

# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 130d]

### Nutrient Management Education Grant Program

The Department of Agriculture hereby withdraws the notice of proposed rulemaking for the Nutrient Management Education Grant Program (NMEGP), which was published at 28 Pa.B. 4923 (October 3, 1998).

Further information is available by contacting Karl Brown, Executive Secretary, State Conservation Commission at (717) 787-8821.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 99-452. Filed for public inspection March 19, 1999, 9:00 a.m.]

[7 PA. CODE CH. 130c]

### Sustainable Agriculture Programs

The Department of Agriculture (Department), under the specific authority conferred by section 15(1) of the Sustainable Agriculture Act (act) (3 P. S. §§ 2101—2117), proposes to establish Chapter 130c to read as set forth in Annex A. Section 4(a) of the act (3 P. S. § 2104(a)) directs the Department to establish a program to promote sustainable agriculture. Sections 4(b), 8 and 12 (3 P. S. §§ 2104(b), 2108 and 2112) of the act delineate the duties of the Department and direct the Department to establish loan programs and grant programs to encourage the practice of sustainable agriculture.

The proposed regulations will delineate the objectives of the loan and grant programs and the general conditions for obtaining a sustainable agriculture loan or grant. In addition, the proposed regulations will establish submission, processing and review procedures, eligibility and evaluation criteria, notification and recordkeeping requirements and enforcement mechanisms for the sustainable agriculture loan program, the sustainable agriculture grant program and the alternative crop grant program. Sustainable agriculture emphasizes farm practices which are ecologically beneficial, ensure and improve the quality of the soil and water for future generations and make the best use of on-farm resources thereby eliminating or reducing the need for off-farm inputs, such as fertilizers and pesticides. The loan and grant programs are intended to promote and encourage the use and development of sustainable agriculture practices.

The major features of the proposed regulations are summarized as follows:

#### *Summary of Major Features*

##### *Subchapter A. General Provisions*

Proposed § 130c.1. (relating to objectives) sets forth the overall objectives and purpose of the sustainable agriculture act.

Proposed § 130c.2. (relating to definitions) sets forth the definitions of proposed words and terms used in this chapter.

Proposed § 130c.3. (relating to records) establishes the proposed recordkeeping requirements for the recipients of sustainable agriculture loans or grants.

Proposed § 130c.4. (relating to conflict of interest) allows members of the Board to apply for sustainable agriculture loans or grants or alternative crop grants, provided they meet specified criteria.

Proposed § 130c.5. (relating to notice of disposition of application) establishes the time period in which the Board will notify an applicant of the acceptance or rejection of the application.

Proposed § 130c.6. (relating to loan or grant cancellation) will allow the Secretary to cancel a sustainable agriculture loan or grant or an alternative crop grant when a determination is made that the funds are not being used properly.

Proposed § 130c.7. (relating to right of recovery) establishes the Department's right to recover, from a sustainable agriculture loan or grant recipient or an alternative crop grant recipient, moneys not expended in accordance with the act, the loan or grant agreement or this proposed chapter.

Proposed § 130c.8. (relating to deficits) limits the Department's financial obligation to the amount of the sustainable agriculture loan or grant or the alternative crop grant.

##### *Subchapter B. Sustainable Agriculture Loan Program*

Proposed § 130c.11. (relating to objective) sets forth the proposed objectives of this subchapter, which are to establish the procedures and requirements of the sustainable agriculture loan program.

Proposed § 130c.12. (relating to funding) sets forth the requirement of availability of funding, delineates the sources from which funding for the sustainable agriculture loan program may be obtained and establishes the requirement that all funds pertaining to the sustainable agriculture loan program must be deposited into the revolving loan account.

Proposed § 130c.13. (relating to amount of loan) delineates the maximum loan amounts allowed under the sustainable agriculture loan program.

Proposed § 130c.14. (relating to general conditions) establishes the interest rate to be charged on sustainable agriculture loans and delineates the maximum term of a loan and the payment plans available. This section also contains the sustainable agriculture loan agreement, security, default and verification requirements and establishes the Department's right to recall the entire principal balance of a sustainable agriculture loan plus interest due.

Proposed § 130c.15. (relating to submission of application) sets forth the sustainable agriculture loan application process, including the deadline for submission of loan applications.

Proposed § 130c.16. (relating to processing of applications) establishes the procedure which the Department will follow when processing a sustainable agriculture loan application and delineates the duties of the executive director and the Board regarding the processing of sustainable agriculture loan applications.

Proposed § 130c.17. (relating to applicant eligibility) establishes the criteria which individuals, family farm

partnerships, family farm corporations and corporate farms must meet to be considered for a loan under the sustainable agriculture loan program.

Proposed § 130c.18. (relating to review of a loan application) sets forth the criteria which the Board will use when reviewing and evaluating sustainable agriculture loan applications.

Proposed § 130c.19. (relating to eligible uses) delineates the agricultural practices for which sustainable agriculture loan proceeds may and may not be used.

*Subchapter C. Sustainable Agriculture Grant Programs and Alternative Crop Grant Programs*

Proposed § 130c.31. (relating to objectives) sets forth the proposed objectives of this subchapter, which are to establish the procedures and requirements of the sustainable agriculture grant program and the alternative crop grant program.

Proposed § 130c.32. (relating to funding) sets forth the requirement of availability of funding and delineates the sources from which funding for the sustainable agriculture grant program and the alternative crop grant program may be obtained.

Proposed § 130c.33. (relating to amount of grant) delineates the maximum dollar value of any grant which can be awarded under the sustainable agriculture grant program or alternative crop grant program.

Proposed § 130c.34. (relating to general conditions) regarding the sustainable agriculture grant program and the alternative crop grant program discusses the requirements of a grant agreement and sets forth default and verification conditions and requirements.

Proposed § 130c.35. (relating to submission of application) sets forth the application process for the sustainable agriculture grant program and alternative crop grant program, including the deadline for submission of grant applications and limitations.

Proposed § 130c.36. (relating to processing of applications) establishes the procedure which the Department will follow when processing a sustainable agriculture grant program application or an alternative crops grant program application and delineates the duties of the executive director and the Board regarding the processing of the grant applications.

Proposed § 130c.37. (relating to applicant eligibility) establishes the criteria which individuals, family farm partnerships, family farm corporations, corporate farms and nonprofit educational institutions must meet to be considered for a grant under the sustainable agriculture grant program or the alternative crop grant program.

Proposed § 130c.38. (relating to review of a grant application) sets forth the criteria which the Board will use when reviewing and evaluating sustainable agriculture grant applications and alternative crop grant applications.

Proposed § 130c.39. (relating to eligible uses) delineates the agricultural practices for which sustainable agriculture grant and alternative crop grant proceeds may and may not be used.

*Fiscal Impact*

*Commonwealth*

The proposed regulations do not create any fiscal impact or impose any costs on the Commonwealth, which are not already contained in the act itself. The act and

these proposed regulations are intended to have a positive fiscal impact on the Commonwealth, through increased return on investment to the producer/farmer, increased soil and water quality and other ecological benefits which accrue from reducing or eliminating the need for fertilizers and pesticides.

*Political Subdivisions*

The proposed regulations will not have any direct fiscal impact on political subdivisions.

*Private Sector*

The proposed regulations will not have any direct fiscal impact on the private sector except for the possible positive effects discussed with regard to their fiscal impact on the Commonwealth.

*General Public*

The proposed regulations will not have any direct fiscal impact on the general public, although the general public may benefit from the decreased use of pesticides and fertilizers and the increased soil and water quality these proposed regulations seek to promote.

*Paperwork Requirements*

These proposed regulations will result in increased paperwork requirements of the recipients of sustainable agriculture loans and grants and alternative crop grants. The recipients of the loans and grants will be required to keep detailed records of all sustainable agriculture activities and projects undertaken using the loan or grant moneys. The Department will incur increased paperwork requirements through tracking and recordkeeping requirements and review of applications related to the sustainable agriculture loan program, the sustainable agriculture grant program and the alternative crop grant program.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 5, 1999, the Department submitted a copy of these proposed regulations to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Agriculture and Rural Affairs Committees. In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1 "Improving Government Regulations." A copy of this material is available to the public upon request. If IRRC has an objection to any portion of the proposed regulations, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

*Contact Person*

Interested persons are invited to submit written comments regarding the proposed regulations within 30 days following publication in the *Pennsylvania Bulletin*. Comments are to be submitted to Lyle Forer, Director, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5203.

*Effective Date*

The proposed regulations will become effective upon final adoption.

SAMUEL E. HAYES,  
*Secretary*

**Fiscal Note:** 2-115. No fiscal impact; (8) recommends adoption. Grant moneys could come from a line item specifically appropriated in the budget, farmland preservation, United States Department of Agriculture and programs from private industry.

**Annex A****TITLE 7. AGRICULTURE****PART V. BUREAU OF PLANT INDUSTRY****CHAPTER 130c. SUSTAINABLE AGRICULTURE PROGRAMS****Subch.****A. GENERAL PROVISIONS****B. SUSTAINABLE AGRICULTURE LOAN PROGRAM****C. SUSTAINABLE AGRICULTURE GRANT PROGRAMS AND ALTERNATIVE CROP GRANT PROGRAMS****Subchapter A. GENERAL PROVISIONS****Sec.**

- 130c.1. Objectives.
- 130c.2. Definitions.
- 130c.3. Records.
- 130c.4. Conflict of interest.
- 130c.5. Notice of disposition of application.
- 130c.6. Loan or grant cancellation.
- 130c.7. Right of recovery.
- 130c.8. Deficits.

**§ 130c.1. Objectives.**

The purpose of the act is to:

- (1) Establish a program for sustainable agriculture practices and to create the Board.
- (2) Define the powers and duties of the Department and the Board.
- (3) Provide for sustainable agriculture loan and grant programs and an alternative crop grant program.
- (4) Provide for funding.

**§ 130c.2. Definitions.**

The following words, phrases and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Sustainable Agriculture Act (3 P. S. §§ 2101—2117)

*Agricultural activity or farming*—The commercial production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products or fruits and other horticultural products.

*Alternative crop*—Crops not normally grown on an annual or rotational basis in this Commonwealth. The term may include crops used to replenish soil nutrients, crops used for animal or human consumption or crops used to reduce reliance on fuel, agricultural chemicals or synthetic fertilizer.

*Applicant*—A farm enterprise applying for a loan or grant.

*Beneficial insects*—Insects which, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial to farming.

*Board*—The Board of Sustainable Agriculture.

*Corporate farm*—A corporation formed for the purpose of engaging in agricultural activity or farming which is not a family farm corporation.

*Creditworthy*—The ability to pay debts as they become due, to offer sufficient security and collateral and having no history of any previous default on loans specified in § 130c.14(g) (relating to general conditions).

*Department*—The Department of Agriculture of the Commonwealth.

*Executive Director*—The person appointed by the Secretary to advise the Board. The Executive Director's duties include:

- (i) Reviewing, evaluating and submitting loan applications to the Board.
- (ii) Identifying sustainable agriculture practices.
- (iii) Integrating and coordinating sustainable agriculture activities and education.
- (iv) Developing information systems.
- (v) Promoting sustainable agriculture practices.

*Family farm corporation*—A corporation formed for the purpose of farming in which the majority of the voting stock is held by and the majority of the stockholders are natural persons or their spouses or other persons related to the natural persons or their spouses and at least one of the majority stockholders is residing on or actively operating or managing the farm and none of the stockholders of which are corporations.

*Family farm partnership*—A general partnership entered into for the purpose of farming, having no more than three unrelated members and having at least one member residing on or actively operating or managing the farm.

*Farm enterprise*—A natural person, family farm corporation, family farm partnership engaged in farming or a corporate farm or nonprofit educational institution.

*Farmland*—Land in this Commonwealth that is capable of supporting the commercial production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products, fruit or other horticultural products.

