

Regulatory Analysis Form

This space for use by IRRC

2002 OCT -5 PM 4: 29

REVIEW COMMISSION

(1) Agency

Department of General Services

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

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: Gary F. Ankabrandt
(717) 783-1982
Secondary Contact: Nora L. Doyle
(717) 783-3925

(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.

Not applicable. Regulation to be repealed.

(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. Not applicable.

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

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

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(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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FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

2002-037-9 PM 4:20

REVIEW COMMISSION

#2303

DO NOT WRITE IN THIS SPACE

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

[Signature]

(DEPUTY ATTORNEY GENERAL)

MAR 18 2002

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)

DOCUMENT/FISCAL NOTE NO. _____

DATE OF ADOPTION: _____

BY: *[Signature]*

TITLE: Secretary of General Services
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[Signature]

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

[Signature]

BY: _____

FEB 07 2002

DATE OF APPROVAL

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

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

Repeal of 4 Pa. Code Chapter 65, "State Art Commission"

PREAMBLE

The Department of General Services (the "Department") acting under the authority conferred upon it by the Administrative Code of 1929 [71 P.S. §§186, 631.1, and 1795.6(e)] and Executive Order 1996-1 (4 Pa. Code §§1.371-1.382), and as required by 45 P.S. §1201 hereby gives public notice of its intentions to repeal its "State Art Commission" regulations found at 4 Pa. Code Chapter 65.

Purpose of Repeal of Regulation

The State Art Commission was terminated by the Sunset Act, 71 P.S. §1795.6(e). The regulation sets out the criteria the State Art Commission used in reviewing projects. It further sets out those submittals which must be made to the Commission. Since the State Art Commission was sunsetted it no longer meets.

Fiscal Impact

There will be no fiscal impact from the appeal of these regulations. With the sunset of the State Art Commission in 1987, these regulations are currently not followed.

Paperwork Requirements

The repeal will impose no new or different paperwork requirements.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act [1 P.S. §745.5(a)], the Department submitted a copy of the proposed repeal to the Independent Regulatory Review Commission (IRRC), the Chairperson of the House State Government Committee, and the Chairperson of the Senate State Government Committee on October 9, 2002. In addition to submitting the proposed repeal, 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 objections to the proposed repeal, it will notify the Department within ten (10) days of the close of the Committee's comment period. The notification shall

PREAMBLE, CONTINUED

specify the regulatory review criteria which had not been met by the repeal. The Regulatory Review Act specifies detailed procedures for review, prior to that publication of a regulation, by the Department, the General Assembly, and the Governor of objections raised.

Statutory Authority

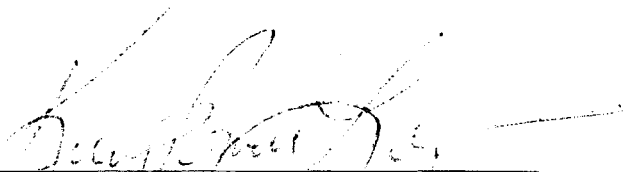
The Department's authority to repeal regulations is contained in Sections 506 and 2401.1 of the Administrative Code of 1929 [71 P.S. §186 and §631.1].

Effective Date

The regulation should be repealed immediately upon closure of the public comment period, the regulatory review process and subsequent publication in the *Pennsylvania Bulletin*.

Public Comment/Contact Person

Written comments concerning the Department's proposed repeal of its "State Art Commission" regulations shall be submitted to Gary F. Ankabrandt, Assistant Chief Counsel, Office of Chief Counsel, Department of General Services, 603 North Office Building, Harrisburg, Pennsylvania 17125. Written comments must be received within thirty (30) days of this publication of notice of proposed rule making in the *Pennsylvania Bulletin*.



Kelly/Powell Logan, Secretary
Department of General Services

ANNEX A

TITLE 4. ADMINISTRATION

PART III. DEPARTMENT OF GENERAL SERVICES

SUBPART C. CONSTRUCTION AND PROCUREMENT

ARTICLE II. CONSTRUCTION

CHAPTER 65. [STATE ART COMMISSION] 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.

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(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.

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

I.D. NUMBER: 8-2
SUBJECT: Repeal of "State Art Commission"
AGENCY: DEPARTMENT OF GENERAL SERVICES

TYPE OF REGULATION

- X Proposed Regulation
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

RECEIVED
REGULATORY COMMISSION
OCT 10 11 29 AM '02

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
10/9	<i>Marianne Spigore</i>	HOUSE COMMITTEE ON STATE GOVERNMENT
10/9	<i>Norman Guber</i>	
10/9	<i>Valerie Keller</i>	SENATE COMMITTEE ON STATE GOVERNMENT
10/9	<i>S. Sander</i>	
10/9	<i>E. Pagan</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
10-9	<i>Tom Subala</i>	ATTORNEY GENERAL
10/9/02	<i>C. Lee - Brown</i>	LEGISLATIVE REFERENCE BUREAU

March 20, 2002