

# Regulatory Analysis Form

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REGULATORY REVIEW DIVISION

(1) Agency  
 Department of State  
 Bureau of Professional and Occupational Affairs  
 State Architects Licensure Board

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

16A-415

IRRC Number: 2115

(3) Short Title

Biennial Renewal Fees

(4) PA Code Cite

49 Pa. Code § 9.3

(5) Agency Contacts & Telephone Numbers

Primary Contact: Roberta Silver, Counsel  
 Bureau of Professional and Occupational Affairs  
 State Architects Licensure Board  
 717-783-7200  
 Secondary Contact: Joyce McKeever Deputy Chief Counsel  
 717-783-7200

(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 amends the biennial renewal fee for architects. The new fee is needed because the current fee, established in 1987, no longer reflects the cost to renew the license.

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

The regulatory amendments are adopted under Section 11 of the Architects Licensure Law, Act of December 14, 1982, P.L. 1227, as amended, 63 P.S. § 34.11.

## 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. The Board is required by statute to adopt regulations setting fees as specified in Section 11 of the Architects Licensure Law, Act of December 14, 1982, P.L. 1227, as amended, 63 P.S. § 34.11.

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

At the close of the 1997/1999 biennial period, the Board experienced a deficit of approximately \$51,445.79. The Board estimates that it must generate revenues of about \$725,100.00 in order to meet its anticipated expenditures for the July 1, 1999 through June 20, 2001 renewal period.

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

Nonregulation would adversely impact the fiscal integrity of the Board given the current deficit.

(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 licensing population and the general public will benefit in that the Board will have the fiscal integrity to carry on its mandate of issuing licenses, regulating the profession, and protecting consumers.

## **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 Board has not identified any group of individuals or entities who will be adversely affected by the regulation.

**(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.)**

All licensees seeking biennial renewal will be required to comply with this regulation. The Board anticipates 7,251 licensees will renew their licenses.

**(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.**

Copies were provided to those interested parties who requested an opportunity to provide input. No public 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.**

The Board estimates that 7,251 licensees will renew their licenses. Total aggregate additional cost for the regulated community for a biennial period is approximately \$725,100.00. No legal, accounting or consulting procedures will be implicated in complying with the regulatory amendments.

## **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.**

Local governments will not be affected by the regulation.

**(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 Board will not incur an increase in administrative costs by implementing the regulation. Indeed, the regulatory amendments will permit the Board to recoup the costs of renewing licenses.

## 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
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated</b>	362,500.00	362,500.00	362,500.00	362,500.0	362,500.0	362,500.0
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Savings</b>						
<b>COSTS:</b>						
<b>Regulated</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Costs</b>						
<b>REVENUE LOSSES:</b>						
<b>Regulated</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Revenue Losses</b>						

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

The cost estimates are based upon the following number of persons who will avail themselves of the specified services over a fiscal year (one-half biennium) period multiplied by the savings or additional costs to the applicant for services:

Biennial renewal       $\$50 \times 7251 = 362,550$

## 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
See attached fee report forms.				

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

The amendments to the existing regulations will assure that the Board will be able to recover the costs of its biennial expenditures.

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

No nonregulatory alternatives were considered because the Board's enabling statute requires the Board to promulgate regulations to establish fees or changes thereto.

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

No alternative regulatory schemes were considered because the Board's enabling statute requires the Board to promulgate regulations to establish fees or changes thereto.

## 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.

There are no federal licensure standards.

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

This regulation does not put Pennsylvania licensees at a competitive disadvantage with other states. The following is a comparison of the fees charges in neighboring states.

Biennial renewal:

Maryland \$ 20  
Ohio \$120  
New York \$140  
West Virginia \$150  
New Jersey \$160

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

This regulation will have no effect on other regulations of the Board or other state agencies.

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

The Board reviews regulatory proposals at regularly scheduled bi-monthly public meetings. However, in light of the statutory mandate, the Board has not scheduled public hearings or informational meetings regarding this regulation.

## 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 changes to reporting, record keeping, or other paperwork is required by this regulation.

(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.

The Board has perceived no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

(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 regulation will be effective upon publication as final rulemaking in the *Pennsylvania Bulletin*.

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

The Board reviews its revenues and costs of its programs on a fiscal year and biennial basis.



FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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REVIEW COMMITTEE

2115

DO NOT WRITE IN THIS SPACE

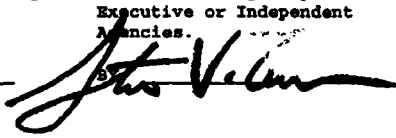
Copy below is hereby approved as to form and legality. Attorney General

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 Architect Licensure Board  
(AGENCY)



DOCUMENT/FISCAL NOTE NO. 16A-415

\_\_\_\_\_  
DATE OF APPROVAL

DATE OF ADOPTION: 2/9/26/00

1/19/01  
DATE OF APPROVAL

BY:   
Frank M. Adams, President

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

TITLE: Chairperson  
(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 FINAL RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE ARCHITECT LICENSURE BOARD  
49 PA. CODE, CHAPTER 9  
BIENNIAL RENEWAL FEES

The State Architect Licensure Board (Board) adopts an amendment to 49 Pa. Code §9.3 (relating to fees), by raising the biennial renewal fee for architects as set forth in Annex A.

