

Regulatory Analysis Form		This space for use by IRRC
(1) Agency Department of General Services		<div style="text-align: center;"> RECEIVED 2006 OCT -5 PM 2: INDEPENDENT REGULATORY REVIEW COMMISSION </div> IRRC Number: <u>2544</u>
(2) I.D. Number (Governor's Office Use) 008-011		
(3) Short Title 4 Pa. Code Chapters 51, 53 and 55 (Distribution of Federally Donated Foods to Needy Households)		
(4) PA Code Cite 4 Pa. Code Chapter 51 4 Pa. Code Chapter 53 4 Pa. Code Chapter 55	(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) <input type="checkbox"/> Proposed Rulemaking <input type="checkbox"/> Final Order Adopting Regulation <input checked="" type="checkbox"/> Final Order, Proposed Rulemaking Omitted	(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes: By the Attorney General <input type="checkbox"/> Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. Chapters 51, 53 and 55 address the procedures and guidelines for the distribution of federally donated foods to needy households. The chapters are being deleted because they are obsolete. The regulations were promulgated in 1964 under the authority of sections 301 and 401 of the County Institution District Law, act of June 24, 1937 (P. L. 2017, No. 396) (62 P.S. §§ 2251 and 2301). The responsibility for this program was transferred to the Department of Agriculture pursuant to 71 P.S. §751-28 (Reorganization Plan No. 1 of 1981) (relating to the transfer of functions, powers and duties from the Department of General Services, Bureau of Government Donated Food to the Department of Agriculture, Bureau of Government Donated Food).		
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. The Department of General Services is acting under sections 506 and 2402.2 of The Administrative Code of 1929 (71 P.S. §§186 and 631.1), Executive Order 1996-1, Regulatory, Review and Promulgation, and section 204 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §1204) known as the Commonwealth Documents Law (CDL).		

Regulatory Analysis Form

(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 Department's regulations on the subject no longer serve any purpose. After the transfer of responsibility under the Reorganization Plan, the Department of Agriculture continued the program of distribution of federally donated foods to needy households. The Department of Agriculture used grant agreements with individual county governments (or with their designated lead agencies) to prescribe how grant funds were to be used and to define the responsibilities of the parties. 24 Pa.B. 358 (Jan. 15, 1994) (Department of Agriculture, Proposed Rulemaking, State Food Purchase Program).

In 1992, the General Assembly formalized the program by enacting the State Food Purchase Program Act, act of Dec. 11, 1992 (P.L. 807, No 129) (62 P.S. §§ 4041-4049) (act). The act directed the Department of Agriculture to develop rules and regulations. The Department of Agriculture published proposed rulemaking. 24 Pa.B. 358 (Jan. 15, 1994). The Department of Agriculture's final rulemaking was published on Oct. 29, 1994, 24 Pa.B. 5412 (7 Pa. Code Ch. 160). The 1992 legislation and the 1994 regulations now govern the program transferred to the Department of Agriculture in 1981.

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

There are no risks because repeal of the Department's regulations will not result in non-regulation. The Department of Agriculture's regulations will continue to govern to program. 7 Pa. Code Ch. 160.

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

The public will benefit by deletion of regulations, which are obsolete.

Regulatory Analysis Form

(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.)

No one will be adversely affected.

(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.)

None.

(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.

Public notice of intention to delete the regulations under the procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) (CDL) was omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)). Public comment was unnecessary under the circumstances because this rulemaking is intended to merely delete outdated regulations.

(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 that may be required.

None.

Regulatory Analysis Form

(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.

None.

(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.

None.

Regulatory Analysis Form

(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.

Not applicable.

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.

Regulatory Analysis Form

(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.

Not applicable.

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

No public hearings or informational meetings will be held. Public comment is unnecessary because this rulemaking is intended to merely delete outdated regulations.

Regulatory Analysis Form

(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.

No.

(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?

The regulations will be effective upon publication in the Pennsylvania Bulletin.

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

Not applicable. Regulation to be repealed.