*Fund—Sustainable Agriculture Fund*—A fund created by section 7 of the act (3 P. S. § 2107) and established by the Department which shall receive all revenues and appropriations, allowed under the act. The Fund shall pay all costs, except administrative expenses, related to the Program. This Fund shall also contain the revolving loan account created by section 9 of the act (3 P. S. § 2109).

*Individual*—A natural person, meaning a single person as distinguished from a group or class, and as distinguished from a partnership, corporation or association.

*Nonprofit educational institution*—A State-owned or State-related college or university in this Commonwealth or any nonprofit organization, association or group in this Commonwealth which:

- (i) Has demonstrated a capacity to conduct agricultural research or education programs.
- (ii) Has experience in research or education in sustainable agricultural practices.
- (iii) Qualifies as a nonprofit organization under section 501(c) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 501(c)).

*Pest*—An insect, rodent, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism (except viruses, bacteria, or other microorganisms on or in living man or other living animals) which the Administrator of the Environmental Protection Agency declares to be a pest under section 25(c)(1) of the Federal Insecticide, Fungicide and Rodenticide Act of 1947 (7 U.S.C.A. § 136w(1)).

*Pesticide*—

(i) A substance or mixture of substances intended for preventing, destroying, repelling or mitigating a pest.

(ii) A substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

*Program*—The Sustainable Agriculture Loan Program.

*Project*—A specific plan set forth on a loan or grant application submitted under the act and this chapter, describing sustainable agriculture or alternative crop practices to be implemented using loan or grant funds received under that application.

*Secretary*—The Secretary of Agriculture of the Commonwealth or a designee.

*Sustainable agriculture*—An integrated system of plant and animal production practices having a site-specific application that will over the long term:

- (i) Satisfy human food and fiber needs.
- (ii) Enhance environmental quality and the natural resource base upon which the agricultural economy depends.
- (iii) Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls.
- (iv) Sustain the economic viability of farm operations.
- (v) Enhance the quality of life for farmers and society as a whole.

**§ 130c.3. Records.**

(a) A recipient of grant or loan funds under the act and this chapter shall maintain books, records and other evidence pertinent to expenditures and costs incurred in connection with the sustainable agriculture project to which those funds are applied. The books and records shall be maintained according to generally accepted accounting principles.

(b) Financial records, supporting documents, statistical records and other records pertaining to any loan or grant made under the act shall be retained by the recipient for 3 years following the year in which the loan or grant expires.

(c) The records and documents shall be available for inspection or audit at reasonable times by the Department or its authorized agents.

**§ 130c.4. Conflict of interest.**

A member of the Board may apply for a sustainable agriculture loan or grant or an alternative crop grant provided all decisions regarding the loan or grant application are subject to section 3(j) of the Public Official and Employee Ethics Act (65 Pa.C.S. § 1103(j)) and if the action does not violate the State Adverse Interest Act (71 P. S. §§ 776.1—776.8), or 4 Pa. Code Chapter 7, Subchapter K (relating to code of conduct for appointed officials and State employees).

**§ 130c.5. Notice of disposition of application.**

The Board will provide an applicant written notice of the acceptance or rejection of the application by mailing a notice within 90 days of receipt of the application. If the application is incomplete, the Board will follow the action prescribed by § 130.16 or § 130.36 (relating to processing of loan applications; and processing of grant applications).

**§ 130c.6. Loan or grant cancellation.**

A sustainable agriculture loan or grant or an alternative crop grant may be canceled by the Secretary upon a determination that the funds are not being spent or utilized in accordance with the act, the loan or grant agreement or this chapter.

**§ 130c.7. Right of recovery.**

The Department has the right to make a claim for and receive from the loan or grant recipient moneys not expended in accordance with the act, the loan or grant agreement or this chapter. When a loan or grant recipient defaults, the Department has the right to make a claim for and receive from the loan or grant recipient, the principle balance of the loan and interest incurred to date. Payment shall be due within 60 days of the written demand.

**§ 130c.8. Deficits.**

The Department's financial obligation is limited to the amount of the sustainable agriculture loan or grant or the alternative crop grant. The Department is not responsible for funding cost overruns incurred by loan or grant recipients.

**Subchapter B. SUSTAINABLE AGRICULTURE LOAN PROGRAM**

Sec.  
 130c.11. Objective.  
 130c.12. Funding.  
 130c.13. Amount of loan.  
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 130c.15. Submission of application.  
 130c.16. Processing of applications.  
 130c.17. Applicant eligibility.  
 130c.18. Review of a loan application.  
 130c.19. Eligible uses.

**§ 130c.11. Objective.**

This subchapter establishes the requirements and procedures of the Program, under which an applicant may receive a loan to implement farming practices that emphasize sustainable agriculture in this Commonwealth.

**§ 130c.12. Funding.**

Sustainable agriculture loans will be made to the extent funds are made available in the revolving loan account. The revolving loan account, created under section 9 of the act (3 P. S. § 2109), shall be used to fund all sustainable agriculture loans. The revolving loan account shall be funded by appropriations made by the General Assembly and interest earned on the account and interest from loan repayment.

**§ 130c.13. Amount of loan.**

The maximum amount of a loan is \$15,000 for farm enterprises which are not corporate farms and \$25,000 for corporate farms.

**§ 130c.14. General conditions.**

(a) *Interest rates.* The interest rate on any loan shall be calculated using simple interest at the percentage rate equal to the Federal Reserve discount rate at the time the loan was made.

(b) *Term of loan and rate of payment.* The term of the loan may not be greater than the useful life of the project, which shall be defined in the loan agreement. The term of the loan may not exceed 7 years. Payments shall be made monthly, quarterly or semiannually, as determined by the Board.

(c) *Security.*

(1) *Requirement.* The Board will secure each loan before distributing the loan proceeds and its lien position may not be less than a second position as to liens on real estate and equipment connected with the farm operation. A loan shall be fully secured and no part of the loan may be unsecured.

(2) *Valuation of collateral.* Real estate security shall be valued on the basis of resale value, taking into account any liens or encumbrances on the land.

(3) *Additional security.* The Board may require other and additional security as it deems just and reasonable, including personal liability promissory notes with confessions of judgment, judgment notes, additional collateral, insurance and guarantees.

(d) *Sale of real or personal property.* If the recipient sells real or personal property connected with the project which is subject to a lien in favor of the Department or Board the principal balance of the loan and interest incurred to date shall immediately become due and payable.

(e) *Verification.* Within 3 months of the project completion date specified in the loan agreement, the recipient shall submit to the Department a final report which includes written receipts, records and any other pertinent documentation evidencing the total amount of the costs incurred and expenditures associated with the project. At the same time, the recipient shall also submit a narrative report describing the effectiveness of the project, the results obtained, the experience gained and the personal knowledge acquired.

(f) *Failure to verify.* If the required receipts, records and documentation are not submitted within the 3-month period or a portion of loan proceeds are unaccounted for, the Secretary may demand that the recipient repay the entire principal balance of the loan or a lesser amount and interest incurred to date. Payment shall be due within 60 days of the written demand.

(g) *Loan agreement.* A recipient shall sign a loan agreement setting forth the term and amount of the loan, a repayment schedule and other terms or conditions as the Department may reasonably require.

(h) *Previous default.* A loan will not be made under this chapter to an applicant who has previously defaulted on a loan made, guaranteed or insured by the Commonwealth, the Federal government or by the government of another state.

(i) *Default.* A recipient who fails to abide by the terms of the act, the loan agreement or this chapter shall be in default. Additionally, a loan will be declared in default if the loan recipient fails to make the required payment within 30 days of the due date. When a loan recipient defaults the Department may seek recovery of the loan funds as delineated in § 130c.7 (relating to right of recovery). A default may be waived by the Secretary, after consultation with the Board, in the event of a physical disability suffered by the recipient or other extenuating circumstances.

#### § 130c.15. Submission of application.

An applicant desiring to be considered for a loan under this chapter shall submit to the Board, on a form prepared by the Board, an application for a loan. The completed application shall contain all information requested by the Board. Applications shall be postmarked by July 31 of each year.

#### § 130c.16. Processing of applications.

(a) *Executive Director.* Upon receipt of an application for a sustainable agriculture loan and any required supporting documentation, the Executive Director will review this information for completeness and accuracy and submit it to the Board. If the Executive Director determines the application is incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is requested, processing of the application will cease until the applicant supplies the requested data. If additional data has been requested, the Executive Director may terminate the processing of an incomplete application when the additional data is not supplied within 30 days of a written request.

(b) *Board.* The Board will review all complete applications and supporting documentation and shall have the power to accept, accept with special conditions or reject applications and issue loans in accordance with the general considerations and eligibility criteria of the act and this chapter.

#### § 130c.17. Applicant eligibility.

(a) *Individuals.* To be eligible for a loan under this chapter, the applicant, if an individual, shall be:

(1) A resident of this Commonwealth or show sufficient evidence that he intends to become a resident.

(2) An active resident operator or resident manager of the farm.

(3) Sufficiently educated, trained or experienced to carry out the project and shall certify he will participate in the project for the duration of the loan period.

(4) Able to prove and document that the farmland or farm enterprise for which the loan is acquired is located in this Commonwealth.

(5) Able to demonstrate the proceeds of the loan will be used for eligible sustainable agriculture purposes as defined in the act and this chapter and that all loan proceeds will be used exclusively for sustainable agriculture purposes in Commonwealth farming operations only.

(6) Creditworthy.

(b) *Family farm partnership.* To be eligible for a loan under this chapter, if a family farm partnership, the applicant's principal operating or managing partners shall:

(1) Be residents of this Commonwealth or demonstrate they intend to become residents.

(2) Have no more than three unrelated members.

(3) Have at least one member residing on or actively operating or managing the farm.

(4) Demonstrate the applicant or the principal operating or managing partners thereof have sufficient education, training or experience to carry out the sustainable agriculture project proposed in the loan application and shall certify that he or they will participate in the project for the duration of the loan period.

(5) Be able to prove and document that the farmland or farm enterprise for which the loan is acquired is located in this Commonwealth.

(6) Be able to demonstrate the proceeds of the loan will be used for eligible sustainable agriculture purposes as defined in the act and this chapter and that all loan proceeds will be used exclusively for sustainable agriculture purposes in Commonwealth farming operations only.

(7) Be creditworthy.

(c) *Family farm corporation.* To be eligible for a loan under this chapter, the applicant, if a family farm corporation, shall meet the following requirements:

(1) The family farm corporation shall be incorporated or registered to do business in this Commonwealth.

(2) The principal operating or managing members or shareholders of the family farm corporation shall be residents of this Commonwealth or show sufficient evidence that they intend to become residents.

(3) At least one of the majority stockholders of the family farm corporation shall reside on or actively operate or manage the farm.

(4) None of the shareholders of the family farm corporation may be corporations.

(5) The applicant or the principal operating or managing members or shareholders of the family farm corporation shall have sufficient education, training or experience to carry out the sustainable agriculture project proposed in the loan application and shall guarantee that he or they will participate in the project for the duration of the loan period.

(6) The family farm corporation shall demonstrate that the farmland or farm enterprise for which the loan is acquired is located in this Commonwealth.

(7) The family farm corporation shall be able to demonstrate the proceeds of the loan will be used for eligible sustainable agriculture purposes as defined in the act and this chapter and that all loan proceeds will be used exclusively for sustainable agriculture purposes in Commonwealth farming operations only.

(8) The family farm corporation shall be creditworthy.

(d) *Corporate farm.* To be eligible for a loan under this chapter, the applicant, if a corporate farm, shall meet the following requirements:

(1) The corporate farm shall be incorporated or registered to do business in this Commonwealth.

(2) The principal operating or managing members or shareholders of the corporate farm shall have sufficient education, training or experience to carry out the sustainable agriculture project proposed in the loan application and shall guarantee that the corporation will participate in the project for the duration of the loan agreement.

(3) The corporate farm shall demonstrate that the farm enterprise owns or leases farmland in this Commonwealth.

