

<h1 style="margin: 0;">Regulatory Analysis Form</h1>		<p>This space for use by IRRC</p> <p style="text-align: center; font-size: 1.2em;">RECEIVED</p> <p style="text-align: center;">99 MAR 10 PM 12:10</p> <p style="text-align: center; font-size: 0.8em;">INDEPENDENT REGULATORY REVIEW COMMISSION</p> <p style="text-align: center; font-weight: bold; font-size: 1.1em;">Mizner</p> <p style="text-align: right;">IRRC Number: <u>2014</u></p>
<p>(1) Agency</p> <p>Department of State, Bureau of Professional and Occupational Affairs, State Board of Landscape Architects</p>		
<p>(2) I.D. Number (Governor's Office Use)</p> <p>No. 16A-614</p>		
<p>(3) Short Title</p> <p>Examination Fees</p>		
<p>(4) PA Code Cite</p> <p>49 Pa. Code §15.12</p>	<p>(5) Agency Contacts & Telephone Numbers</p> <p>Primary Contact: April L. McClaine, Counsel State Board of Landscape Architects (3-7200)</p> <p>Secondary Contact: Joyce McKeever, Deputy Chief Counsel, Department of State (3-7200)</p>	
<p>(6) Type of Rulemaking (check one)</p> <p><input type="checkbox"/> Proposed Rulemaking</p> <p><input type="checkbox"/> Final Order Adopting Regulation</p> <p><input checked="" type="checkbox"/> Final Order, Proposed Rulemaking Omitted</p>	<p>(7) Is a 120-Day Emergency Certification Attached?</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes: By the Attorney General</p> <p><input type="checkbox"/> Yes: By the Governor</p>	
<p>(8) Briefly explain the regulation in clear and nontechnical language.</p> <p>The regulation revises fees for the national landscape architect licensure examinations (L.A.R.E.) commencing June 1999, and incorporates new examination section designations.</p>		
<p>(9) State the statutory authority for the regulation and any relevant state or federal court decisions.</p> <p>The regulation is adopted under Section 812.1 of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, <u>as amended</u>, 71 P.S. §279.3a, and Sections 4(2), 4(9) and 5(a) of the Landscape Architects' Registration Law, Act of January 24, 1966, P.L. 1527, <u>as amended</u>, 63 P.S. §§904(2), 904(9) and 905(a).</p>		

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.

Yes. Section 5(a) of the Landscape Architects' Registration Law (63 P.S. §905(a)) requires that all fees be fixed by the Board by regulation.

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

The regulation is necessary to insure that the applicants' fees cover the cost of the examinations and to comply with Section 812.1 of the Administrative Code of 1929, 71 P.S. §279.3a.

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

If the examination fees are not established by regulation, the Board will not be in compliance with the law and prospective landscape architects will be unable to obtain licensure in the most cost-effective manner, thereby inhibiting public access to qualified landscape architectural services.

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

Applicants for the examination will benefit from the regulation. Without a regulation adopting fee increases for the examination, the Board will not be able to implement its contract with its professional testing organization, C.L.A.R.B., to administer the L.A.R.E. examination.

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.)

The regulation will create no adverse effects on any person or group of persons. In fact, all will benefit. See paragraphs 12 and 13.

(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.)

Applicants for licensure by examination will be required to comply with the regulation in order to sit for the licensure examination. Based on FY '97-'98 numbers, the Board estimates that approximately 67 persons will apply to take the L.A.R.E. examinations in the Commonwealth each fiscal year.

(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.

The Board has not communicated with or received input from regulated interests in the development and drafting of this regulation because the fees represent the actual contractual rate for the professional testing agency to develop, administer and grade the licensure examination. Under these circumstances, public comment is unnecessary. All persons affected by the increase in fees, however, will be given actual notice of the Board's intention to amend the regulation in advance of final rulemaking pursuant to section 204(2) of the Commonwealth Documents Law, 45 P.S. §1204(2).

(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.

The cost for the complete L.A.R.E. in FY '97-'98 was \$540. In FY '98-'99, the total cost will not change. In FY '99-'00, the total cost will be \$570. Each applicant will therefore pay an additional \$30 in FY '99-'00 to take the L.A.R.E. Based on 67 applicants per fiscal year, the total increased cost to all Pennsylvania applicants in the aggregate is \$2,010 for FY '99-'00.

No legal, accounting or consulting procedures will be required.

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.

The regulation will not result in costs or savings to local governments.

(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.

The regulation will not impose any costs or savings on state government.