Repeal Analysis Form	
(1) Agency Department of General Services	(2) I.D. Number (Governor's Office Use) 8-11
(3) Short Title Distribution of Federally Donated Foods to Needy Households	(5) (Reserved)
(4) PA Code Cite 4 Pa. Code Chapter 51 4 Pa. Code Chapter 53 4 Pa. Code Chapter 55	(7) Is a 120 Day Emergency Certification attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>(8) Briefly explain in clear and nontechnical language the regulation:</p> <p>Chapters 51, 53 and 55 address the procedures and guidelines for the distribution of federally donated foods to needy households. The chapters are being deleted because they are obsolete. The regulations were promulgated in 1964 under the authority of sections 301 and 401 of the County Institution District Law, act of June 24, 1937 (P. L. 2017, No. 396) (62 P.S. §§ 2251 and 2301). The responsibility for this program was transferred to the Department of Agriculture pursuant to 71 P.S. §751-28 (Reorganization Plan No. 1 of 1981) (relating to the transfer of functions, powers and duties from the Department of General Services, Bureau of Government Donated Food to the Department of Agriculture, Bureau of Government Donated Food).</p>	
<p>(9) Briefly explain why this regulation is proposed for repeal:</p> <p>The Department's regulations on the subject no longer serve any purpose. After the transfer of responsibility under the Reorganization Plan, the Department of Agriculture continued the program of distribution of federally donated foods to needy households. In 1992, the General Assembly formalized the program by enacting the State Food Purchase Program Act, act of Dec. 11, 1992 (P.L. 807, No 129) (62 P.S. §§ 4041-4049) (act). The act directed the Department of Agriculture to develop rules and regulations. The Department of Agriculture published proposed rulemaking. 24 Pa.B. 358 (Jan. 15, 1994). The Department of Agriculture's final rulemaking was published on Oct. 29, 1994, 24 Pa.B. 5412 (7 Pa. Code Ch. 160). The 1992 legislation and the 1994 regulations now govern the program transferred to the Department of Agriculture in 1981.</p>	
<p>(10) Please list the proposed schedule for repeal noting any public comment periods:</p> <p>The regulations will be effective upon publication in the Pennsylvania Bulletin. No public hearings or informational meetings will be held. Public comment is unnecessary because this rulemaking is intended to merely delete outdated regulations.</p>	
<p>(11) State any costs and/or savings associated with the repeal:</p> <p>N/A</p>	

FACE SHEET – FINAL OMITTED

CDL-1

FACE SHEET FOR FILING DOCUMENTS WITH THE LEGISLATIVE REFERENCE BUREAU (Pursuant to Commonwealth Documents Law)

2574

RECEIVED
2006 OCT -5 PM 2:59
INDEPENDENT REGULATORY
REVIEW COMMISSION

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 Matthew A. Leavelle

DOCUMENT/FISCAL NOTE NO. 008-011

DATE OF ADOPTION: _____

BY: James P. Creedon

TITLE: SECRETARY OF GENERAL SERVICES
(Executive Officer, Chairman or Secretary)
James P. Creedon

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

By: Andrew C. Clark

SEP 25 2006
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.

NOTICE OF FINAL OMITTED REGULATIONS WITHOUT PUBLICATION AS PROPOSED DEPARTMENT OF GENERAL SERVICES

[4 Pa. Code Chapters 51, 53 and 55 (Distribution of Federally Donated Foods to Needy Households)]

STATUTORY AUTHORITY

The Department of General Services (Department) acting under sections 506 and 2402.2 of The Administrative Code of 1929 (71 P.S. §§186 and 631.1), Executive Order 1996-1, Regulatory, Review and Promulgation, and section 204 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §1204) known as the Commonwealth Documents Law (CDL), deletes 4 Pa. Code Chapters 51, 53, and 55 (relating to distribution of federally donated foods to needy households program).

OMISSION OF PROPOSED RULEMAKING

Public notice of intention to delete the regulations under the procedures in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) has been omitted for good cause as authorized under section 204(3) of the CDL (45 P.S. §1204(3)) because the Department finds that these procedures are, under the circumstances, unnecessary. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.

PURPOSE

Chapters 51, 53 and 55 address the procedures and guidelines for the distribution of federally donated foods to needy households. The chapters are being deleted because they are obsolete. The regulations were promulgated in 1964 under the authority of sections 301 and 401 of the County Institution District Law, act of June 24, 1937 (P. L. 2017, No. 396) (62 P.S. §§ 2251 and 2301). The responsibility for this program was transferred to the Department of Agriculture pursuant to 71 P.S. §751-28

(Reorganization Plan No. 1 of 1981) (relating to the transfer of functions, powers and duties from the Department of General Services, Bureau of Government Donated Food to the Department of Agriculture, Bureau of Government Donated Food).

BACKGROUND

After the transfer of responsibility under the Reorganization Plan, the Department of Agriculture continued the program of distribution of federally donated foods to needy households. The Department of Agriculture used grant agreements with individual county governments (or with their designated lead agencies) to prescribe how grant funds were to be used and to define the responsibilities of the parties. 24 Pa.B. 358 (Jan. 15, 1994) (Department of Agriculture, Proposed Rulemaking, State Food Purchase Program).

In 1992, the General Assembly formalized the program by enacting the State Food Purchase Program Act, act of Dec. 11, 1992 (P.L. 807, No 129) (62 P.S. §§ 4041-4049) (act). The act directed the Department of Agriculture to develop rules and regulations. The Department of Agriculture published proposed rulemaking. 24 Pa.B. 358 (Jan. 15, 1994). The Department of Agriculture's final rulemaking was published on Oct. 29, 1994, 24 Pa.B. 5412 (7 Pa. Code Ch. 160).

