

RULES AND REGULATIONS

Title 13—COMMERCE AND TRADE

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[13 PA. CODE CHS. 9, 11, 13, 41, 53 AND 71]

Repeal of 13 Pa. Code Chapters 9, 11, 13, 41, 53 and 71

The Department of Community and Economic Development (Department) under the authority of section 2501-B of The Administrative Code of 1929 (71 P. S. § 2501-B) deletes Chapters 9, 11, 13, 41, 53 and 71, which have become obsolete.

Introduction

In accordance with Executive Order 1996-1, the Department evaluated all of its existing regulations to determine if they are consistent with the general principles laid out in Executive Order 1996-1. During its initial review, the Department determined that Chapters 9, 11, 13, 41, 53 and 71 are obsolete, because the programs contained in these chapters have ceased operations. Rescinding these chapters from 13 Pa. Code is the first step in the evaluation process.

Analysis

Chapter 9 (Site Development). The Site Development Act (73 P. S. §§ 361—367) authorized the Department to make grants to eligible municipalities, municipal authorities, industrial development agencies or State agencies for the construction, rehabilitation, alteration, expansion or improvement of the following site development projects: water facilities, sewage collection lines, channel realignment, access roads and the acquisition of land and existing improvements located in distressed areas. The Site Development Act authorized the Secretary of the Department (Secretary) to promulgate regulations necessary to effectuate the activities under the act. The Infrastructure Development Act (73 P. S. §§ 393.21—393.33) repealed in its entirety the Site Development Act. For this reason, the Department is deleting Chapter 9.

Chapter 11 (Community Facilities). The Community Facilities Program (Program) was originally authorized and funded under section 101 of the Race Horse Industry Reform Act (4 P. S. § 325.101) and the predecessor act thereto. In 1983, the statutory provisions relating to the Program were repealed, but the General Assembly continued to fund the Program through an annual line-item appropriation to the Department. In the Department's effort to streamline and consolidate grant programs, the Program was eliminated. For this reason, the Department is deleting Chapter 11.

Chapter 13 (Site Recovery). The act of July 6, 1972 (P. L. 1989, No. 18-A) (Act 18-A) provided emergency and disaster relief in connection with the tropical storm and flood damage of June 1972. Under the authority of Act 18-A, the Executive Authorization of August 21, 1972, provided funds to the Department for emergency flood relief expenditures. The sole purpose of the site recovery program was to provide disaster assistance to industrial areas which were damaged by the flood. Eligible recipients had to apply for disaster assistance by October 1,

1973. Because the program ceased operations over 20 years ago, the Department is deleting Chapter 13.

Chapter 41 (Statistics and Information). The act of April 20, 1921 (P. L. 193, No. 108) (71 P. S. §§ 971—975) established within the Department a Bureau of Statistics whose function was to collect, compile and publish statistics and useful data and information relating to labor, coal mining, oil and gas production, manufacturing industries, commercial operations, public service companies, municipalities, maritime interest and other business in this Commonwealth. Because there no longer exists within the Department a Bureau of Statistics and the previously mentioned functions are not performed by any other office or bureau within the Department, the Department is deleting Chapter 41.

Chapter 53 (Nursing Home Loan Agency). The Nursing Home Loan Agency Law (62 P. S. §§ 1521.101—1521.501) created the Pennsylvania Nursing Home Loan Agency for the purpose of providing financial assistance in the form of a loan to nursing homes and personal care boarding homes to make safety improvements to bring them into compliance with State and Federal safety standards. The Secretary served as Chairperson of the Agency. Under the authority of the act, the Agency issues regulations establishing eligibility requirements. Since the Agency is no longer making loans, the Department is deleting Chapter 53.

Chapter 71 (Sunny Day). The act of July 1, 1985 (P. L. 120, No. 32) (71 P. S. §§ 3741.101—3741.205), known as the Sunny Day Fund Act, established the Sunny Day Fund (Fund). The moneys in the Fund were made available to the Governor and the Department for the purpose of attracting industrial, manufacturing or research and development enterprises to this Commonwealth. The Department promulgated statements of policy, under the authority of the Commerce Law, establishing eligibility requirements. The Job Enhancement Act (73 P. S. §§ 400.101—400.5107) repealed in its entirety the Sunny Day Fund Act. Therefore, the Department is deleting Chapter 71.

Fiscal Impact

(a) There will be no fiscal impact to the Commonwealth.

(b) There will be no fiscal impact to political subdivisions.

(c) There will be no fiscal impact to the public.

Paperwork

The rulemaking eliminates all paperwork requirements currently existing under the chapters being deleted.

Notice

Notice of proposed rulemaking has been omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240)(45 P. S. § 1204(3)) (CDL), which specifies that a regulation may be adopted without notice of proposed rulemaking if proposed rulemaking procedures are "in the circumstances impracticable, unnecessary, or contrary to the public interest." The proposed rulemaking procedures in this instance are impracticable and unnecessary because it eliminates obsolete regulations.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 26, 1997, the Department

submitted a copy of this rulemaking with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC), the Chairpersons of the House Business and Economic Development Committee and the Chairperson of the Senate Community and Economic Development Committee. On the same date, this rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). In accordance with section 5(c) of the Regulatory Review Act, the rulemaking was deemed approved by the House and Senate Committees on April 16, 1997. IRRC met on April 18, 1997, and approved the rulemaking.

Effective Date

These deletions will become effective upon final publication in the *Pennsylvania Bulletin*.

Sunset Date

A sunset date is not necessary, since this rulemaking deletes obsolete regulations and statements of policy.

Contact Person

For an explanation of this rulemaking contact Jill B. Busch, Deputy Chief Counsel, Office of Chief Counsel, 416 Forum Building, Harrisburg, PA 17120 (717) 783-8452.

Findings

The Department finds that:

(1) The proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are impracticable and unnecessary because this rulemaking eliminates obsolete regulations.

(2) Public notice of intention to adopt this rulemaking has been omitted under section 204 of the CDL and the regulation thereunder 1 Pa. Code § 7.4.

Order

The Department orders that:

(a) The regulations of the Department, 13 Pa. Code Chapters 9, 11, 13, 41, 53 and 71, are amended by deleting §§ 9.1—9.3, 9.11—9.13, 9.31—9.34, 9.51—9.55, 9.61—9.66, 11.1—11.3, 11.11—11.13, 11.31—11.34, 11.51—11.55, 11.61—11.66, 13.1—13.3, 13.11—13.14, 13.21—13.25, 13.31—13.34, 41.1, 41.2, 41.11—41.19, 53.1—53.4 and 71.1—71.6 to read as set forth in Annex A.

(b) The Department shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality as required by law.

(c) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

THOMAS B. HAGEN,
Secretary

Fiscal Note: 4-63. No fiscal impact; (8) recommends adoption.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 2213 (May 3, 1997).)

Annex A

TITLE 13. COMMERCE AND TRADE

PART I. DEPARTMENT OF COMMERCE

CHAPTER 9. (Reserved)

CHAPTER 11. (Reserved)

CHAPTER 13. (Reserved)

CHAPTER 41. (Reserved)

CHAPTER 53. (Reserved)

CHAPTER 71. (Reserved)

[Pa.B. Doc. No. 97-727. Filed for public inspection May 9, 1997, 9:00 a.m.]

Title 37—LAW

BOARD OF PARDONS

[37 PA. CODE CH. 81]

[Correction]

General Provisions

A typographical error occurred in the name of the Secretary of the Board of Pardons in the document which appeared at 27 Pa.B. 1929, 1932 (April 19, 1997). The correct spelling of the name of the Secretary is Nelson R. Zullinger.

[Pa.B. Doc. No. 97-589. Filed for public inspection April 18, 1997, 9:00 a.m.]