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	FY +1	FY +2	FY +3	FY +4	FY +5
SAVINGS:	1998-99	1999-2000	\$	\$	\$	\$
Regulated						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated	no change	\$30 per				
Local Government		applicant				
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated						
Local Government						
State Government						
Total Revenue Losses						

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

See paragraph 17.

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
Because				
applicants				
pay for actual				
examination costs,	government	expends no funds.		

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

Government program expenditures are not implicated by direct costs to applicants for examination fees. Applicants for licensure by examination, however, will experience a slight increase in costs to sit for future L.A.R.E. examinations.

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

Inasmuch as licensing boards are required to contract with a professional testing organization to prepare and administer the licensure examination and to establish examination fees by regulation, no other regulatory approaches were considered.

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

See paragraph 22.

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.

Federal law is not implicated by this regulation.

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

The regulation will not put Pennsylvania at a competitive disadvantage with other states. All other jurisdictions who license landscape architects utilize the L.A.R.E. examinations to qualify applicants for licensure.

(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 other regulations will be affected.

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

No hearings are necessary. See paragraphs 16 and 22.

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.

Application forms for licensure by examination will be amended to reflect new examination nomenclature and fees.

(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.

This regulation applies to all applicants for licensure by examination. The Board has perceived no special needs of any subset or group which should be excepted.

(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?

Inasmuch as the contracted price for examination services covered by these fees and new exam section designations apply to L.A.R.E. licensure examinations administered on and after June 1999, the regulation should be adopted as soon as possible in order to allow applicants to qualify for the examinations.

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

The Bureau of Professional and Occupational Affairs constantly monitors the effectiveness of the Board's examination program. The fees imposed by this regulation are established by contract. No sunset date has been assigned.

FEE REPORT FORM

Agency: State - BPOA **Date:** 01/06/99
Contact: C. Michael Weaver
Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Fee for the Landscape Architect Registration Examination (L.A.R.E.)

Estimated Biennial Revenue: \$ 0 (fees submitted directly to professional testing organization)

Fee Description:

	L.A.R.E. 6/99	L.A.R.E. 12/99	L.A.R.E. 6/2000
Section A:	\$ 40.00	n/a	\$ 40.00
Section B:	\$ 75.00	n/a	\$ 80.00
Section C:	\$150.00	\$160.00	\$160.00
Section D:	\$125.00	\$130.00	\$130.00
Section E:	\$150.00	\$160.00	\$160.00
Administration of examination for one section or more:			\$ 45.00

Fee Objective:

The fee should offset the contracted cost incurred to purchase, grade and administer the individual sections of the L.A.R.E.

Fee-Related Activities and Costs:

Actual, contractual rate to develop and grade the examination:	as noted above
Actual, contractual rate to administer the examination:	\$ 45.00

Analysis, Comment, and Recommendation:

It is recommended that fees as noted be established for the Landscape Architect Registration Examination.

CDL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED
99 MAR 10 PM 12:10
INDEPENDENT REGULATORY
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

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

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

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

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Board of Landscape Architects
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-614

DATE OF APPROVAL

DATE OF ADOPTION:

BY: David M. Dulot
David M. Dulot, L.A.

2/22/99
DATE OF APPROVAL

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

TITLE: Chairman
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if
applicable. No Attorney
General approval or
objection within 30 day
after submission.

NOTICE OF PROPOSED OMITTED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF LANDSCAPE ARCHITECTS
49 PA. CODE, CHAPTER 15
EXAMINATION FEES

By this order, the State Board of Landscape Architects amends 49 Pa. Code, §15.12, pertaining to examination fees for licensure of landscape architects, as set forth in Annex A.

Under Section 812.1 of the Administrative Code, 71 P.S. §279.3a, examinations for licensure must be prepared and administered by a professional testing organization under contract to the appropriate board. The Board contracts with the Council of Landscape Architectural Registration Boards (C.L.A.R.B.) to provide the Landscape Architect Registration Examination (L.A.R.E.) to Pennsylvania applicants. Costs for examination services will increase slightly beginning with the December 1999 examinations. This regulation will update fees for examinations to applicants for licensure as landscape architects in accordance with the new costs.

The regulation will also incorporate revised section designations which will be utilized beginning with the June 1999 L.A.R.E. administration. Alphabetical, rather than numerical, designations will identify the various sections of the L.A.R.E. A new Section C will replace old Sections 3 and 4 which were administered for the last time in December 1998. Applicants who have passed either Section 3 or Section 4, but not both, will be required to complete new Section C. Those who have passed both Sections 3 and 4 will be given credit for new Section C.

The following chart summarizes the section designation changes.