The 1992 legislation and the 1994 regulations now govern the program transferred to the Department of Agriculture in 1981. Accordingly, the Department deletes its regulations on the subject, which no longer serve any purpose.

COMPLIANCE WITH EXECUTIVE ORDER 1996-1

The Department reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final omitted regulations serve the public interest as described in this preamble and otherwise comply with Executive Order 1996-1.

FISCAL IMPACT

There will be no fiscal impact.

PAPERWORK REQUIREMENTS

The final-omitted regulation will impose no new or different paperwork requirements.

REGULATORY REVIEW

Under § 5.1 (c) of the Regulatory Review Act (71 P.S. §745.5a (c)), on October 5, 2006, the Department submitted a copy of the final-omitted regulations to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Committees on State Government. On the same day, the final-omitted regulations were submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§732-101—732-506).

Under section 5(c) of the Regulatory Review Act, the rulemaking was deemed approved by the House and Senate Committee on **DATE** and approved by IRRC on **DATE**.

In addition to submitting the final-omit rulemaking, the Department provided the IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

ADDITIONAL INFORMATION

Individuals interested in further information may contact Mary Benefield Seiverling, Assistant Chief Counsel, Department of General Services, 603 North Office Building, Harrisburg, Pennsylvania, 17125 at (717) 772-2749.

FINDINGS

The Department finds that:

1. Public notice of intention to delete the regulations as adopted by this order under the procedure specified in sections 201 and 202 of the CDL has been omitted for good cause under the authority contained in section 204(3) because notice, under the circumstances, is unnecessary. The continuing presence of these obsolete regulations serves no purpose and may, in fact, confuse the public.
2. The deletion of the regulations in the manner provided in this order is necessary and appropriate.

ORDER

The Department, acting under its statutory authority, orders that:

- a. The regulations of the Department, 4 Pa. Code Chapter 51, 53 and 55 are amended by deleting the text of Chapter 51, 53 and 55 and inserting the headings as set forth in Annex A.
 - b. The Secretary of the Department shall submit this order and Annex A to the Office of the Attorney General and the Office of the General Counsel for approval as to the 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 final publication in the *Pennsylvania Bulletin*.
-



James P. Creedon,

Secretary of the Department of General Services

Fiscal Note: 8-11. No fiscal impact; (8) recommends adoption.

Annex A

Title 4. ADMINISTRATION

Part III. DEPARTMENT OF GENERAL SERVICES

Subpart B. [Reserved]

CHAPTER 51 [Reserved]

§§ 51.1—51.7. [Reserved]

CHAPTER 53 [Reserved]

§§ 53.1—53.25. [Reserved]

CHAPTER 55 [Reserved]

§§ 55.1—55.85. [Reserved]



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 5, 2006

Mr. Kim Kauffman
Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17120-3008

Re: FINAL OMITTED REGULATION
Department of General Services
Distribution of Federally Donated Foods to Needy Households
4 Pa. Code Chapter 51
4 Pa. Code Chapter 53
4 Pa. Code Chapter 55
Document 008-011

Dear Mr. Kauffman:

Enclosed is a copy of the Face Sheet, Preamble, Annex A and the Regulatory Analysis Form for the above referenced regulation which is being submitted for your review pursuant to the Regulatory Review Act. Notice of proposed rulemaking has been omitted pursuant to section 204(3) of the Commonwealth Documents Law, 45 P.S. §1204 (3) because the Department of General Services finds good cause that the notice procedures are unnecessary under the circumstances. By these regulations, the Department deletes Chapters 51, 53 and 55 of Title 4 regarding the procedures and guidelines for the distribution of federally donated foods to needy households because they are obsolete. The Office of General Counsel approved these regulations on September 25, 2006. Copies of these regulations have been submitted this day not only to the House and Senate State Government Committees, but also to the Office of Attorney General and the Independent Regulatory Review Commission. The Department of General Services will provide your Committee with any assistance required to facilitate a thorough review of this proposal.

Sincerely,


Mary Benefield Seiverling
Assistant Chief Counsel

Enclosure

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

I.D. NUMBER: 8-11

SUBJECT: DISTRIBUTION OF FEDERALLY DONATED FOODS TO
NEEDY HOUSEHOLDS

AGENCY: DEPARTMENT OF GENERAL SERVICES

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- X 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
2006 OCT -5 PM 2:20
INDEPENDENT REGULATORY
REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
10/5/06	<i>Eileen Kuck</i>	HOUSE COMMITTEE ON STATE GOVERNMENT
10/5/06	<i>X. A. [Signature]</i>	
10/5/06	<i>Marcia Ernst</i>	SENATE COMMITTEE ON STATE GOVERNMENT
10/5/06	<i>[Signature]</i>	
10/5/06	<i>Kathryn Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
10/5/06	<i>[Signature]</i>	ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)