), Nov. 29, 1987, 101 Stat. 955; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, related to consumer protection demonstration projects for services provided in the home.

Another prior section 3035g, Pub. L. 89-73, title IV, §431, as added Pub. L. 95-478, title I, §104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1543, related to mortgage insurance grants for multipurpose senior centers, prior to the general amendment of this subchapter by Pub. L. 97-115.

Section 3035h, Pub. L. 89-73, title IV, §429, as added Pub. L. 102-375, title IV, §409, Sept. 30, 1992, 106 Stat. 1249; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, related to demonstration projects for multi-generational activities.

Another prior section 3035h, Pub. L. 89-73, title IV, §432, as added Pub. L. 95-478, title I, §104(c)(1)(C), Oct. 18, 1978, 92 Stat. 1545, related to mortgage interest grants for multipurpose senior centers, prior to the general amendment of this subchapter by Pub. L. 97-115.

Section 3035i, Pub. L. 89-73, title IV, §429A, as added Pub. L. 102-375, title IV, §410, Sept. 30, 1992, 106 Stat. 1251; amended Pub. L. 103-171, §3(a)(11), (13), Dec. 2, 1993, 107 Stat. 1990, related to supportive services in the federally assisted housing demonstration program.

Section 3035j, Pub. L. 89-73, title IV, §429B, as added Pub. L. 102-375, title IV, §411, Sept. 30, 1992, 106 Stat. 1252; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, related to the neighborhood senior care program.

Section 3035k, Pub. L. 89-73, title IV, §429C, as added Pub. L. 102-375, title IV, §412, Sept. 30, 1992, 106 Stat. 1253; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, related to information and assistance systems development projects.

Section 3035l, Pub. L. 89-73, title IV, §429D, as added Pub. L. 102-375, title IV, §413, Sept. 30, 1992, 106 Stat. 1254; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, related to senior transportation demonstration program grants.

Section 3035m, Pub. L. 89-73, title IV, §429E, as added Pub. L. 102-375, title IV, §414, Sept. 30, 1992, 106 Stat. 1256; amended Pub. L. 103-171, §3(a)(4), Dec. 2, 1993, 107 Stat. 1990, related to Resource Centers on Native American Elders.

Section 3035n, Pub. L. 89-73, title IV, §429F, as added Pub. L. 102-375, title IV, §415, Sept. 30, 1992, 106 Stat. 1257; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 106-402, title IV, §401(b)(9)(C), Oct. 30, 2000, 114 Stat. 1739, related to demonstration programs for older individuals with developmental disabilities.

Section 3035o, Pub. L. 89-73, title IV, §429G, as added Pub. L. 102-375, title IV, §416, Sept. 30, 1992, 106 Stat. 1257; amended Pub. L. 103-171, §§2(17), 3(a)(11), (13), Dec. 2, 1993, 107 Stat. 1989, 1990, related to housing demonstration programs.

Section 3035p, Pub. L. 89-73, title IV, §429H, as added Pub. L. 102-375, title IV, §417, Sept. 30, 1992, 106 Stat. 1260; amended Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, related to private resource enhancement projects.

Section 3035q, Pub. L. 89-73, title IV, §429I, as added Pub. L. 102-375, title IV, §418, Sept. 30, 1992, 106 Stat. 1261; amended Pub. L. 103-171, §§2(18), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990, related to career preparation for the field of aging.

Section 3035r, Pub. L. 89-73, title IV, §429J, as added Pub. L. 102-375, title IV, §419, Sept. 30, 1992, 106 Stat. 1261; amended Pub. L. 103-171, §§2(19), 3(a)(13), Dec. 2, 1993, 107 Stat. 1989, 1990, related to pension rights demonstration projects.

A prior section 3036, Pub. L. 89-73, title IV, §441, formerly §421, as added Pub. L. 93-29, title IV, §401, May 3, 1973, 87 Stat. 48; renumbered and amended Pub. L. 95-478, title I, §104(c)(1)(B), (d), Oct. 18, 1978, 92 Stat. 1539, 1546, related to applications for grants for establishment or support of multidisciplinary centers of gerontology and gerontology centers of special emphasis, prior to the general amendment of this subchapter by Pub. L. 97-115.

Section 3037, Pub. L. 89-73, title IV, §431, as added Pub. L. 97-115, §11(a), Dec. 29, 1981, 95 Stat. 1605; amended Pub. L. 98-459, title IV, §411, Oct. 9, 1984, 98 Stat. 1785; Pub. L. 100-175, title I, §§156(e)(2), 157(b)-159, Nov. 29, 1987, 101 Stat. 955, 956; Pub. L. 102-375, title IV, §420, Sept. 30, 1992, 106 Stat. 1264; Pub. L. 103-171, §3(a)(13), Dec. 2, 1993, 107 Stat. 1990, authorized appropriations.

Another prior section 3037, Pub. L. 89-73, title IV, §451, formerly §431, as added Pub. L. 93-29, title IV,

§ 401, May 3, 1973, 87 Stat. 49; amended Pub. L. 94-135, title I, § 112(d), Nov. 28, 1975, 89 Stat. 720; renumbered § 451 and amended Pub. L. 95-478, title I, § 104(c)(1)(B), (e)(1), Oct. 18, 1978, 92 Stat. 1539, 1546, authorized appropriation of funds for fiscal years ending prior to Oct. 1, 1981, and prohibited transfer of funds to offices not directly responsible to Commissioner or for research programs or activities not specifically authorized by this subchapter, prior to the general amendment of this subchapter by Pub. L. 97-115.

Section 3037a, Pub. L. 89-73, title IV, § 432, as added Pub. L. 97-115, § 11(a), Dec. 29, 1981, 95 Stat. 1605; amended Pub. L. 98-459, title IV, § 412, Oct. 9, 1984, 98 Stat. 1785; Pub. L. 102-375, title IV, § 421, Sept. 30, 1992, 106 Stat. 1264; Pub. L. 103-171, § 3(a)(13), Dec. 2, 1993, 107 Stat. 1990, related to payments of grants.

Another prior section 3037a, Pub. L. 89-73, title IV, § 452, formerly § 432, as added Pub. L. 93-29, title IV, § 401, May 3, 1973, 87 Stat. 49; amended Pub. L. 94-135, title I, § 114(f), Nov. 28, 1975, 89 Stat. 725; renumbered § 452 and amended Pub. L. 95-478, title I, § 104(c)(1)(B), (e)(2), Oct. 18, 1978, 92 Stat. 1539, 1547, related to payments of grants, prior to the general revision of this subchapter by Pub. L. 97-115.

Section 3037b, Pub. L. 89-73, title IV, § 433, as added Pub. L. 98-459, title IV, § 413, Oct. 9, 1984, 98 Stat. 1785; amended Pub. L. 102-375, title IV, § 422, Sept. 30, 1992, 106 Stat. 1265; Pub. L. 103-171, § 3(a)(12), (13), Dec. 2, 1993, 107 Stat. 1990, related to responsibilities of the Assistant Secretary.

AMENDMENTS

2006—Subsec. (c)(2)(B). Pub. L. 109-365 inserted before period at end “”, including preparing an analysis of such services, projects, and programs, and of how the evaluation relates to improvements in such services, projects, and programs and in the strategic plan of the Administration”.

SUBCHAPTER V—MULTIPURPOSE SENIOR CENTERS

PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

§§ 3041 to 3041f. Repealed. Pub. L. 95-478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558

Section 3041, Pub. L. 89-73, title V, § 501, as added Pub. L. 93-29, title V, § 501, May 3, 1973, 87 Stat. 50, related to provisions for grants or contracts. See sections 3028 and 3030d(b)(1) of this title.

A prior section 3041, Pub. L. 89-73, title V, § 501, July 14, 1965, 79 Stat. 224; Pub. L. 91-69, § 8, Sept. 17, 1969, 83 Stat. 111, which related to training project grants and contracts, training programs, studies, preparation and dissemination of materials, and conferences, was repealed by Pub. L. 93-29, title IV, § 401, May 3, 1973, 87 Stat. 45.

Section 3041a, Pub. L. 89-73, title V, § 502, as added Pub. L. 93-29, title V, § 501, May 3, 1973, 87 Stat. 50, related to requirements for approval of applications, preferred areas, and agency cooperation.

Section 3041b, Pub. L. 89-73, title V, § 503, as added Pub. L. 93-29, title V, § 501, May 3, 1973, 87 Stat. 51, provided for payments, reservation from appropriations amount of grant or contract, amendments, advances, reimbursement, and installments.

Section 3041c, Pub. L. 89-73, title V, § 504, as added Pub. L. 93-29, title V, § 501, May 3, 1973, 87 Stat. 51, provided for recapture of payments. See section 3030b of this title.