<u>Current (1998) L.A.R.E. Equivalent</u>	<u>New (1999) L.A.R.E. Title</u>
Section 1 - Legal and Administrative Aspects of Practice	Section A - Legal and Administrative Aspects of Practice
Section 2 - Analytical and Technical Aspects of Practice	Section B - Analytical Aspects of Practice
Section 3 - Conceptualization and Communication; and Section 4 - Design Synthesis	Section C - Planning and Site Design
Section 5 - Integration of Technical and Design Requirements	Section D - Structural Considerations and Materials and Methods of Construction
Section 6 - Grading and Drainage	Section E - Grading, Drainage and Storm Water Management

Public notice of intention to amend the regulations under procedures in Sections 201 and 202 of the Commonwealth Documents Law, 45 P.S. §§1201-1202, has been omitted under

Section 204(3) of the Commonwealth Documents Law, 45 P.S. §1204(3), because the Board finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because Section 812.1 of the Administrative Code requires that candidate fees cover the cost of the examination. All persons affected by this regulation, however, have been or will be given actual notice of the Board's intention to adopt this regulation in advance of final rulemaking under Section 204(2) of the Commonwealth Documents Law, 45 P.S. §1204(2).

COMPLIANCE WITH EXECUTIVE ORDER 1996-1

The Board reviewed this regulation and considered its 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). This regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

STATUTORY AUTHORITY

This regulation is proposed under Section 812.1 of the Administrative Code and Sections 4(2), 4(9) and 5(a) of the Landscape Architects' Registration Law, Act of January 24, 1966, P.L. 1527, as amended, 63 P.S. §§904(2), 904(9) and 905(a).

FISCAL IMPACT AND PAPERWORK REQUIREMENTS

This regulation will have no fiscal impact on the Commonwealth or its political subdivisions. Applicants for the licensure examinations will be required to pay slightly increased fees to cover contract costs for the examinations.

This regulation will not create new paperwork requirements for the Commonwealth, its political subdivisions or the private sector.

REGULATORY REVIEW

Under Section 5(f) of the Regulatory Review Act, 71 P.S. §745.5(f), a copy of this regulation was submitted on March 10, 1999, to the Independent Regulatory Review Commission (IRRC) and the Chairmen of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. At the same time, a copy of this regulation was submitted to the Attorney General for review and comment under the Commonwealth Attorneys Act, 71 P.S. §732-101 et seq.

Under Section 5(c) of the Regulatory Review Act, 71 P.S. §745.5(c), this regulation was (deemed) approved by the House Committee on _____, (deemed) approved by the

Senate Committee on _____, and approved by IRRC on _____.

ADDITIONAL INFORMATION

Individuals who desire information may submit inquiries to Shirley S. Klinger, Board Administrator, State Board of Landscape Architects, P. O. Box 2649, Harrisburg, PA 17105-2649. The telephone number of the Board is (717) 772-8528.

The State Board of Landscape Architects finds:

1. That public notice of intention to amend the regulations as adopted by this Order under the procedures in Sections 201 and 202 of the Commonwealth Documents Law has been omitted under Section 204(3) of the Commonwealth Documents Law because the Board has, for good cause, found that the procedures in Sections 201 and 202 are, in this circumstance, unnecessary, inasmuch as Section 812.1 of the Administrative Code requires that applicant fees cover the cost of the examination.
2. That all persons affected by the regulation as adopted by this Order have been or will be given actual notice of the Board's intention to amend the regulations in advance of final rulemaking under Section 204(2) of the Commonwealth Documents Law.
3. That the amendment of the regulations of the Board in the manner provided in this Order is necessary and appropriate for the administration of its authorizing statute.

The State Board of Landscape Architects, acting under its authorizing statutes, orders:

- A. Regulations of the State Board of Landscape Architects are hereby amended by amending Section 15.12, as set forth in Annex A hereto.
- B. The Chairman of the State Board of Landscape Architects shall submit this Order and Annex A hereto to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.
- C. The Chairman of the State Board of Landscape Architects shall certify this Order and Annex A hereto and deposit them with the Legislative Reference Bureau as required by law.
- D. This Order shall become effective upon publication in the Pennsylvania Bulletin.

ANNEX A
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 15. STATE BOARD OF LANDSCAPE ARCHITECTS
APPLICATION PROCEDURES

* * *

§15.12. Fees.