(4) The corporate farm shall be able to demonstrate the proceeds of the loan will be used for eligible sustainable agriculture purposes as defined in the act and this chapter and that all loan proceeds will be used exclusively for sustainable agriculture purposes in Commonwealth farming operations only.

(5) The corporate farm shall be creditworthy.

(e) *Nonprofit educational institution.* A nonprofit educational institution is not eligible for a loan.

#### § 130c.18. Review of a loan application.

(a) *Evaluation.* The Board will evaluate the application based on the applicant's eligibility as set out in § 130c.17 (relating to applicant eligibility).

(b) *Ranking.* No single factor will be paramount. In rendering a decision, the Board will rank the application based on the following criteria:

(1) *Financial responsibility.* Financial responsibility reflecting the ability of the applicant to meet and satisfy all debt service as it becomes due and payable, continue farm operations and protect the Department against undue risk. The applicant's cash flow history, total assets controlled, equity owned, contingent liabilities and history of earnings to date are significant measures of financial responsibility.

(2) *Collateral offered on available security.* The requirement of collateral and collateral taken shall reasonably protect the Department, provide the necessary control of equity and repayment and leave the applicant in a position to reasonably manage the farm operation. The applicant's ability to give the Department a first position in terms of a lien on collateral or to share a first position, will be given great weight.

(3) *Repayment capacity.* The relevant criminal and credit history and ratings of the applicant as determined from credit reporting services and other sources.

(4) *Tax obligations.* The payment to date of all tax obligations due and owing by the applicant to the Commonwealth or any political subdivisions thereof.

(5) *Projected use.* The manner in which loan proceeds will be utilized in furthering sustainable agriculture in this Commonwealth. This encompasses the goals of the project, its impact on agriculture, the environment and society, its ability to increase farm profitability and productivity, and the potential for success of the project.

(6) *Capital needs (amount of the loan).* The Board will look at the capital needs of the applicant in light of available funds.

(7) *Farming practices.* The intent to use practices that would improve soil fertility, lower the cost of production, cause the optimum and environmentally compatible use of off-farm inputs, such as chemical or synthetic fertilizers, insecticides and herbicides, or otherwise promote sustainable agriculture. These practices are further explained and defined in § 130c.19 (relating to eligible uses).

(c) *Discretion.* The Board may exercise its judgment in reviewing applications and in determining the amount of each loan so that, when possible, the widest audience becomes acquainted with the principles of sustainable agriculture. This discretion may be exercised to assure loan funds are distributed to the maximum number of applicants and dispersed throughout this Commonwealth.

#### § 130c.19. Eligible uses.

(a) *Loan proceeds.* Proceeds from a loan made under this chapter shall be used by the loan recipient solely for eligible sustainable agriculture practices. Sustainable agriculture practices include agricultural practices which:

(1) Are ecologically beneficial.

(2) Improve and ensure the soil and water quality for future generations.

(3) Enhance environmental quality and the natural resource base upon which the agricultural economy depends.

(4) Make the most efficient use of nonrenewable resources.

(5) Integrate natural biological cycles and controls, such as planting cover crops to defend against insects and weeds, using mechanical tillage to control weeds and relying on natural systems, such as biological controls and natural predators.

(6) Ensure the optimum and environmentally compatible use of or eliminate the need for the purchase of off-farm inputs such as chemical or synthetic fertilizers, insecticides and herbicides.

(7) Make the best use of on-farm labor and resources, such as using animal and plant manure to enrich soil.

(8) Sustain the economic viability of farm operations, by implementing practices which lower production costs.

(9) Enhance the quality of life for farmers and society.

(10) Satisfy human food and fiber needs.

(11) Emphasize planting a diverse array of crops and the production of alternative crops.

(b) *Ineligible uses of proceeds.* Loan proceeds may not be used for any of the following purposes:

(1) To refinance a portion of the total project cost or any other existing loans or debts.

(2) To finance, fund or to use in a project outside the geographic boundaries of this Commonwealth.

(3) To purchase off-farm inputs, such as chemical or synthetic fertilizers, insecticides and herbicides.

(4) To fund any educational or promotional program.

**Subchapter C. SUSTAINABLE AGRICULTURE  
GRANT PROGRAMS AND ALTERNATIVE CROP  
GRANT PROGRAMS**

Sec.

- 130c.31. Objectives.
- 130c.32. Funding.
- 130c.33. Amount of grant.
- 130c.34. General conditions.
- 130c.35. Submission of application.
- 130c.36. Processing of applications.
- 130c.37. Applicant eligibility.
- 130c.38. Review of a grant application.
- 130c.39. Eligible uses.

**§ 130c.31. Objectives.**

This subchapter establishes the requirements and procedures of the Program and the Alternative Crop Grant Program, under which an applicant may receive grants that enable it to implement practices and develop programs which emphasize sustainable agriculture and the use of alternative crops to promote sustainable agriculture in this Commonwealth.

**§ 130c.32. Funding.**

Sustainable agriculture grants and alternative crop grants will be made to the extent funds are made available. The revenues and appropriations will be deposited in the Fund. All costs, except administrative expenses, related to the sustainable agriculture program will be paid from the Fund.

**§ 130c.33. Amount of grant.**

Grants may not exceed \$25,000 except as provided in this subchapter. An additional amount of up to \$25,000

may be granted if the applicant matches that additional amount dollar for dollar so that a single grant may not exceed \$50,000 in one calendar year.

**§ 130c.34. General conditions.**

(a) *Grant agreement.* The applicant shall sign a grant agreement setting forth the term and amount of the grant and other terms or conditions as the Department may reasonably require.

(b) *Verification.* Within 3 months of the project completion date specified in the grant agreement, the applicant shall submit to the Department a final report which includes written receipts, records and any other pertinent documentation evidencing the total amount of the costs incurred and expenditures associated with the project. At the same time, the applicant shall also submit a narrative report describing the effectiveness of the project, the results obtained, the experience gained and the personal knowledge acquired.

(c) *Failure to verify.* If the required receipts, records and documentation are not submitted within the 3-month period or a portion of grant proceeds are unaccounted for, the Secretary may demand the applicant repay the entire principal balance of the grant or a lesser amount and interest incurred to date. The interest rate will be calculated using simple interest at the percentage rate equal to the Federal Reserve discount rate at the time the grant was made. Payment shall be due within 60 days of the written demand.

(d) *Default.* A recipient who fails to abide by the terms of the act, the grant agreement or this chapter shall be in default. When a grant recipient defaults the Department may seek recovery of the grant funds as delineated in § 130c.7 (relating to right of recovery). A default may be waived by the Secretary, after consultation with the Board, in the event of a physical disability suffered by the recipient or other extenuating circumstances.

**§ 130c.35. Submission of application.**

(a) *Obtaining an application/deadline.* An applicant desiring to be considered for a grant under this chapter shall submit to the Board, on a form prepared by the Board, an application for a grant. The completed application shall contain the information requested by the Board. Applications shall be postmarked by July 31 of each year.

(b) *Limitations.* An applicant may submit applications, in the same year, under both the sustainable agriculture grant program and the alternative crop grant program. An applicant will not be awarded more than one grant in each calendar year and an applicant already possessing a grant will not be eligible to apply for any other grant under this chapter until the applicant's current grant is completed and the proper verification has been provided to the Board.

**§ 130c.36. Processing of applications.**

(a) *The Executive Director.* Upon receipt of an application for a sustainable agriculture grant or alternative crop grant and the required supporting documentation, the Executive Director will review this information for completeness and accuracy and submit it to the Board. If the Executive Director determines the application is incomplete or inaccurate, final processing of the application may be discontinued or additional data may be requested. If additional data is requested, processing of

the application will cease until the applicant supplies the requested data. If additional data has been requested, the Executive Director may terminate the processing of an incomplete application when the additional data is not supplied within 30 days of a written request.

(b) *The Board.* The Board will review all complete applications and supporting documentation and has the power to accept, accept with special conditions or reject applications and issue grants in accordance with the general considerations and eligibility criteria of the act and this chapter.

**§ 130c.37. Applicant eligibility.**

(a) *Individuals.* To be eligible for a grant under this chapter, the applicant, if an individual, shall be:

(1) A resident of this Commonwealth or show sufficient evidence that he intends to become a resident.

(2) An active resident operator or resident manager of the farm.

(3) Sufficiently educated, trained or experienced to carry out the sustainable agriculture or alternative crop project proposed in the grant application and must guarantee he will participate in the project for the duration of the grant period.

(4) Able to prove and document that the farmland or farm enterprise for which the grant is acquired is located in this Commonwealth.

(5) Able to demonstrate the proceeds of the grant will be used for eligible sustainable agriculture or alternative crop purposes as defined in the act and this chapter and that all grant proceeds will be used exclusively for sustainable agriculture or alternative crop purposes in Commonwealth farming operations only.

(b) *Family farm partnership.* To be eligible for a grant under this chapter, if a family farm partnership, the applicant's principal operating or managing partners shall:

(1) Be residents of this Commonwealth or demonstrate they intend to become residents.

(2) Have no more than three unrelated members.

(3) Have at least one member residing on or actively operating or managing the farm.

(4) Demonstrate the applicant or the principal operating or managing partners thereof have sufficient education, training or experience to carry out the sustainable agriculture or alternative crop project proposed in the grant application and shall guarantee he or they will participate in the project for the duration of the grant period.

(5) Be able to prove and document that the farmland or farm enterprise for which the grant is acquired is located in this Commonwealth.

(6) Be able to demonstrate the proceeds of the grant will be used for eligible sustainable agriculture or alternative crop purposes as defined in the act and this chapter and that all grant proceeds will be used exclusively for sustainable agriculture or alternative crop purposes in Commonwealth farming operations only.

(c) *Family farm corporation.* To be eligible for a grant under this chapter, the applicant, if a family farm corporation, shall meet the following requirements:

(1) The family farm corporation shall be incorporated or registered to do business in this Commonwealth.

(2) The principal operating or managing members or shareholders of the family farm corporation shall be residents of this Commonwealth or show sufficient evidence that they intend to become residents.

(3) At least one of the majority stockholders of the family farm corporation shall reside on or actively operate or manage the farm.

(4) None of the shareholders of the family farm corporation may be corporations.

(5) The applicant or the principal operating or managing members or shareholders of the family farm corporation shall have sufficient education, training or experience to carry out the sustainable agriculture or alternative crop project proposed in the grant application and shall guarantee the family farm corporation will participate in the project for the duration of the grant period.

(6) The family farm corporation shall demonstrate that the farmland or farm enterprise for which the grant is acquired, is located in this Commonwealth.

(7) The family farm corporation shall be able to demonstrate the proceeds of the grant will be used for eligible sustainable agriculture or alternative crop purposes as defined in the act and this chapter and that all grant proceeds will be used exclusively for sustainable agriculture or alternative crop purposes in Commonwealth farming operations only.

(d) *Corporate farm.* To be eligible for a grant under this chapter, the applicant, if a corporate farm, shall meet the following requirements:

(1) The corporate farm shall be incorporated or registered to do business in this Commonwealth.

(2) The principal operating or managing members or shareholders of the corporate farm shall have sufficient education, training or experience to carry out the sustainable agriculture or alternative crop project proposed in the grant application and shall guarantee the corporation will participate in the project for the duration of the grant agreement.

(3) The corporate farm shall demonstrate that the farm enterprise owns or leases farmland in this Commonwealth.

(4) The corporate farm shall be able to demonstrate the proceeds of the grant will be used for eligible sustainable agriculture or alternative crop purposes as defined in the act and this chapter and that all grant proceeds will be used exclusively for sustainable agriculture or alternative crop purposes in Commonwealth farming operations only.

(e) *Nonprofit educational institution.* To be eligible for a grant under this chapter, the applicant, if a nonprofit educational institution, shall:

(1) Qualify as a nonprofit organization under section 501(c) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 501(c)).

(2) Be a State-owned or State-related college or university in this Commonwealth or any nonprofit organization, association or group in this Commonwealth.

(3) Have experience in research or education in sustainable agriculture practices.

(4) Have demonstrated a capacity to conduct agricultural research or education programs.



**§ 130c.38. Review of a grant application.**

(a) *Evaluation.* The Board will evaluate the application based on the applicant's eligibility as set out in § 130c.37 (relating to applicant eligibility).

(b) *Ranking.* No single factor will be paramount. In rendering a decision the Board will rank the application based on the following criteria:

(1) *Financial responsibility.* Financial responsibility reflecting the ability of the applicant to meet and satisfy all debt service as it becomes due and payable, continue farm operations and protect the Department against undue risk. The applicant's cash flow history, total assets controlled, equity owned, contingent liabilities and history of earnings to date are significant measures of financial responsibility.

(2) *Repayment capacity.* The relevant criminal and credit history and ratings of the applicant as determined from credit reporting services and other sources.

(3) *Tax obligations.* The payment to date of all tax obligations due and owing by the applicant to the Commonwealth or any political subdivisions thereof.

(4) *Projected use.* The manner in which grant proceeds will be utilized in furthering sustainable agriculture in this Commonwealth. This encompasses the goals of the project, its impact on agriculture, the environment and society, its ability to increase farm profitability and productivity, and the project's potential for success.

(5) *Capital needs (amount of the grant).* The Board will look at the capital needs of the applicant in light of available funds.

(6) *Environment.* The environmental benefit.

(7) *Profitability.* The potential impact on farm profitability.

(8) *Technology.* The applicability of the techniques or technology to other farm enterprises.

(9) *Effectiveness.* The effectiveness of the project as a demonstration, when applicable.

(10) *Farming practices.* The intent to use practices that would improve soil fertility, lower the cost of production, cause the optimum and environmentally compatible use of off-farm inputs, such as chemical or synthetic fertilizers, insecticides and herbicides, or otherwise promote sustainable agriculture. These practices are further explained and defined in § 130c.39 (relating to eligible uses).

(c) *Discretion.* The Board may exercise its judgment in reviewing applications and in determining the amount of each grant so that, when possible, the widest audience becomes acquainted with the principles of sustainable agriculture. This discretion may be exercised to assure grant funds are distributed to the maximum number of applicants and dispersed throughout this Commonwealth.

**§ 130c.39. Eligible uses.**

(a) *Grant proceeds.* Proceeds from a grant made under this chapter shall be used by the grant recipient for the practice or promotion of sustainable agriculture or for research or educational programs pertaining to the development of sustainable agriculture, or to adopt practices that emphasize the use of alternative crops. Sustainable agriculture practices include, but are not limited to, agricultural practices which:

(1) Are ecologically beneficial.

(2) Improve and ensure the soil and water quality for future generations.

(3) Enhance environmental quality and the natural resource base upon which the agricultural economy depends.

(4) Make the most efficient use of nonrenewable resources.

(5) Integrate natural biological cycles and controls, such as planting cover crops to defend against insects and weeds, using mechanical tillage to control weeds and relying on natural systems, such as biological controls and natural predators.

(6) Ensure the optimum and environmentally compatible use of or eliminate the need for the purchase of off-farm inputs such as chemical or synthetic fertilizers, insecticides and herbicides.

(7) Make the best use of on-farm labor and resources, such as using animal and plant manure to enrich soil.

(8) Sustain the economic viability of farm operations, by implementing practices which lower production costs.

(9) Enhance the quality of life for farmers and society.

(10) Satisfy human food and fiber needs.

(11) Emphasize planting a diverse array of crops and the production of alternative crops.

(12) Identify agricultural practices that maintain productivity and minimize environmental and farmland degradation.

(13) Develop, integrate and coordinate field experiments and on-farm research and educational efforts related to the practice of sustainable agriculture.

(14) Develop, integrate and coordinate new techniques and technologies which advance the field of sustainable agriculture.

(b) *Ineligible use of grant proceeds.* Grant proceeds may not be used for any of the following purposes:

(1) To refinance a portion of the total project cost or any other existing loan or debt.

(2) To finance, fund or to use in a project outside the geographic boundaries of this Commonwealth.

(3) To purchase off-farm inputs, such as chemical or synthetic fertilizers, insecticides and herbicides.

(4) To fund any educational or promotional program which is not for the sole purpose of advancing the practice of sustainable agriculture.

[Pa.B. Doc. No. 99-453. Filed for public inspection March 19, 1999, 9:00 a.m.]

## DEPARTMENT OF CORRECTIONS

[37 PA. CODE CH. 95]

### County Correctional Institutions

The Department of Corrections (Department) proposes to amend Chapter 95 (relating to county correctional institutions), to read as set forth in Annex A. The

Department is proposing the amendments under the authority of section 506 of The Administrative Code of 1929 (act) (71 P. S. § 186).

#### A. *Contact Person*

Interested persons are invited to submit in writing comments, suggestions or objections regarding the proposed amendments to Deputy Secretary for Intergovernmental Relations William M. Reznor, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598, (717) 975-4876.

#### B. *Statutory Authority*

The Department proposes the amendments to Chapter 95 under the authority of section 506 of the act. Under section 506 of the act, the Department is empowered to prescribe rules and regulations for the performance of the Department's business. A portion of the Department's business includes establishing standards for county jails and prisons, including physical facilities and standards for correctional programs of treatment, education and rehabilitation of inmates. See section 3 of the act of December 27, 1965 (P. L. 1237) (61 P. S. § 460.3(3)).

#### C. *Purpose and Background*

Under the authority of Executive Order 1996-1 the Department undertook a review of its regulations relating to county correctional institutions. Based on that review, the Department found that many of the regulations are outdated, too technical and do not afford county prison administrators with sufficient flexibility to address prison management problems that are strictly local in nature. While the Department still wants to ensure that county prisons maintain minimum professional standards for prison operations, it wants to provide county prison administrators with the flexibility they need to address strictly local issues in the manner the counties deem most appropriate and cost efficient. Therefore, the Department proposes amendments to Chapter 95 to read as set forth in Annex A.

#### D. *Compliance with Executive Order 1996-1, Regulatory Review and Promulgation*

Prior to drafting the proposed amendments contained in Annex A, the Department sought and received input from county prison wardens from across this Commonwealth. In May of 1997, the Department mailed a preliminary survey to the wardens of all 63 counties which asked them to rate the individual sections contained within Chapter 95 and to identify specific areas of concern. The overall response rate to the survey was 59%. The results from the survey were compiled by the Department's Planning and Research Division to develop a standard agenda for regional work sessions that the Department planned to conduct with county prison officials. The survey revealed that 12 sections of Chapter 95 were deemed most worthy of revision by the county wardens that responded to the survey. During the months of July and August 1997, five regional work sessions were conducted with county prison officials to discuss the 12 sections targeted for revision.

The five work sessions were held for the Northwest, Northeast, Southwest and Southeast regions of this Commonwealth and Philadelphia County. The work sessions were held in centralized locations in an effort to maximize warden participation by minimizing travel inconveniences. A team from the Department, which included representation from the Office of Chief Counsel, Bureau of Operations, Office of Grants and Special Projects, Bureau of Health Care and the Deputy Secretary for Intergovernmental Relations, was assembled to facilitate

warden input at each of the work sessions and to develop recommendations for a reduction in the regulations of the targeted sections.

After the work sessions, and with due consideration being given to the input of the county prison officials, the Department drafted proposed amendments to the 12 regulatory sections that were targeted for revision. Those amendments were then submitted to a Wardens' Committee representing the Pennsylvania Prison Wardens Association and the Courts and Corrections committee representing the County Commissioners Association of Pennsylvania for final review and comment. After reviewing the comments submitted by the County Commissioners Association and the Wardens Committee the Department drafted the proposed amendments as set forth in Annex A.

#### E. *Summary of Proposed Amendments*

An introductory statement will appear in § 95.220 (relating to purpose). The introductory statement is intended to impress upon county prison officials the need to develop, utilize and maintain local policies and procedures that are consistent with Pennsylvania law and recognized professional standards. The introductory statement will also exempt compliance with the regulations if a county prison achieves American Correctional Association accreditation using Adult Local Detention Facilities standards. These are the same standards endorsed by the American Jailers Association. In addition, all Chapter 95 regulations governing medical and health care services will be waived if a county prison achieves accreditation from the National Commission on Correctional Health Care.

Twelve sections have been selected for revision based on input from county wardens and prison administrators concerning the most burdensome regulations. Those sections include § 95.221, Personnel; § 95.222, Admissions; § 95.225, Classification; § 95.226, Housing; § 95.228 Clothing; § 95.231, Personal Hygiene; § 95.232, Medical and Health Services; § 95.234, Correspondence; § 95.236, Library; § 95.238, Recreation; § 95.239, Commissary and § 95.240, Discipline and Punishment. The proposed amendments are designed to reduce the number of technical, burdensome and mandatory requirements that are currently imposed on county prison administrators. The proposed amendments are also designed to provide county prison administrators with sufficient flexibility to address purely local operational concerns within the confines of local budgetary constraints. At the same time, the proposed amendments establish for county prison administrators the minimum general professional standards that should govern county prison operations.

#### F. *Fiscal Impact*

The proposed amendments are not expected to have any negative fiscal impact upon the Commonwealth, its political subdivisions or the general public.

#### G. *Paperwork Requirements*

The proposed amendments are not expected to have any affect on the paperwork requirements of the Commonwealth, its political subdivisions or the public.

#### H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act, on March 4, 1999, the Department submitted a copy of this notice of proposed rulemaking to the Independent Regulatory Review Commission (IRRC), the Chairpersons of the House and Senate Judiciary Committees. In addition to submitting the proposed amendments, the Department

provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Improving Government Regulations." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by the proposed amendments. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Department, the General Assembly and the Governor of objections raised.

#### I. *Effective Date*

The proposed amendments shall take effect upon completion of the regulatory review process and final publication in the *Pennsylvania Bulletin*.

#### *Public Comment Period/Contact Person*

Written comments concerning the Department's proposed amendments shall be submitted to Victoria S. Freimuth, Executive Assistant to the Secretary, Department of Corrections, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598. Written comments must be received within 30 days of the publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

MARTIN F. HORN,  
*Secretary*

**Fiscal Note:** 19-4. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 37. LAW

#### PART III. AGENCIES AND OFFICES

#### Subpart B. DEPARTMENT OF CORRECTIONS

#### CHAPTER 95. COUNTY CORRECTIONAL INSTITUTIONS

#### Subchapter B. ADMINISTRATIVE STANDARDS, REGULATIONS AND FACILITIES

#### COUNTY [ JAILS ] PRISONS

#### § 95.220. Purpose.

This subchapter is designed to encourage county prisons to develop and utilize local policies and procedures that are in keeping with existing State law and recognized professional standards for all sections addressed in this chapter. Each category sets forth minimum requirements, which are mandatory, and recommended guidelines, which are not mandatory. For those counties achieving American Correctional Association accreditation using Adult Local Detention Facilities standards, this chapter will be waived in its entirety. Regulations pertaining to medical and health services will be waived for those counties which achieve National Commission on Correctional Health Care accreditation.

#### § 95.221. Personnel.

(a) *Minimum requirements.* The following are the minimum requirements applicable to personnel at county [ jails ] prisons:

(1) An education and [ training ] awareness program shall seek to impress upon personnel and the public at

large that this work is a public service of great importance.

(2) Before [ duty ] being assigned duties, all personnel shall be given a course of training in their general and specific responsibilities.

(3) [ After entering on duty, and at regular times during their career, personnel shall improve their knowledge and professional capacity by attending inservice training courses. ] Full time corrections personnel shall receive training from a training program approved by the Department of Corrections (Department) within 12 months of assuming their duties.

(4) [ The seeking and dispensing of favors or the unwarranted use of force, whether physical or psychological, shall never be condoned. ] Part-time corrections personnel shall be provided training appropriate to their duties under a training program approved by the Department. Part-time corrections personnel who have not completed an approved training program may not be permitted to work without close supervisory direction.

(5) [ All persons shall be enrolled within 6 months of the date they entered on duty in the Bureau of Correction Training School. ] Written local policy shall provide for training and staff development for all personnel. The training shall include the use of force, prohibition on the seeking and dispensing of favors to and from the inmate population and instruction in the facility's code of conduct and ethics.

(b) *Recommended guidelines.* The following are the recommended guidelines applicable to personnel:

(1) The governing body in control of the [ jail ] prison should provide for careful selection of all levels of personnel.

(2) [ Personnel should be appointed on a full-time basis as career jail officers. ] Salaries and employment benefits should be adequate to attract and retain competent and professional men and women.

(3) Personnel should [ have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness ] always conduct themselves in a professional manner in the presence of inmates.

(4) [ Salaries should be adequate to attract and retain suitable men and women. ] At no time should an atmosphere of familiarity be allowed to exist between inmates and correctional personnel.

(5) [ Employment benefits and conditions of service should be favorable and in line with State employes and other civil servants. ] Prison officers should be encouraged to maintain themselves in good physical condition.

[ (6) Personnel should at all times conduct themselves and perform their duties in a manner which shall help prisoners form sound attitudes toward productive living in a free society.

(7) The administrator of the jail should be qualified by character, administrative ability, suitable training and experience.

(8) The administrator of the jail should be appointed on a full-time basis.

(9) Prison officers should be given special physical training.

(10) Professional stature should be the goal of all jail personnel.

(11) Respect for the dignity of one's fellow man is absolutely essential for all personnel who work with prisoners. ]

**§ 95.222. Admission.**

(a) *Minimum requirements.* The following are the minimum requirements applicable to [admission procedures] admissions:

(1) [The officer assigned to the admissions desk shall determine that each prisoner being admitted has been committed.] With all admissions to the prison, commitment under proper legal authority and completeness of paperwork shall be verified. [The commitment papers shall be carefully examined for completeness and signature by authorized officials. The identity of the person being admitted should be verified as the person named in the commitment papers.]

(2) [An injured, sick or unconscious prisoner may not be admitted to the jail until medical treatment has been provided and arresting officers produce verification from a medical doctor that the prisoner is not in need of emergency hospitalization. If an injured, sick or unconscious prisoner is admitted to the jail then he shall receive immediate medical attention by a medical doctor.] An inmate may not be admitted into the prison when it is determined that the inmate is in need of medical treatment that cannot be provided by the prison. A written verification of treatment from a medical doctor shall be provided by the transporting authority prior to admittance.

(3) [The clothing of the prisoner shall be carefully searched for contraband.] Intake procedures relating to contraband searches, property disposition, notification and medical assessments and personal hygiene should be described in local policy developed from recognized professional standards.

(4) [Personal property removed from the prisoner shall be listed and described in detail, item by item, in the presence of the prisoner. The admission officer and the prisoner shall both check the listing together, and each sign a duplicate receipt form. One copy of the receipt shall be given to the prisoner and the original filed in the property records.] As part of the intake process, basic personal information shall be obtained for identification and classification purposes. In the event of a transfer, this basic information shall include:

- (i) The name of the inmate.
- (ii) Any aliases.
- (iii) The address of the inmate.
- (iv) A description of the inmate.

(v) The occupation of the inmate.

(vi) Education.

(vii) Offense committed.

(viii) Religious affiliation.

(ix) The date of commitment.

(x) The authority for the commitment.

(xi) Previous criminal record.

(xii) The facts of the crime committed.

(xiii) The name and address of the person to be contacted in event of an emergency.

(xiv) Marital status.

(xv) Medical history.

(xvi) The name and address of the inmate's attorney.

(5) [Personal property of the prisoner shall be stored in a safe place until the prisoner is released or until he releases their property to persons designated in writing by them. Personal property released to persons designated by the prisoner shall be transferred only when the prisoner is present.] Upon admission, a copy of the rules of the prison shall be provided to each inmate.

(6) [A telephone should be available within the receiving area. The prisoner shall be permitted to contact an attorney, a bondsman or a family member. If without funds, a phone call shall be provided.] Written local policy shall identify the means by which an inmate will have the opportunity to notify a relative of his whereabouts.

[ (7) If it is not possible for a doctor to be in attendance during the admission process, the admission officer should look for injuries, medical tags and question the prisoner to determine if he has any medical problems which need attention. This should include information concerning drug or alcohol abuse.

(8) If a prisoner has any medication on his person at the time of admission, the medical doctor shall decide what use is to be made of the medication.

(9) Prisoners upon admission shall take a shower and be deloused if necessary.

(10) During the receiving process, certain personal history information shall be obtained from the prisoner for identification and classification purposes and so that relatives may be notified in case of emergency. The basic information shall include: name of prisoner, aliases, address, description, occupation, education, offense, religious affiliation, date of commitment, authority for the commitment, previous criminal record, name and address of attorney.]

(b) *Recommended guidelines.* The following are the recommended guidelines concerning the admission process:

(1) [Each prisoner admitted shall be stripped and searched] Admission procedures may include the unclothed search of inmates for weapons and contraband. The determination for necessity of strip searches should coincide with prevailing laws and statutes. [The search should also include a check

for body vermin, and for cuts, bruises, needle scars and other injuries. The ] Any strip search should be conducted in a professional [ nonhumiliating manner, ] fashion and [ for security and privacy reasons, the search should be conducted in an area where the prisoner is in view of only those officers in charge of the search ] supervised by correctional staff of the same sex as the inmate.

(2) [ A matron shall be present when female prisoners are admitted, and the strip search area shall be supervised by female staff members in a private portion of the jail. ] Inmates newly committed to the prison should be fingerprinted and photographed at the discretion of the prison administrators.

(3) [ Prisoners newly committed to the jail shall be fingerprinted and photographed as soon as possible. Copies of the fingerprint record should be forwarded to the proper State authorities and to the Federal Bureau of Investigation. ] For prisons that permit use of personal clothing, inmates should be provided with clean clothing if necessary.

(4) [ Each prisoner shall be provided with clean clothing if his is inappropriate.

(5) ] \*\*\*

[ (6) ] (5) Any serious wounds existing at the time of admission should be photographed [ and immediately attended by a medical doctor ], documented and referred to the prison medical section for proper attention.

[ (7) ] (6) [ Until the medical doctor is able to verify that the prisoner is free of any communicable disease, the prisoner shall be housed in quarantine area separate from the general population for the safety of staff and other prisoners. ] Quarantine procedures should be addressed in written local policy and consistently utilized for the safety of staff and other inmates. If possible, the quarantine area should consist of separate cells.

[ (8) Inmates entering the quarantine area shall receive a copy of the rules and regulations of the jail. ]

#### § 95.225. Classification.

(a) [ *Generally*. Every jail in the Commonwealth should use a classification process to coordinate all information about the prisoner so that the decisions concerning security, housing and treatment programs may be made on a basis of knowledge instead of guess. Classification may be an uncomplicated or a very complex process depending upon the size, physical facilities and staff of the jail. The purpose of classification is to help the jail administrator as follows ] The following minimum requirement applies to classification:

(1) [ Assure the security of the jail ]

(1) A written inmate classification plan shall be documented in local policy.

(2) In keeping with recognized professional standards, this plan shall establish categories based on the degree of security risk and need for supervision and specify how the classification process is accom-

plished, what process of appeals exist, the review mechanism utilized and explicit procedures for reclassification.

[ (2) Assure the welfare of the inmates.

(3) Assure the protection of the community by preventing escapes.

(4) Assure the most effective use of the jail, within its limitations, as an instrument of correction and rehabilitation.

(b) *Minimum requirements*. The minimum requirements as regards classification of prisoners in county jails are as follows:

(1) To implement a classification process, the jail administrator in counties of the first through fifth class shall form a classification committee composed of representatives of administration, security and treatment. A citizen member of the community may also be of great benefit to the committee.

(2) In determining each prisoner's degree of security needed, housing assignment, job assignment and overall treatment plan, the following items should be considered through the classification process:

(i) Sex.

(ii) Age.

(iii) Crime.

(iv) Sentence.

(v) Past criminal history.

(vi) Medical condition and needs.

(vii) Mental condition and needs.

(viii) Educational and vocational needs.

(ix) Special services and program needs.

(x) Other pertinent information.

(xi) The thinking and feeling of the prisoner about his life and future plans.

(3) If possible, each prisoner should appear before the classification committee to discuss his case and future life goals.

(4) Each prisoner should be informed of the decision and the reason for the decision of the classification committee.

(5) Classification is an ongoing process and a procedure for reclassification shall be developed and each prisoner shall be informed under what conditions reclassification is possible.

(c) *Recommended guidelines*. Jails of the sixth, seventh and eighth class counties may find that it is unwieldy to have a formal classification committee. In such cases, the administrator should use the classification process himself as a guideline for operating the jail. ]

#### § 95.226. Housing.

(a) [ *Generally*. The immediate problem of housing the new prisoner shall be solved when he enters the jail. Some housing arrangements are required by Pennsylvania law. Few jails have a formal procedure for evaluating new inmates. However, an immediate decision shall be made as to which housing unit he is to be assigned. The housing assignment of a prisoner may have serious consequences for him and for the jail. For example,

a violent prisoner may be placed in a double cell with a weaker and older person whom he may assault. Or the youthful prisoner may be placed in a cell with an aggressive homosexual and be raped. The jail administration shall carefully assess the need for segregating prisoners who should be segregated and assure that the housing arrangements required by law are followed, and that all prisoners are handled according to good jail management standards. ] *Minimum requirements.* The following are the minimum requirements applicable to housing:

(1) Decisions involving housing segregation or removal and transfer of seriously ill inmates shall be in keeping with existing laws and National standards.

(2) An inmate who is mentally ill or known to have a contagious disease shall be separated from the general population.

(3) Female inmates shall be completely separated from male inmates. This does not preclude possible rehabilitative projects and food service assignments where male and female inmates could participate together with proper supervision.

(4) Accommodations for inmates shall meet the requirements of the Department of Health. In determining housing adequacy, climatic conditions, minimum floor space, lighting, heating and ventilation shall be considered. In addition, the following should also be considered:

(i) Each room shall allow the entrance of fresh air.

(ii) Artificial light sufficient for inmates to read or work without injury to eyesight shall be provided.

(iii) Sufficient toilet facilities are required.

(iv) Bathing facilities shall be provided so that every inmate may use them as frequently as necessary for personal hygiene.

(5) All parts of the prison used by inmates shall be properly maintained and kept clean at all times.

(b) [ *Minimum requirements* ] *Recommended guidelines.* The [ minimum requirements ] recommended guidelines for housing are as follows:

(1) [ Some housing arrangements are mandatory. Under the provisions of the act of May 10, 1921 (P. L. 433) (61 P. S. § 1-4), the following is required: ] Housing arrangements which achieve necessary separation among populations should be defined in local policy and be consistent with recognized professional standards and applicable laws.

[ (i) Prisoners whose physical condition is not considered good or who are suffering from any disease shall be segregated from prisoners considered to be in good physical condition.

(ii) Prisoners who are found to be mentally weak shall be segregated.

(iii) Prisoners considered to be habitual criminals shall be segregated. ]

(2) [ The act of January 26, 1965 (P. L. 356) (61 P. S. § 81) provides that a seriously ill prisoner may

be removed from any prison by the court for confinement in some other suitable institution where proper treatment may be administered. ] If applicable, local policies relating to housing should be consistent with any existing local classification policies.

[ (3) Women prisoners shall be completely separated from male prisoners. This does not preclude possible rehabilitative projects and food service where male and female residents could participate together with proper supervision.

(4) Accommodations for prisoners shall meet all requirements of the State Health Department. In determining adequacy, climatic conditions, cubic content of air, minimum floor space, lighting, heating and ventilation shall be considered. In addition, the following shall also be considered:

(i) Each room shall allow the entrance of fresh air.