Section 3041d, Pub. L. 89-73, title V, § 505, as added Pub. L. 93-29, title V, § 501, May 3, 1973, 87 Stat. 51; amended Pub. L. 94-135, title I, § 112(e), Nov. 28, 1975, 89 Stat. 720, provided for authorization of appropriations. See section 3023 of this title.

Section 3041e, Pub. L. 89-73, title V, § 506, as added Pub. L. 93-29, title V, § 501, May 3, 1973, 87 Stat. 51, re-

lated to mortgage insurance for Multipurpose Senior Centers.

Section 3041f, Pub. L. 89-73, title V, § 507, as added Pub. L. 93-29, title V, § 501, May 3, 1973, 87 Stat. 54; amended Pub. L. 94-135, title I, § 114(g), Nov. 28, 1975, 89 Stat. 725, related to annual interest grants.

EFFECTIVE DATE OF REPEAL

Pub. L. 95-478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558, provided that the repeal by that section is effective at the close of Sept. 30, 1978.

PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

§ 3042. Repealed. Pub. L. 95-478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558

Section, Pub. L. 89-73, title V, § 511, as added Pub. L. 93-29, title V, § 501, May 3, 1973, 87 Stat. 54, related to personnel staffing grant program. See section 3030d(b)(2) of this title.

A prior section 3042, Pub. L. 89-73, title V, § 502, July 14, 1965, 79 Stat. 225, related to payments of training project grants, providing in subsec. (a) for contribution by recipients; subsec. (b) adjustments, advances or reimbursement, installments, and conditions; and subsec. (c) consultation of Secretary with State agency prior to making grants or contracts, prior to repeal by Pub. L. 93-29, title IV, § 401, May 3, 1973, 87 Stat. 45.

A prior section 3043, Pub. L. 89-73, title V, § 503, as added Pub. L. 90-42, § 6, July 1, 1967, 81 Stat. 108, related to study of need for trained personnel; and consultations with other government and private agencies and organizations, prior to repeal by Pub. L. 93-29, title IV, § 401, May 3, 1973, 87 Stat. 45.

EFFECTIVE DATE OF REPEAL

Pub. L. 95-478, title V, § 501(a), Oct. 18, 1978, 92 Stat. 1558, provided that the repeal by that section is effective at the close of Sept. 30, 1978.

SUBCHAPTER VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

§§ 3044 to 3044e. Repealed. Pub. L. 93-113, title VI, § 604(a), Oct. 1, 1973, 87 Stat. 417

Section 3044, Pub. L. 89-73, title VI, § 601, as added Pub. L. 91-69, § 9, Sept. 17, 1969, 83 Stat. 111; amended Pub. L. 93-29, title VI, § 601, May 3, 1973, 87 Stat. 55, related to grants and contracts for volunteer service projects, providing in: subsec. (a) for approval of programs and rules and regulations; subsec. (b) for method of payment; subsec. (c) for conditions upon award of grant or contract, and subsec. (d) for exclusion as income of compensation to individual volunteers.

Section 3044a, Pub. L. 89-73, title VI, § 603, as added Pub. L. 91-69, § 9, Sept. 17, 1969, 83 Stat. 112; amended Pub. L. 93-29, title VI, § 602, May 3, 1973, 87 Stat. 55, related to authorization of appropriations.

Section 3044b, Pub. L. 89-73, title VI, § 611, as added Pub. L. 91-69, § 9, Sept. 17, 1969, 83 Stat. 112; amended Pub. L. 92-424, § 29(a), Sept. 19, 1972, 86 Stat. 705; Pub. L. 93-29, title VI, § 603(b), May 3, 1973, 87 Stat. 55, related to grants and contracts for Foster Grandparent projects and for services as senior health aides and senior companions, amount of award, method of payment, and exclusion as income of compensation to individual volunteers.

Section 3044c, Pub. L. 89-73, title VI, § 612, as added Pub. L. 91-69, § 9, Sept. 17, 1969, 83 Stat. 113, related to conditions upon award of grantor contract and defined “community action agency”.

Section 3044d, Pub. L. 89-73, title VI, § 613, as added Pub. L. 91-69, § 9, Sept. 17, 1969, 83 Stat. 113; amended Pub. L. 93-29, title VI, § 603(c), May 3, 1973, 87 Stat. 55, related to interagency cooperation.

Section 3044e, Pub. L. 89-73, title VI, § 614, as added Pub. L. 91-69, § 9, Sept. 17, 1969, 83 Stat. 114; amended