Following is the schedule of fees charged by the Board:

- (1) Application for examination.....\$40
- (2) Certification of licensure or scores.....\$15
- (3) [Partial licensing examination for:] Fee per section of licensing examination:

(i) [June 1998:

- (A) Section 1.....\$39
- (B) Section 2.....\$69
- (C) Section 3.....\$108
- (D) Section 4.....\$108
- (E) Section 5.....\$108
- (F) Section 6.....\$108

(ii) December 1998:

- (A) Section 1.....Not available
- (B) Section 2.....Not available
- (C) Section 3.....\$108
- (D) Section 4.....\$108
- (E) Section 5.....\$108
- (F) Section 6.....\$108

(iii) June 1999:

- (A) Section 1.....\$39
- (B) Section 2.....\$69
- (C) Section 3.....\$108

(D)	Section 4.....	\$108
(E)	Section 5.....	\$108
(F)	Section 6.....	\$108

(iv) December 1999:

(A)	Section 1.....	Not available
(B)	Section 2.....	Not available
(C)	Section 3.....	\$115
(D)	Section 4.....	\$115
(E)	Section 5.....	\$115
(F)	Section 6.....	\$115

(v) June 2000:

(A)	Section 1.....	\$40
(B)	Section 2.....	\$70
(C)	Section 3.....	\$115
(D)	Section 4.....	\$115
(E)	Section 5.....	\$115
(F)	Section 6.....	\$115]

June 1999:

<u>Section A.....</u>	<u>\$40</u>
<u>Section B.....</u>	<u>\$75</u>
<u>Section C.....</u>	<u>\$150</u>
<u>Section D.....</u>	<u>\$125</u>
<u>Section E.....</u>	<u>\$150</u>

(ii) December 1999:

<u>Section A.....</u>	<u>not administered</u>
<u>Section B.....</u>	<u>not administered</u>
<u>Section C.....</u>	<u>\$160</u>
<u>Section D.....</u>	<u>\$130</u>
<u>Section E.....</u>	<u>\$160</u>

(iii) June 2000:

<u>Section A.....</u>	<u>\$40</u>
<u>Section B.....</u>	<u>\$80</u>
<u>Section C.....</u>	<u>\$160</u>
<u>Section D.....</u>	<u>\$130</u>
<u>Section E.....</u>	<u>\$160</u>

- (4) Administration of examination for one section or more.....\$45
- (5) [Landscape Architect Exam Review (optional)].....\$75
- (6) Application for licensure without examination:
- (i) With proof of licensure.....\$45
- (ii) Without proof of licensure.....\$255
- [(7)](6) Duplicate certificate fee.....\$5
- [(8)](7) Biennial registration fee.....\$125

* * *



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF LANDSCAPE ARCHITECTS**

(717) 783-3397

116 PINE STREET
P. O. BOX 2649
HARRISBURG, PA
17105-2649

March 10, 1999

The Honorable John R. McGinley, Jr.
Chairman, Independent Regulatory Review Commission
Harristown 2, 14th Floor
333 Market Street
Harrisburg, PA 17101

RE: Final/Proposed Omitted Regulation:
State Board of Landscape Architects
Examination Fees: 16A-614

Dear Chairman McGinley:

Enclosed is a copy of a final/proposed omitted rulemaking package of the State Board of Landscape Architects pertaining to examination fees.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink, reading "David M. DuTot".

David M. DuTot, LA, Chairman
State Board of Landscape Architects

DMD:ALM:apm
Enclosures

cc: Hon. Kim Pizzingrilli, Secretary of the Commonwealth
Department of State
Deborah M. Griffiths, Regulatory Review Officer
Department of State
Robert J. DeSousa, Chief Counsel
Department of State
Joyce McKeever, Deputy Chief Counsel
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
State Board of Landscape Architects

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

I.D. NUMBER:	16A-614	<div style="border: 1px solid black; padding: 5px; display: inline-block;">RECEIVED 99 MAR 10 PM 12:10 INDEPENDENT REGULATORY REVIEW COMMISSION</div>
SUBJECT:	State Board of Landscape Architects	
AGENCY:	DEPARTMENT OF STATE	

TYPE OF REGULATION

Proposed Regulation

Final Regulation

☒ Final Regulation with Notice of Proposed Rulemaking Omitted

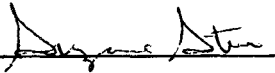

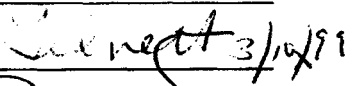
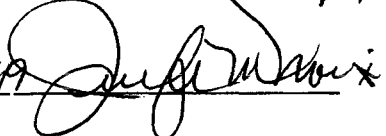
120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions	b. Without Revisions
-------------------	----------------------

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3-10-99		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
MAR 10 1999		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
3/10/99		INDEPENDENT REGULATORY REVIEW COMMISSION
3-10-99		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

February 25, 1999