(ii) Artificial light sufficient for prisoners to read or work without injury to eyesight shall be provided.

(iii) Modern toilet facilities are required.

(iv) Bathing facilities shall be provided so that every prisoner may use them as frequently as necessary for personal hygiene.

(v) All parts of the institution used by prisoners shall be properly maintained and kept clean at all times.

(c) *Recommended guidelines.* The recommended guidelines for housing are as follows:

(1) Prisoners should be housed in single occupancy cells.

(2) If dormitories are used, they should be occupied by prisoners who are carefully selected. The jail staff should determine if prisoners to be assigned for dormitory housing are able to associate with one another in close living arrangements.

(3) Sentenced prisoners should be housed separately from those who are only accused of having committed a crime.

(4) If possible, trustees should not be housed with other prisoners.

(5) Work releases should be housed in separate quarters.

(6) Elderly and infirm prisoners should be housed away from more youthful and aggressive prisoners. They should be located in an area close to the dining room and the place where sick call is held. If at all possible, they should not be required to climb stairs. ]

§ 95.228. Clothing.

(a) [ *Generally.* Whether or not the jail supplies prisoner clothing is left to county policy. Jail clothing, if provided by the county administration, may be cover-alls, two-piece shirt and trouser outfits, surplus military fatigue trousers and T-shirts, rented uniforms or other suitable clothing. Regardless of the policy, jail inmates should be returned to the community wearing clean clothes. Therefore, if the prisoner has street clothes in need of fumigation and laundering, arrangements should be made

to have this done in the jail before the prisoner is discharged. ] *Minimum requirements:* The following are the minimum requirements applicable to clothing:

(1) Written local policy shall provide for each inmate to receive suitable clothing including adequate footwear and underwear.

(2) Whether inmates may possess personal clothing shall be stipulated in written local policy.

(3) Whether or not a prison elects to store personal clothing shall be determined in written local policy. Personal clothing, if stored, shall be stored in a sanitary manner.

[ (b) *Minimum requirements.* The following minimum requirements are applicable for clothing:

(1) Prisoners shall be provided footwear, an outfit of clothing, and underwear suitable for the climate and adequate to his good health if they do not provide their own. Jail clothing shall in no manner be degrading or humiliating.

(2) Clothing shall be changed and washed as often as necessary and kept in proper condition for the maintenance of hygiene.

(c) *Recommended guidelines.* Any prisoner who wishes to provide his own clothing should be able to do so, providing it meets the specification of the jail administrator. ]

#### § 95.231. Personal hygiene.

[ *Minimum requirements.* ] The following are the minimum requirements applicable [ for ] to personal hygiene:

(1) [ Prisoners shall bathe no less than twice a week and preferably daily if the physical facilities allow. ] Inmates shall be required to maintain proper hygiene standards.

(2) [ The jail shall provide all prisoners with soap, clean towels, razor, toothbrush and hot and cold water for bathing and shaving. ] Inmates shall bathe at least twice a week.

(3) [ Jail administrators and staff may not enforce their hair styles on prisoners provided that the hair of the prisoner is clean and well groomed, unless there is a definite health hazard. ] An inmate determined to be indigent shall be provided with articles to attain satisfactory personal hygiene.

(4) [ Female prisoners shall be provided articles for feminine hygiene when needed. ] Inmate hair styles shall comply with sanitation and security policies of the prison.

(5) [ The jail shall furnish laundry facilities for personal clothing, with capacity to provide laundry services on a weekly basis for the personal garments of each inmate. ] Female inmates shall be provided articles for feminine hygiene when needed.

(6) Written local policy and procedure shall provide a means for inmates to obtain clean clothing on a weekly basis.

#### § 95.232. Medical and health services.

[ (a) *Minimum requirements.* ] The following are the minimum requirements applicable [ for ] to medical and health services:

(1) [ Persons admitted to jail shall, within 48 hours after his admission, be examined as to his physical condition and also as to his mental condition. ] Written local policy shall specify that all inmates admitted to the prison receive a health care screening performed and recorded by a person with health care training within 24 hours of admission. A record of the result of the examination shall be kept as a part of the permanent [ jail ] prison documents. [ Reference should be made to act of May 10, 1921 (P. L. 433) (61 P. S. §§ 1—4). ]

(2) [ A competent physician shall be available to take care of the medical needs of the prisoners. The arrangements for medical services shall vary greatly with the size of the prisoner population and the community. Therefore, it is suggested that the jail should have one of the following arrangements for medical services: ] An inmate determined upon admission not to be in good health shall be assessed by a health care professional within 24 hours.

[ (i) A contract with a local physician for full time coverage on specified hours and for emergencies.

(ii) A contract with a local physician to be on call to conduct sick call, for emergencies and to examine newly received prisoners.

(iii) Arrangements with a local hospital to provide all medical services needed. ]

(3) [ Jails having an average daily prisoner population of over 125 shall have a registered nurse or licensed practical nurse or a medically trained technician to provide adequate medical services. ] Following review of the initial commitment screening by the prison medical personnel, a medical history and physical shall be performed by the prison medical provider within 14 days following admission.

(4) [ Any medical supplies kept in the jail should be stored in a locked cabinet and dispensed only by the jail physician or by jail staff in accordance with the advice of the doctor. ] Written local policy shall specify routine screening procedures utilized for infectious diseases, acute illness and suicide risk.

(5) [ Medication should be given to the inmate one dose at a time and he or she should be required to take each dose in the presence of the doctor or jail staff. ] Written local policy shall designate a health provider/authority responsible for control of the delivery of health care services. This authority shall have sole province on matters involving medical judgement.

(6) [ The most stringent controls should be placed on all dangerous drugs. ] Written local policy shall provide that the health provider/authority report on the health care delivery system in writing and review findings with prison administrators on a routine basis.

(7) [ As a minimum requirement, all jails shall provide dental service for extractions and other

work of an emergency nature. Jails housing long term inmates should provide all remedial services as needed. ] Written local policy shall provide for an annual documented review of a prison's health care delivery system and when necessary, revisions shall be made to each health care procedure and program by the appropriate health care authority.

(8) [ An individual medical record should be kept for each prisoner showing his condition at the time of admission, as much of his prior medical history as can be obtained, any illness or injury occurring during confinement and any medical treatment provided, and his condition at time of discharge. ] Written local policy shall provide for access to emergency care 24 hours a day for all inmates. A written plan shall outline onsite treatment, evacuation, transportation and security procedures and designate emergency facilities to be utilized.

(9) [ Jails involved in medical research shall comply with existing Commonwealth and Federal law and follow standards developed by the American Correctional Association for the safety and well being of the jail population. ] Written local policy shall specify ongoing access to medical care for inmates. A written plan shall specify management of treatment by appropriate credentialed professionals.

(10) [ Unless the jail maintains its own hospital, there shall be a standing arrangement with some local hospital whereby prisoners may be admitted without delay. ] Written local policy shall specify ongoing access to mental health care for inmates. A written plan shall outline management of treatment by appropriate credentialed professionals.

(11) Written local policy shall provide for the management of pharmaceuticals in accordance with existing Federal and State laws.

(12) Written local policy shall provide for a suicide prevention and intervention program and shall outline the program review mechanisms utilized and staff training procedures for program implementation.

[ (b) *Recommended guidelines.* The following are the recommended guidelines for medical and health services:

(1) Jails having an average daily prisoner population of 75 to 124 should have a registered nurse or licensed practical nurse or medically trained technician to provide adequate medical services.

(2) Jails should have an infirmary for sick prisoners not requiring hospitalization, and equipment for the jail physician to use in examining and treating prisoners.

(3) Psychiatric services should be provided on a contractual basis where full-time psychiatrists are impractical or in case they are not attracted to full-time duty. ]

§ 95.234. [ Correspondence ] Inmate mail privileges.

(a) *Minimum requirements.* The following are the minimum requirements [ shall apply to correspondence ] applicable to inmate mail privileges:

(1) [ Soon after being admitted to the jail, all prisoners shall be given a free letter if they desire to notify the immediate family or other close relative of their whereabouts and to instruct them on how they may write or visit. ] Inmates shall be permitted to send and receive mail consistent with the following:

(i) Incoming and outgoing mail may be examined for contraband.

(ii) Incoming and outgoing mail to and from public officials, courts and attorneys will not be opened for purposes of examining for contraband unless the interested inmate is present.

(iii) Incoming and outgoing mail to a person or entity may be read by the prison warden if reasonable grounds exist to believe that receipt of the mail is likely to jeopardize prison security or public safety and welfare, or both.

(iv) The sending and receipt of mail shall be restricted or prohibited for valid penological reasons.

[ (2) Prisoners shall be able to correspond with his family members and approved friends as often as desired.

(3) Prisoners shall receive all letters sent to them.

(4) Incoming packages shall be carefully examined for contraband.

(5) Inmates shall be permitted to seal letters addressed to county commissioners, the Commissioner of Correction, other government officials and attorneys.

(6) Incoming and outgoing letters, with the exception of those outgoing letters addressed to public officials and therefore sealed, may be opened and examined for contraband. They may not be read.

(7) Incoming mail from attorneys, courts, Department of Corrections personnel, and other public officials shall be opened and examined for contraband in the presence of the addressee.

(8) There may not be limit placed on the number of incoming or outgoing letters.

(b) *Recommended guidelines.* Good jail administration requires that a record be kept of all outgoing mail. ]

§ 95.236. [ Library ] Access to legal resources.

[ (a) *Minimum requirements.* ] Every jail shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books. The library should be open during the prisoner's idle hours. ] The following are the minimum requirements applicable to access to legal resources:

(1) To enable inmates to exercise their right of access to the courts, inmates shall be permitted access to adequate legal resources. Written local policy shall provide a means of assistance for an inmate that does not speak English.

(2) County wardens shall have discretion in determining the type of legal resources to be made available to ensure inmates can exercise their right to access to the courts.



[ (b) *Recommended guidelines.* The following are the recommended guidelines for the library:

(1) All jails should have a copy of *Purdon's Titles* 12, 17, 18, 19 and 60, 61 in the library, and other additional legal research materials as may be required.

(2) The jail administrator should actively seek community help in developing a library from the state and local library, colleges, civic groups, bookstores, publishers, interested citizens, Goodwill Industries, Salvation Army and the Volunteers of America.

(3) For guidelines in developing a jail library, the jail administrator should consult the Manual of Correctional Standards published by the American Correctional Association. ]

§ 95.238. Recreation.

[ *Minimum requirements.* ] The following are the minimum requirements [ are ] applicable [ for ] to recreation:

(1) [ Jails shall provide all prisoners at least 2 hours daily, physical exercise in the open, weather permitting, if the weather is inclement, each inmate shall have 2 hours physical exercise daily indoors. ] Written local policy shall describe the prison's recreational programming for inmates.

(2) [ Jail administrators shall develop an organized recreational program to meet the needs of all prisoners, regardless of age and sex. ] Prisons shall provide general population inmates with at least 1 hour of access to out of cell activity on a daily basis.

(3) Physical exercise schedules for males, females and juveniles shall have to be arranged so as to provide segregation. Jail administrators may separate inmates further based on age, vulnerability and other appropriate security criteria.

(4) [ The jail administrator should refer to the Manual of Correctional Standards published by the American Correctional Association for guidelines in developing an organized recreational program. ] Inmates under disciplinary status (segregation), shall receive 1 hour of outdoor activity 5 days a week, weather permitting.

[ (5) The jail administrator should actively seek help from responsible citizens in the community to help develop an ongoing recreational program in the jail. ]

§ 95.239. Commissary.

[ *Minimum requirements.* ] The following are the minimum requirements [ applies ] that apply to commissaries:

(1) [ The jail administrator shall establish, maintain and operate a commissary in conjunction with the jail. For this purpose, the jail administrator should purchase confectionery, tobacco, postage and writing materials, and toilet articles and supplies. The jail administrator should sell the goods, articles and supplies to the prisoners in the jail. ] County prisons may provide commissary services if the county so chooses.