Notice of Proposed Rulemaking was published at 30 Pa. Bulletin 2481 (May 20, 2000). Publication was followed by a 30-day public comment period during which the Board received no comments from the general public. Neither the House Professional Licensure Committee (HPLC) nor the Senate Consumer Protection and Professional Licensure Committee made comments on the proposed rule. The Independent Regulatory Review Commission ("IRRC") sent a letter to the Board, stating it had no objections, comments or suggestions to offer on the regulation.

A. Effective Date

The amendment will be effective upon publication of the final form regulation in the Pennsylvania Bulletin.

B. Statutory Authority

The amendment is authorized under Section 11 of the Architects Licensure Law (Act), Act of December 14, 1982, P.L. 1227, as amended, 63 P.S. §34.11.

C. Background and Purpose

Section 11(b) of the Act, 63 P.S. §34.11(b), requires the Board to fix the fees required for renewal of licenses by regulation. In addition, Section 11(a) of the Act, 63 P.S. §34.11(a), requires the Board to increase fees by regulation if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a two-year period.

The Board last increased its biennial renewal fees on February 2, 1987. At the close of the 1997/1999 biennial period, the Board experienced a deficit of approximately \$51,445.79. The Board estimates that it must generate revenues of about \$725,100.00 in order to meet its anticipated expenditures for the July 1, 1999 through June 30, 2001 biennial period. In addition, since the Board incurred a biennial reconciliation deficit, the Board anticipates recovering that deficit during the July 1, 1999 through June 30, 2001 biennial period. The Board anticipates that the new fees plus the increased user fees which are being separately promulgated, will enable it to recapture the current deficit, meet its estimated expenditures for the 1999-2001 biennial cycle, and generate a surplus of approximately \$264,637.08 of its biennial expenses at the end of the 1999-2001 biennial period.

D. Description of Amendment

The following table outlines the affected fee and change:

<u>Application</u>	<u>Current Fee</u>	<u>New Fee</u>
Biennial renewal fee	\$50.00	\$100.00

E. Compliance with Executive Order 1996-1

Copies were provided to those interested parties who requested an opportunity to provide input.

F. Fiscal Impact and Paperwork Requirements

The amendment increases the biennial renewal fee for architects in the Commonwealth, but, otherwise, should have no fiscal impact on the private sector, the general public or political subdivisions.

The amendment requires the Board to alter some of its forms to reflect the new biennial renewal fees; however, the amendments should create no additional paperwork for the private sector.

G. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Pursuant to Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), as amended, 71 P.S. §745.5(a), the agency submitted a copy of this proposed regulation on May 5, 2000 to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee.

Publication of the Notice of Proposed Rulemaking was followed by a 30-day public comment period during which the Board received no written comment from the public. Subsequent to the close of the public comment period, the Board

received no comments from the House or Senate Committees. The Board received no comments from the IRRC.

These final form regulations were (deemed) approved by the House Professional Licensure Committee on \_\_\_\_\_, and were (deemed) approved by the Senate Consumer Protection and Professional Licensure Committee on \_\_\_\_\_. IRRC met on \_\_\_\_\_, and approved the regulation in accordance with section 5(e) of the Regulatory Review Act.

I. Further Information

Individuals who need information about the regulation may contact Roberta Silver, Counsel, State Architects Licensure Board, P.O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200.

J. Findings

The State Architects Licensure Board finds:

- (1) that public notice of intention to adopt a regulation at 49 Pa. Code, Chapter 9, was given under sections 201 and 202 of the Commonwealth Documents Law, 45 P.S. §§1201-1202, and the regulations promulgated under these sections at 1 Pa. Code §§7.1 - 7.2.
- (2) that a public comment period was provided as required by law.
- (3) that this amendment does not enlarge the purpose of proposed rulemaking published at 30 Pa. Bulletin 2481.
- (4) that the regulation of the State Architects Licensure Board is necessary and appropriate for the administration of the Architects Licensure Law.

K. Order

The State Architects Licensure Board therefore ORDERS:

- (A) that the regulations of the State Architects Licensure Board, 49 Pa. Code, Chapter 9, are amended to read as set forth in the attached Annex.
- (B) that the Board shall submit a copy of the Annex to the Office of Attorney General and the Office of General Counsel for approval as required by law.

