

Regulatory Analysis Form

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(1) Agency

Department of General Services

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DEPARTMENT OF REGULATORY
REVIEW COMMISSION

(2) I.D. Number (Governor's Office Use)

8-002

IRRC Number: 2303

(3) Short Title

State Art Commission

(4) PA Code Cite

4 Pa. Code Chapter 65

(5) Agency Contacts & Telephone Numbers

Primary Contact: Mary Benefield Seiverling
(717) 772-2749

Secondary Contact: Gary F. Ankabrandt
(717) 783-1982

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification attached?

- No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The regulation sets forth the criteria which the State Art Commission used in reviewing projects.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

71 P.S. 161-63, 66, 157, 186, 631.1, and 1795.6(c)

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The State Art Commission was sunsetted and no longer meets.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

None.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Not applicable. The State Art Commission no longer exists.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

Not applicable.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

Not applicable.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

A 30-day comment period followed publication of the proposed regulation at 32 Pa.B. 5278 (October 26, 2002). No comments were received.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Not applicable.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Not applicable.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

Not applicable.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

Not applicable.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Not applicable.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Not applicable.

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

Not applicable.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

Not applicable.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Not applicable.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

Not applicable.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

Should be repealed immediately.

(31) Provide the schedule for continual review of the regulation.

Not applicable. Regulation to be repealed.

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FEDERAL REGULATORY
REVIEW COMMISSION

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE
BUREAU**

(Pursuant to Commonwealth Documents Law)

2303

DO NOT WRITE IN THIS SPACE

Copy below is hereby
approved as to form and
legality.
Attorney General

By: _____
(Deputy Attorney General)

Date of Approval

Check if applicable
Copy not approved
Objections attached.

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated
by:

DEPARTMENT OF GENERAL SERVICES
(Agency)

LEGAL COUNSEL: Mary Shively

DOCUMENT/FISCAL NOTE NO. 8-2

DATE OF ADOPTION: _____

BY: Julie Galy

TITLE: DEPARTMENT OF GENERAL SERVICES
(Executive Officer, Chairman or Secretary)

Copy below is hereby approved as to
form and legality. Executive or
Independent Agencies.

BY: _____

10.29.04

Date of Approval

EXEC.
(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

Check if applicable. No Attorney
General approval or objection
within 30 days after submission.

**NOTICE OF FINAL RULEMAKING
DEPARTMENT OF GENERAL SERVICES
[4 Pa. Code Chapter 65]
State Art Commission**

STATUTORY AUTHORITY

The Department of General Services (the "Department") acting under Sections 506, 2402.2 and of The Administrative Code of 1929 (71 P.S. §§186 and 631.1), section 6(e) of the Sunset Act (71 P.S. §1795.6(3)), Executive Order 1996-1, "Regulatory, Review and Promulgation" And section 201 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §1201), deletes Chapter 65 (relating to State Art Commission).

PURPOSE

The State Art Commission (Commission) was terminated by section 6(e) of the Sunset Act (expired). The chapter sets out the criteria the Commission used in reviewing construction projects. It further sets out those submittals which must be made to the Commission. Since the Commission was sunsetted it no longer meets.

Notice of proposed rulemaking was published at 32 Pa. B. 5278 (October 26, 2002). Publication was followed by a 30-day public comment period during which the Department did not receive any comments. The Senate State Government Committee, the House State Government Committee, and the Independent Regulatory Review Commission (IRRC) also had no comments.

FISCAL IMPACT

There will be no fiscal impact. With the sunset of the Commission in 1987, this chapter is obsolete.

PAPERWORK REQUIREMENTS

The final-form rulemaking will impose no new or different paperwork requirements.

REGULATORY REVIEW

Under section 5(a) of the Regulatory Review Act (71 P.S. §745.5(a)), on October 9, 2002, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and the Senate State Government Committee. In addition to submitting the proposed rulemaking, 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, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. §745.5a(j.2)), the final-form rulemaking was approved by the House State Government Committee on _____, 2004, and by the Senate State Government Committee on _____, 2004. Under section 5.1(e) of the Regulatory Review Act, the IRRC met on _____, 2004, and approved the final-form rulemaking.

EFFECTIVE DATE

This final-form rulemaking is effective as of this publication in the *Pennsylvania Bulletin*.

ADDITIONAL INFORMATION

Individuals who need information about the final-form rulemaking should contact Mary Benefield Seiverling, Senior Counsel, Department of General Services, Office of Chief Counsel, 603 North Office Building, Harrisburg, PA 17125.

FINDINGS

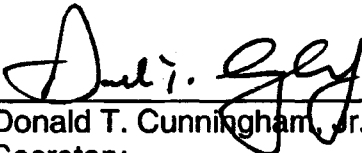
The Department finds that:

- (1) Public notice of intention to promulgate administrative regulations amended by this order has been given under Section 201 and 202 of the Act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§7.1 and 7.2.
- (2) The final-form rulemaking adopted by this order is necessary and appropriate for the performance of the Department's duties under the Administrative Code of 1929.

ORDER

The Department, acting under the authorizing statutes, orders that:

- (a) The regulations of the Department, 4 Pa. Code, are amended by deleting the text of Chapter 65 and inserting the headings as set forth in Annex A.
- (b) The Secretary shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality and form as required by law.
- (c) The Secretary of the Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.



Donald T. Cunningham, Jr.
Secretary

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

Annex A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

Subpart C. CONSTRUCTION AND PROCUREMENT

ARTICLE II. CONSTRUCTION

CHAPTER 65. (Reserved)

(Editor's Note: The Department is deleting the text of Chapter 65, which appears in 4 Pa. Code pages 65-1--65-58, serial pages (240653)--(240655).)

§ 65.1--65.6. (Reserved).

CHAPTER 65. STATE ART COMMISSION

Sec.	
65.1.	Meetings.
65.2.	Approval criteria.
65.3.	Submission requirements.
65.4.	Approvals and resubmissions.
65.5.	Content of submittals.
65.6.	Final phase documents.

Authority

The provisions of this Chapter 65 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186), unless otherwise noted.

Source

The provisions of this Chapter 65 adopted September 8, 1972, 2 Pa.B. 1685; amended May 18, 1984, effective May 19, 1984, 14 Pa.B. 1711, unless otherwise noted. Immediately preceding text appears at serial pages (61824) to (61825) and (43808) to (43809).

§ 65.1. Meetings.

Decisions of the State Art Commission will be made at its regular meetings, held during the first week of the month. To be considered at a regular meeting, a submittal shall be received by the Commission no later than the last business day of the month preceding that meeting. The Secretary of the State Art Commission will be available for consultation.

§ 65.2. Approval criteria.

Each project will be examined for its intrinsic design features and qualities. The Commission does not conduct precise quantitative or qualitative reviews of design, materials, construction techniques or mechanical and electrical systems; nor does it examine any dimensions for adequacy. Commission determinations may include, but will not be limited to, considerations of the following:

- (1) *Design*. General excellence of integrating and shaping of all components, features, and materials into appropriate and worthy design.
- (2) *Site*. General adequacy and suitability for the intended purpose; conservation of existing topography and features; historical context, relations of buildings and other construction to topography and to other structures; accessibility; general surface drainage characteristics; plantings; maintenance, relationship to neighboring lands and buildings.
- (3) *Building*. General adequacy, fitness and economy of components; general arrangements, connections and circulation; relative fitness, durability and maintenance of materials and their visual qualities.

65-1

(240653) No. 281 Apr. 98

§ 65.3. Submission requirements.

(a) For any but the simplest of projects, a submittal at the schematic phase is required. All projects shall be submitted at the design development phase; this is the prerequisite to submittal at the final phase.

(b) Schematic design phase means drawings and other documents illustrating the scale and relationships of project components.

(c) Design development phase means drawings and other documents fixing and describing the sizes and characters of the entire project and of its components, including materials and other essentials that are appropriate.

(d) Final phase means the bidding and construction documents, excluding specifications and detailed mechanical and electrical drawings.

(e) In each submittal, the number of exhibits and their content shall be sufficient to present all aspects of the design appropriate to that phase of its development.

§ 65.4. Approvals and resubmissions.

Submittals considered to be of high excellence will be denoted as approved; others will be denoted as accepted. Submittals denoted withheld will be returned for revision and resubmittal. Decisions of the Commission will be transmitted in writing.

§ 65.5. Content of submittals.

Submittals shall include the following information insofar as it pertains:

(1) No document shall be submitted until it has received all required agency approvals, that are obtainable prior to submittal to the Commission.

(2) Every submittal shall include the seal of a registered architect, landscape architect or engineer.

(3) At the first submittal a complete standard information form obtainable from the Commission shall be submitted.

(4) At the first submittal a brief narrative setting forth the designer's intentions, one page or less, arranged visually for easy comprehension, shall be submitted. Difficulties beyond the designer's control may be cited. When a submittal is revised to a significant degree, a revised narrative shall be submitted with it.

(5) At the first submittal clear photographs showing topography of the site including streets and roads, structures and trees and shrubbery shall be submitted, as well as aerial photographs when they provide significant information.

(6) At the first submittal a topographic survey plan of the existing site showing contours at intervals adequate to indicate the conditions; 6-inch caliper and larger trees; streams and ponds; adjacent and onsite roads, streets and the like; aboveground utilities; and adjacent land in sufficient detail to show relationship to the subject site shall be submitted.

(7) At the first submittal a master plan, if one exists, shall be submitted.

(8) At all submittals a site plan showing relationships of buildings and of the interior arrangements of buildings to the site and streets, roads, walks, parking, and the like shall be submitted.

(9) At all submittals plans, elevations and sections shall be submitted.

(10) At design development and final submittals exterior mechanical and electrical appurtenances including rooftop equipment and exterior lighting and a site plan showing contours at no greater than 2-foot intervals, storm drainage systems, conserved and new plantings, site lighting, and utilities shall be submitted.

(11) With design development submittals examples of materials and colors shall be submitted.

(12) Study perspectives and study models, when they provide significant explanation or when requested by the Commission, shall be submitted. These will be returned to the designer.

§ 65.6. Final phase documents.

Final phase documents that do not conform to accepted or approved prior submittals will be returned for resubmittal.

Source

The provisions of this § 65.6 adopted May 18, 1984, effective May 19, 1984, 14 Pa.B. 1711.

Repeal Analysis Form

<p>(1) Agency Department of General Services</p>	<p>(2) I.D. Number (Governor's Office Use) 8-2</p>
<p>(3) Short title State Art Commission</p>	
<p>(4) PA Code Cite 4 Pa. Code Chapter 65</p>	<p>(5) (Reserved)</p>
<p>(6) Type (check one) <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Final</p>	<p>(7) Is a 120 Day Emergency Certification attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>(8) Briefly explain in clear and nontechnical language the regulation: The regulation sets out the criteria the State Art Commission used in reviewing projects. It further sets out what submittals must be made to the Commission.</p>	
<p>(9) Briefly explain why this regulation is proposed for repeal: The State Art Commission was sunsetted and no longer meets.</p>	
<p>(10) Please list the proposed schedule for repeal noting any public comment periods: The State Art Commission was terminated by the Sunset Act, 71 P.S. Section 1795.6(c). This regulation should be repealed immediately.</p>	
<p>(11) State any costs and/or savings associated with the repeal: n/a</p>	



**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF GENERAL COUNSEL
DEPARTMENT OF GENERAL SERVICES**

Office of Chief Counsel
603 North Office Building
Harrisburg, Pennsylvania 17125
PHONE: (717) 787-5599
FAX: (717) 787-9138
October 29, 2004

Robert Nyce, Executive Director
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

**Re: Repeal of Department of General Services Regulations
4 Pa. Code Chapter 65 (State Art Commission)**

Dear Mr. Nyce:

Enclosed is a final-form regulation that will repeal regulations governing the former State Art Commission. This regulation was published as proposed rulemaking at 32 Pa.B. 5278 on October 26, 2002.

The State Art Commission was terminated by the Sunset Act. Since the State Art Commission no longer exists, the regulations are obsolete.

This final-form regulation, which amends by deletion *Pennsylvania Code*, Title 4, Chapter 65 (State Art Commission) is submitted for review by your Commission pursuant to the Regulatory Review Act.

The Department of General Services will provide your Commission with any assistance required to facilitate a thorough review of this proposal.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Benefield Seiverling".

Mary Benefield Seiverling
Senior Counsel

Enclosure

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 8-002
 SUBJECT: State Art Commission
 AGENCY: DEPARTMENT OF GENERAL SERVICES

#2303

TYPE OF REGULATION

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

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 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
	<i>K. G. Sully</i> 10/29/04	HOUSE COMMITTEE ON STATE GOVERNMENT
X 10/29	<i>Eileen Buck</i>	
X 10/29	<i>R. Hess</i>	SENATE COMMITTEE ON STATE GOVERNMENT
X	<i>W. B. ...</i> 10/29/04	
10/29/04	<i>Joseph F. ...</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)

October 29, 2004