(2) [ The sale prices of articles offered in the commissary shall be fixed at amounts that make the commissary self-supporting and, in addition, may provide a small margin of profit. ] Funds associated with commissary services shall be audited and reported on an annual basis by an independent party using generally accepted accounting procedures.

[ (3) The margin of profit from the sale of commissary items may not be excessive.

(4) Any profit from the sale of commissary items shall be deposited in a prisoner welfare fund. The money in the prisoner welfare fund shall be spent solely for the benefit and welfare of the prisoners.

(5) Records of the commissary shall be audited annually by the county controller or a recognized public or private agency qualified to do so. ]

§ 95.240. [ Discipline and punishment ] Inmate disciplinary procedures.

(a) *Minimum requirements.* The following are the minimum requirements [ applies ] applicable to [ discipline and punishment ] inmate disciplinary procedures:

(1) [ A formal report shall be written if the infraction jeopardizes the security of the jail, threatens the safety of stall or prisoners, or is a violation of State law. ] County prisons shall operate a disciplinary process that provides clear notice of prohibited behavior and consistently applied sanctions for violations of prison rules.

(2) [ The disposition of a disciplinary report, whatever the action taken, shall be documented. ] Violation of prison rules may result in the imposition of discipline. Discipline may not be imposed unless the prisoner has been informed of the offense charged in writing, has had an opportunity to present a defense and has been found guilty of the charge by an impartial party or board designated by the prison administrator.

(3) [ Confinement is punishment, therefore no further punishment is permitted unless the prisoner violates the rules and regulations of the prison or violate State law. ] Findings of guilt or innocence shall be made by an impartial party to be designated by the prison administrator. Findings shall be expressed in writing and based on information presented. Written findings of guilt shall state the reasons for the finding.

(4) [ The objectives of jail discipline are as follows: ] Disciplinary charges and written findings shall be recorded and made a permanent part of an inmate's prison file.

[ (i) To achieve order in the jail.

(ii) To assist prisoners in achieving self-control.

(iii) To provide personnel with guidelines for judging the behavior of prisoners.

(iv) To achieve fairness in the administration of discipline. ]

(5) [ In a jail having an average daily inmate population of more than ten, the administrator

shall appoint a board consisting of a minimum of three persons to hear and dispose of disciplinary cases. ] Disciplinary sanctions imposed after a finding of guilt may include loss of privileges, segregation or other sanctions as set forth in written local policy.

(6) [In a jail having an average daily inmate population of less than ten, the administrator may determine guilt and decide the disciplinary action to be taken. ] The imposition of discipline may not violate an inmate's right to be free from cruel and unusual punishment.

[ (7) A prisoner may not be punished unless he has been informed of the offense alleged against him and given an opportunity to present his defense. In addition, the following shall apply:

(i) The hearing shall be staffed by an impartial tribunal.

(ii) The hearing shall be preceded by notice to the prisoner, in writing, of the charges against him.

(iii) The decision reached shall be based upon evidence raised at the hearing.

(iv) The decision-makers shall state the reason for their determination of guilt if that is the decision reached.

(8) All disciplinary actions shall be recorded and made a part of the permanent files of the jail.

(9) Punishment may fall into the two following categories:

(i) Loss of privileges.

(ii) Segregation.

(10) Conditions in segregation shall be as follows:

(i) The cell shall be clean, well lighted, heated, ventilated and sanitary.

(ii) The cell shall be furnished with a mattress, bedding and toilet facilities.

(iii) Except in special circumstances, as for example, a suspected suicide threat, the prisoner shall be allowed to wear regular clothing.

(iv) Three meals a day shall be provided, identical with meals provided the remainder of the jail population.

(v) A bathing and shaving schedule shall be maintained including the minimum of twice weekly opportunities.

(vi) Toilet tissue and drinking water shall be provided.

(vii) The prisoner shall have an opportunity to exercise.

(viii) A regular review of segregated prisoners shall be practiced. The time interval should not exceed 5 days.

(ix) The segregation unit shall be adequately supervised.

(x) Writing privileges shall not be denied to prisoners in segregation.

(xi) The chaplain shall be permitted to visit regularly.

(11) The medical officer shall visit all prisoners in segregation on his regularly scheduled visit to the prison.

(12) Corporal punishment, punishment by placing in a dark cell and cruel, inhuman or degrading punishments shall be completely prohibited.

(13) If a serious criminal offense is committed in a jail, the two main considerations should be the following:

(i) Identify and isolate the offender as a matter of internal security, discipline and morale.

(ii) With due regard to constitutional protection of the prisoner's rights, once a suspect is identified and isolated, no further questioning by jail staff shall be permitted. The suspect shall be isolated until the arrival of police investigators.

(b) *Recommended guidelines.* Visiting privileges should not be denied to prisoners in segregation. ]

[Pa.B. Doc. No. 99-454. Filed for public inspection March 19, 1999, 9:00 a.m.]

### [37 PA. CODE CH. 93]

#### Motivational Boot Camps

The Department of Corrections (Department) acting under the authority conferred by the Motivational Boot Camp Act (act) (61 P. S. §§ 1121—1129), gives public notice of its intention to promulgate regulations to be included in Chapter 93 (relating to State correctional institutions and facilities) pertaining to motivational boot camps to read as set forth in Annex A.

Under section 5(c) of the act (61 P. S. § 1125(c)), the Secretary of the Department of Corrections is required to promulgate regulations concerning motivational boot camps. At a minimum, the regulations shall address inmate discipline, selection criteria, curriculum, supervision, administration and intensive training for all staff prior to their involvement with a motivational boot camp.

The proposed regulations will amend Chapter 93 by adding Subchapter C entitled "Motivational Boot Camps." Subchapter C will consist of seven new sections beginning with § 93.301 and ending with § 93.307. Section 93.301 (relating to selection criteria) will contain the minimum criteria required for selection into a motivational boot camp. Section 93.302 (relating to selection committee) will establish selection committees, which shall be responsible for recommending whether inmates are favorable candidates for placement in a motivational boot camp. Section 93.303 (relating to administration) will establish how motivational boot camps are to be administered by the Department. The supervisory structure of boot camp facilities will be addressed in § 93.304 (relating to supervision/organizational structure). Prescribed curriculum for motivational boot camp inmates will be contained in § 93.305 (relating to curriculum). Inmate discipline for boot camp participants will be addressed in § 93.306 (relating to inmate discipline) and staff training will be contained in § 93.307 (relating to staff training).

#### *Compliance with Executive Order 1996-1*

The Department has reviewed the proposed regulations and has considered their purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1 (relating to regulatory

review and promulgation). The proposed regulations are statutorily mandated and otherwise comply with Executive Order 1996-1.

#### *Statutory Authority*

The Department proposes to adopt the regulations under the authority of section 5(c) of the act.

#### *Fiscal Impact and Paperwork Requirements*

Since the Department currently operates a motivational boot camp in accordance with the proposed regulations, it does not expect the regulations to have a fiscal impact on or to create new paperwork requirements for the Commonwealth, its political subdivisions or the private sector.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 4, 1999, the Department submitted a copy of the proposed regulations to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Judiciary Committees (Committees). In addition to submitting the proposed regulations, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulations, it will notify the Department within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion of the proposed regulations. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

#### *Effective Date*

The proposed regulations shall be effective upon closure of the public comment period, the regulatory review process and final publication in the *Pennsylvania Bulletin*.

#### *Public Comment Period/Contact Person*

Written comments concerning the Department's proposed regulations shall be submitted to Victoria S. Freimuth, Executive Assistant to the Secretary, Department of Corrections, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598. Written comments must be received within 30 days of the publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

MARTIN F. HORN,  
Secretary

**Fiscal Note:** 19-3. No fiscal impact; (8) recommends adoption.

### **Annex A**

#### **TITLE 37. LAW**

#### **PART III. AGENCIES AND OFFICES**

#### **Subpart B. DEPARTMENT OF CORRECTIONS**

#### **CHAPTER 93. STATE CORRECTIONAL INSTITUTIONS AND FACILITIES**

#### **Subchapter C. MOTIVATIONAL BOOT CAMPS**

Sec.	
93.301.	Selection criteria.
93.302.	Selection committee.
93.303.	Administration.
93.304.	Supervision/organizational structure.

93.305.	Curriculum.
93.306.	Inmate discipline.
93.307.	Staff training.

#### **§ 93.301. Selection criteria.**

(a) An eligible inmate, as that term is defined in section 3 of the Motivational Boot Camp Act (61 P. S. § 1123), may be selected by the Department of Corrections (Department) for participation in a motivational boot camp. In selecting inmates for participation in a motivational boot camp, the selection committee will consider all information relevant to whether the inmate is eligible for placement in a motivational boot camp and likely to perform competently while in the motivational boot camp. Selection criteria will include the following:

- (1) The written application submitted by the inmate.
- (2) Whether the inmate's participation in a motivational boot camp is consistent with the safety of the community.
- (3) Whether the inmate's participation in a motivational boot camp is consistent with the welfare of the inmate.
- (4) Whether the inmate's participation in a motivational boot camp is consistent with the objectives of the Department.
- (5) The health and physical condition of the inmate.
- (6) The inmate's criminal history.
- (7) The inmate's escape history.
- (8) The inmate's institutional adjustment during current and prior incarcerations.
- (9) Outstanding detainers or parole warrants, or both, for the inmate.
- (10) The inmate's psychological profile.

(b) An inmate will not be guaranteed acceptance into a motivational boot camp even if the inmate is eligible and likely to successfully graduate from a motivational boot camp.

#### **§ 93.302. Selection committee.**

(a) There shall be a motivational boot camp selection committee in each diagnostic and classification center operated by the Department of Corrections.

(b) Each selection committee shall be composed of the following individuals:

- (1) The diagnostic center director or a corrections counselor supervisor, or both.
- (2) A lieutenant or corrections counselor, or both.
- (c) The selection committee is only responsible for recommending inmates for participation in a motivational boot camp.

(d) The superintendent of the State correctional institution in which a diagnostic and classification center is operated shall make the final decision as to inmate participation in a motivational boot camp.

#### **§ 93.303. Administration.**

(a) The Department of Corrections (Department) will administer motivational boot camps at sites to be determined by the Department.

(b) Each motivational boot camp will operate under the administrative supervision of a regional deputy commissioner or other official designated by the Secretary of the Department.

**§ 93.304. Supervision/organizational structure.**

(a) Each motivational boot camp will be organized as a paramilitary unit with a supervisory structure consisting of a camp commander, a deputy commander and area commanders.

(b) The inmates will be organized into platoons consisting of no more than 50 inmates per platoon.

**§ 93.305. Curriculum.**

Each motivational boot camp shall consist of the following curriculum:

- (1) Rigorous physical activity.
- (2) Intensive regimentation and discipline.
- (3) Work on public and community projects.
- (4) Substance abuse treatment.
- (5) Continuing education.
- (6) Vocational training.
- (7) Prerelease counseling.
- (8) Ventilation therapy.

**§ 93.306. Inmate discipline.**

(a) A list of the rules to be followed by inmates participating in a motivational boot camp will be provided to all inmates during their orientation to the motivational boot camp.

(b) Serious rule infractions may result in an inmate's expulsion from a motivational boot camp.

(c) Minor rule infractions will be dealt with according to a three-tiered approach.

(d) Inmates can be suspended or removed from a motivational boot camp for reasons other than violations of disciplinary rules.

**§ 93.307. Staff training.**

Staff directly involved with a motivational boot camp shall undergo a minimum of 4 weeks of intensive training.

[Pa.B. Doc. No. 99-455. Filed for public inspection March 19, 1999, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

[58 PA. CODE CH. 75]

**Endangered, Threatened and Candidate Species**

On August 1, 1998, the Fish and Boat Commission (Commission) published a notice of proposed rulemaking (Regulation No. 48A-82) in the *Pennsylvania Bulletin* at 28 Pa.B. 3591, seeking public comments, objections or suggestions about proposed changes to its threatened and endangered species regulations. The Commission published additional changes to these regulations at 29 Pa.B. 1087 (February 27, 1999).