- (C) that the Board shall certify this Order and Annex and shall deposit them with the Legislative Reference Bureau as required by law.
- (D) that the regulations shall take effect immediately 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 9. STATE ARCHITECTS LICENSURE BOARD

GENERAL PROVISIONS

§9.3. Fees.

\* \* \*

(f) Biennial renewal of license.....\$[50] 100

\* \* \*

# PROPOSED RULEMAKING

## STATE ARCHITECTS LICENSURE BOARD

[49 PA. CODE CH. 9]  
Biennial Renewal Fees

The State Architects Licensure Board (Board) proposes to amend § 9.3 (relating to fees), by raising the biennial renewal fee for architects to read as set forth in Annex A.

**A. Effective Date**

The amendment will be effective upon publication of the final-form regulation in the *Pennsylvania Bulletin*.

**B. Statutory Authority**

The amendment is authorized under section 11 of the Architects Licensure Law (act) (63 P.S. § 34.11).

**C. Background and Purpose**

Section 11(b) of the act (63 P.S. § 34.11(b)), requires the Board to fix the fees required for renewal of licenses by regulation. In addition, section 11(a) of the act requires the Board to increase fees by regulation if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

The Board last increased its biennial renewal fees on February 2, 1987. At the close of the 1997/1999 biennial period, the Board experienced a deficit of approximately \$51,445.79. The Board estimates that it must generate revenues of about \$725,100 to meet its anticipated expenditures for the July 1, 1999, through June 30, 2001, biennial period. In addition, since the Board incurred a biennial reconciliation deficit, the Board proposes to recover that deficit during the July 1, 1999, through June 30, 2001, biennial period. The Board anticipates that the proposed new fees plus the increased user fees which are being separately promulgated, will enable it to recapture the current deficit, meet its estimated expenditures for the 1999-2001 biennial cycle and generate a surplus of approximately \$264,637.08 of its biennial expenses at the end of the 1999-2001 biennial period.

**D. Description of the Proposed Amendment**

The following table outlines the affected fee and proposed change:

Application	Current Fee	Proposed Fee
Biennial renewal fee	\$50	\$100

**E. Compliance with Executive Order 1996-1**

Copies were provided to those interested parties who requested an opportunity to provide input.

**F. Fiscal Impact and Paperwork Requirements**

The proposed amendment will increase the biennial renewal fee for architects in this Commonwealth, but, otherwise, should have no fiscal impact on the private sector, the general public or political subdivisions.

The proposed amendment will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, the proposed amendment should create no additional paperwork for the private sector.

**G. Sunset Date**

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

**H. Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 5, 2000, the Board submitted a copy of this proposed amendment to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Professional Licensure Committee and to the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed amendment, the Board has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Board 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(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed amendment, it will notify the Board within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendment, by the Board, the General Assembly and the Governor of objections raised.

**I. Public Comment**

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendment to Judith Pachter Schulder, Assistant Counsel, Bureau of Professional and Occupational Affairs, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-415 (Biennial Renewal Fees) when submitting comments.

FRANK M. ADAMS,  
*Chairperson*

**Fiscal Note:** 16A-415. No fiscal impact; (8) recommends adoption.

**Annex A**

TITLE 49. PROFESSIONAL AND  
VOCATIONAL STANDARDS  
PART I. DEPARTMENT OF STATE  
Subpart A. PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS  
CHAPTER 9. STATE ARCHITECTS  
LICENSURE BOARD  
GENERAL PROVISIONS

§ 9.3. Fees.

* * * * *	
(e) Biennial renewal of license .....	\$[ 50 ] 100
* * * * *	

(Pa.B. Doc. No. 00-842. Filed for public inspection May 19, 2000, 9:00 a.m.)



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

Post Office Box 2649  
Harrisburg, PA 17105-2649  
(717) 783-3397

February 7, 2001

The Honorable John R. McGinley, Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2  
333 Market Street  
Harrisburg, PA 17101

RE: Final Regulation  
State Architects Licensure Board  
Biennial Renewal Fees: 16A-415

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Architects Licensure Board pertaining to biennial renewal fees.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Frank M. Adams".

Frank M. Adams, President  
State Architects Licensure Board

FMA/RLS/dn  
Enclosures

cc: John T. Henderson, Jr., Chief Counsel  
Department of State  
Albert H. Masland, Acting Commissioner  
Bureau of Professional and Occupational Affairs  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Gerald S. Smith, Senior Counsel in Charge  
Bureau of Professional and Occupational Affairs  
Roberta L. Silver, Counsel  
State Architects Licensure Board  
State Architects Licensure Board



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

I.D. NUMBER: 16A-415  
SUBJECT: State Architects Licensure Board - Biennial Renewal Fees  
AGENCY: DEPARTMENT OF STATE

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REGULATORY  
REVIEW COMMISSION

**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
2-7-01	<i>Lou A. Clark</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
2/7/01	<i>Janet Zully</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
2/7/01		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU