

RULES AND REGULATIONS

Title 43—MILITARY AFFAIRS

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

[43 PA. CODE CH. 9]

Persian Gulf Conflict Veterans' Benefit Program

The Department of Military and Veterans Affairs (Department) rescinds and reserves Chapter 9 as set forth in Annex A.

Statutory Authority

This final-omitted rulemaking is authorized under section 9 of the Persian Gulf Conflict Veterans' Benefit Act (act) (51 P.S. § 20309) which requires The Adjutant General to promulgate rules and regulations to implement, administer and enforce the act, and section 204(3) of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(3)), referred to as the Commonwealth Documents Law (CDL), which authorizes publication of a final-omitted rulemaking when public notice and public comment are impracticable, unnecessary or contrary to the public interest.

Omission of Proposed Rulemaking

Public notice of the Department's intention to rescind and reserve Chapter 9 under the procedures set forth in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) was omitted as authorized under section 204(3) of the CDL. The Department finds that public notice and comment are unnecessary under the circumstances because the enabling authority in the act has expired.

Purpose and Background

Chapter 9 is rescinded and reserved because sections 1—15 of the act (51 P.S. §§ 20301—20315), which established the Persian Gulf Conflict Veterans' Benefit Program (Program), have expired.

The Program, which provided a monetary bonus to veterans of the Persian Gulf Conflict that reside in this Commonwealth, was established by the act. The current regulations in Chapter 9 were promulgated in 2008 to implement, administer and enforce the act. Section 4(b) of the act (51 P.S. § 20304(b)) allowed the Department to accept applications for the bonus through August 31, 2015. The act of October 30, 2015 (Act 50 of 2015) (P.L. 205, No. 50) amended this authority by extending the application period through August 31, 2018. Act 50 of 2015 also amended the expiration date in section 12(e) of the act (51 P.S. § 20312(e)), to prohibit the issuance of bonds and notes funding the Program after December 31, 2019. The Department accordingly ceased accepting applications for the Program after August 31, 2018, and ceased issuing bonds and notes for the Program after December 31, 2019. For these reasons, the regulations in Chapter 9 are no longer operable.

Description of Final-Omitted Regulations

This final-omitted rulemaking seeks to rescind and reserve the regulations in Chapter 9 as set forth in Annex A, due to expiration of the Program.

Reporting, Recordkeeping and Paperwork Requirements

The Department has ceased all activity connected with the Program and archived all Program records. This final-omitted rulemaking will not result in any reporting, recordkeeping or paperwork requirements for the Department, individuals or entities.

Fiscal Impact

This final-omitted rulemaking will not result in any fiscal impact to the Commonwealth, its political subdivisions or the general public.

Sunset Date

There is no sunset date for this final-omitted rulemaking.

Effective Date

This final-omitted rulemaking will take effect upon publication in the *Pennsylvania Bulletin*.

Contact Persons

For further information contact Jeffery King, Programs Supervisor, Division of Programs and Services, Building 9-26, Fort Indiantown Gap, Annville, PA 17003, (717) 861-8452, jeffeking@pa.gov; or Kaitlyn Boswell, Assistant Counsel, Office of Chief Counsel, Building 7-36, Fort Indiantown Gap, Annville, PA 17003, (717) 644-1566, kaboswell@pa.gov. This final-omitted rulemaking is available on the Department of Military and Veterans Affairs web site at www.dmva.pa.gov (select "Pennsylvania Veterans," then "Regulatory Initiatives").

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)) on September 4, 2024, the Department submitted a copy of the final-omitted rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives. On the same day, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, the rulemaking was deemed approved by the Senate and House Committees on August 14, 2024. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 15, 2024, and approved the final-omitted rulemaking.

Findings

The Department finds that:

(a) Final-omitted rulemaking is allowed when procedures specified in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) are impracticable, unnecessary or contrary to the public interest. Therefore, public notice of the Department's intention to amend regulations has been omitted under section 204(3) of the CDL (45 P.S. § 1204(3)).

(b) Following the procedures outlined in sections 201 and 202 of the CDL, the Department finds that public notice and solicitation of public comment is impracticable

and unnecessary under the circumstances because the enabling authority for the regulations has expired.

Order

The Department, acting under the authority of section 9 of the act and section 204(3) of the CDL, orders that:

(1) The regulations of the Department, 43 Pa. Code Chapter 9, are amended by deleting §§ 9.1—9.13 as set forth in Annex A.

(2) The Department shall submit this final-omitted rulemaking to the Office of Attorney General for approval as to form and legality as required by law.

(3) The Department shall submit this final-omitted rulemaking to IRRC and to the Veterans Affairs and Emergency Preparedness Committees of the Senate and House of Representatives as required by law.

(4) This final-omitted rulemaking shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

MARK J. SCHINDLER,
Major General, PAARNG
The Adjutant General

(Editor's Note: See 54 Pa.B. 5591 (August 31, 2024) for IRRC's approval order.)

Fiscal Note: 13-7. No fiscal impact; recommends adoption.

Annex A

TITLE 43. MILITARY AFFAIRS
PART I. DEPARTMENT OF MILITARY AFFAIRS
CHAPTER 9. [RESERVED]

§§ 9.1—9.13. [Reserved].

[Pa.B. Doc. No. 24-1334. Filed for public inspection September 20, 2024, 9:00 a.m.]