The Commission is extending the public comment period for both proposals until March 31, 1999. Interested persons are invited to submit written comments, objections or suggestions about the proposed amendments to the Executive Director, Pennsylvania Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, on

or before March 31, 1999. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically at "regulations@fish.state.pa.us." A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The Commission is holding a hearing/meeting on these proposals on March 29, 1999 at 7 p.m. in the Meadville area.

PETER A. COLANGELO,  
*Executive Director*

[Pa.B. Doc. No. 99-456. Filed for public inspection March 19, 1999, 9:00 a.m.]

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

[52 PA. CODE CH. 59]

[L-980134]

**Reporting Requirements Relating to the Submission of Gas Supply and Demand Data**

The Pennsylvania Public Utility Commission (Commission) at its July 9, 1998, public meeting adopted a proposed rulemaking in response to a petition filed by the Pennsylvania Gas Association (PGA) to modify the reporting requirements in §§ 59.81 and 59.84 (relating to periodic reporting requirements for major gas utilities; and formats) regarding gas supply and demand data. The proposed amendments consolidate the existing ten forms with 49 tables that provide data on 5 historic years and 3 projected years. The changes eliminate seasonal data requirements, reduce the historical reporting period from 5 years to 2 years, eliminate detailed pricing information and tariff rates for transportation and storage and add tables which focus on the current year annual and peak day data. The result is that the existing 10 forms with 49 tables will be reduced to 9 forms with 9 tables. The contact persons are William Hall, Bureau of Conservation Economics and Energy Planning (CEEP) (717) 783-1547 and Ramona Cataldi, Assistant Counsel, Law Bureau (717) 787-3639.

*Executive Summary*

On February 9, 1998, the PGA filed a petition requesting that the Commission modify the reporting requirements in §§ 59.81 and 59.84. These requirements involve gas supply and demand data. The petition requested that the existing requirements be replaced by the proposed modified supply and demand forms.

The purpose of this proposed rulemaking is to consolidate the existing 10 forms, containing 49 tables which now provide data on 5 historic years and 3 projected years. The proposed changes eliminate seasonal data requirements, reduce the historical reporting period from 5 years to 2 years, eliminate detailed pricing information and tariff rates for transportation and storage, and add new tables which are focused on the current year annual and peak day data. The result is that the existing 10 forms with 49 tables will be reduced to 9 forms with 9 tables. These new forms and tables will provide a clearer and more concise presentation than the current tables.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 10, 1999, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees. In addition to submitting the proposed amendments, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in Compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendments, it will notify the Commission within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed amendments to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Commission, the General Assembly and the Governor of objections raised.

Public Meeting  
held July 9, 1998

*Commissioners Present:* John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; David Rolka; Nora Mead Brownell; and Aaron Wilson, Jr.

**Proposed Rulemaking Order***By the Commission:*

On February 9, 1998, the PGA filed a petition requesting that the Commission amend §§ 59.81 and 59.84. These regulations concern the Natural Gas Integrated Resource Planning reports. The petition specifically involves the gas supply and demand forms (Forms IRP 1A, 1B, 1C, 2A, 2B, 2C, 4A, 4B, 4C).

Simultaneously, the PGA requested a waiver of the existing reporting requirements, and also requested that the proposed modified supply and demand forms be accepted by the Commission in lieu of the current requirements. The Commission approved that request on February 26, 1998.

By this order, we propose to amend the reporting requirements in §§ 59.81 and 59.84 relating to the submission of gas supply and demand data. The PGA's petition requests consolidation of the ten forms containing 49 tables, which now provide data on 5 historic years and 3 projected years. The proposed nine new consolidated forms would eliminate seasonal data and duplicative data. Each new form would contain one table and would provide data for 2 historic years and 3 projected years. Under the proposed rulemaking, the existing ten forms with 49 tables would become nine forms with a total of nine tables.

The proposed changes cover four main topics: elimination of seasonal data requirements, reduction of the historical reporting period from 5 years to 2 years, elimination of detailed pricing information and tariff rates for transportation and storage, and the addition of new tables which are focused on the current year annual and peak day data.

We are satisfied that we need not continue requiring the submission of seasonal data, except for the annual storage report. The Commission has not had occasion to use seasonal data for policy review for at least the past

few years, nor have we received a request for seasonal information from the public or any other agency.

There have been some special cases in which we have examined seasonal storage data (injections and withdrawals). However, if seasonal data is necessary in a particular instance, specific data can always be gathered on a case by case basis. Additionally, the proposed rulemaking continues to require the submission of annual and peak day storage injection and storage withdrawal data.

A reduction of the historical reporting period from 5 years to 2 years is reasonable. Since a 5 year span only reiterates data which is available from previous reports, the Commission would continue to have access to this information, as necessary.

The elimination of detailed supply pricing information and tariff rates for transportation and storage would significantly simplify the reports. The contract volumes and termination dates of contracts will still be important during the continued restructuring of the gas industry. The contracts may represent a significant stranded cost for certain companies. The PGA is correct in the statement that the supply pricing data, along with the pipeline transportation tariffs and storage tariffs, is also contained in the 1307(f) filings. The 1307(f) filings contain data on storage and pipeline transportation tariffs in addition to other gas costs. Summary information would still be provided under the proposed reporting requirements.

The proposed new tables for supply provide a clearer presentation than the current tables. The new tables provide peak day and annual data based on the most recent year. The suggested forms present the data in a more concise and clear format. The new forms still provide the supply, transport, upstream and storage information that is used for analysis. Detailed supply contract reporting is limited to the ten largest contracts or 75% of total gas supply contracts (by volume). The remaining gas supply would be reported as miscellaneous (other) contract supplies which would provide a balance of supply and demand data.

We will not mandate the format of the required data. Instead, each jurisdictional utility shall continue to use the forms and schedules as specified by the Bureau of Conservation, Economics and Energy Planning, as already stated in § 59.84.

We are interested in receiving comments from any interested party on the proposed reporting requirements. Additionally, it is our intent that this data be made available to the public, to the extent possible. As the gas industry has been opened up to more competition, some gas utilities have considered this information to be confidential and proprietary. We request comments on what information, if any, contained in these reports should be considered confidential.

The Commission may still require additional data or information in certain instances. Nothing in this proposed rulemaking should be construed as restricting our authority to require the submission of additional gas utility data as the Commission may deem necessary. Rather, it is the intention of the Commission to eliminate unnecessary and burdensome reporting requirements whenever it is possible. Accordingly, under 66 Pa.C.S. §§ 308(c), 501, 504, 5213, 1319 and 1501, and the Commonwealth Documents Law (45 P. S. § 1201 *et. seq.*) and regulations promulgated thereunder in 1 Pa. Code §§ 7.1—7.4, we hereby propose amendments to the regulations in 52 Pa. Code §§ 59.81 and 59.84; *Therefore,*

It is Ordered that:

1. A proposed rulemaking docket shall be opened pertaining to the reporting requirements in §§ 59.81—59.84 to read as set forth in Annex A of this order.

2. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Interested parties may submit written comments, an original and 15 copies to the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, within 30 days from the date this order is published in the *Pennsylvania Bulletin*. A copy of written comments shall also be served upon the Commission's Bureau of Conservation, Economics and Energy Planning.

4. The Secretary shall submit this order and Annex A to the Office of Attorney General for preliminary review as to form and legality.

5. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

6. The Secretary shall submit this order and Annex A for review and comments by designated standing committees of both Houses of the General Assembly, and for review and comments by IRRC.

7. A copy of this order and Annex A shall be served upon all jurisdictional gas utility companies, the Office of Consumer Advocate and the Office of Small Business Advocate.

JAMES J. MCNULTY,  
Secretary

**Fiscal Note:** 57-198. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart C. FIXED SERVICE UTILITIES**

**CHAPTER 59. GAS SERVICE**

**ANNUAL RESOURCE PLANNING REPORT**

**§ 59.81. Periodic reporting requirements for major gas utilities.**

(a) For the purposes of this subchapter, each jurisdictional public utility with sales of 8 billion cubic feet per year or more including transportation volume shall submit to the Commission an annual integrated resource planning report. Except for Form 1A/2A, whose filing date is March 1, copies of the report shall be submitted on or before June 1, 1996, and June 1 of successive years. An original and five copies of the report shall be submitted. This report shall include a plan that includes the past year's historical data, program changes, and the next 3-year forecast. One copy of the report shall also be submitted to the Office of Consumer Advocate, the Office of Small Business Advocate and the Office of Trial Staff. The information contained within the report shall conform to the following requirements:

\* \* \* \* \*

(2) A forecast of annual [ , winter season ] and peak day energy demand requirements in million cubic feet

displayed by component parts, as indicated in [ **Form 1A, Form 1B and Form 1C, respectively** ] **Form-IRP-Gas-1A and Form-IRP-Gas-1B**. The load growth projections shall reflect the effects of price elasticity, market-induced conservation, building and appliance efficiency standards and the effects of the utility's existing and planned conservation and load management activities.

(3) A forecast of annual [ , winter season ] and peak day energy **supply** resources in million cubic feet indicating sources of presently available and new supplies which the utility estimates will become available displayed by component parts, as indicated in Form-IRP-Gas-2A, **a list of contracts for gas transportation to the reporting utility's city gate, upstream of the city gate and related to transportation, as indicated in** Form-IRP-Gas-2B **and a list of contracts for gas storage services provided to the reporting utility, as indicated in** Form-IRP-Gas-2C [ , respectively ].

\* \* \* \* \*

(5) A summary forecast of annual [ , winter season ] and peak day energy **supply** resources and demand requirements in million cubic feet, as indicated in Form-IRP-Gas-4A [ , ] **and** Form-IRP-Gas-4B [ **and Form-IRP-Gas-4C** ].

(6) The data required under paragraphs (1)—(5) shall consist of the past [ 5 ] 2 years actual historical data, the current year (both actual and projected) and a 3-year forecast. For the purpose of this section, the term "current year" refers to the year in which the filing is being made.

\* \* \* \* \*

(b) The reporting formats referred to in this section are contained in § 59.84 (relating to formats). Annual data shall be submitted on a calendar year basis, January 1 through December 31. If the utility purchases gas on a contract basis other than a calendar year, the contract time interval shall be identified. [ **Winter season data shall be submitted for the period November 1 through March 31 unless compelling reasons require the use of a different interval, in which case, the interval utilized shall be indicated.** ]

\* \* \* \* \*

**§ 59.84. Formats.**

In preparing the annual integrated resource planning reports required by § 59.81(a) (relating to periodic reporting requirements for major gas utilities), each jurisdictional utility shall use the forms and schedules specified by the Bureau of Conservation, Economics and Energy Planning, which shall include the following:

\* \* \* \* \*

(1) Form-IRP-Gas-1A—Annual [ **Energy** ] **Gas Demand Requirements**; Form-IRP-Gas-1B—[ **Winter Season Energy Demand Requirements**; **Form-IRP-Gas-1C—** ] **Peak Day [ Energy Demand ] Gas Requirements.**

(2) Form-IRP-Gas-2A—[ **Annual Energy Resources** ] **Natural Gas Supply**; Form-IRP-Gas-2B—[ **Winter Season Energy Resources** ] **Natural Gas Transporta-**

tion; Form-IRP-Gas-2C—[ **Peak Day Energy Resource** ] **Natural Gas Storage.**

\* \* \* \* \*

(4) Form-IRP-Gas-4A—Annual [ **Supply/Demand** ] **Supply and Demand Requirements** Summary; Form-IRP-Gas-4B—[ **Winter Season Supply/Demand; Form-**

**IRP-Gas-4C— ] Peak Day [ Supply/Demand ] Supply and Demand Requirements** Summary.

\* \* \* \* \*

[Pa.B. Doc. No. 99-457. Filed for public inspection March 19, 1999, 9:00 a.m.]

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