

<b>Regulatory Analysis Form</b>		This space for use by IRRC	
(1) Agency <b>Department of State, Bureau of Professional and Occupational Affairs, State Registration Board for Professional Engineers, Land Surveyors and Geologists</b>		RECEIVED 2005 JUN 10 PM 2:21 REVIEW COMMISSION	
(2) I.D. Number (Governor's Office Use) <b>16A-478</b>		IRRC Number: <b>2453</b>	
(3) Short Title <b>Biennial Renewal Fees / Examination Fees</b>			
(4) PA Code Cite <b>49 Pa. Code §37.17</b>		(5) Agency Contacts & Telephone Numbers  Primary Contact: <b>Steven Wennberg, Board Counsel 783-7200</b>  Secondary Contact: <b>Joyce McKeever, Deputy Chief Counsel, 783-7200</b>	
(6) Type of Rulemaking (check one) <input type="checkbox"/> Proposed Rulemaking <input checked="" type="checkbox"/> Final Order Adopting Regulation <input type="checkbox"/> Final Order, Proposed Rulemaking <input type="checkbox"/> 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.  <b>The regulation raises the biennial renewal fees for professional engineers, professional land surveyors and professional geologists from \$25 to \$50; deletes the schedule of examination fees for all three licensure classes; and adds language explaining how examination fees are established and collected. The regulation also makes editorial changes.</b>			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions.  <b>Section 9 of the Engineer, Land Surveyor and Geologist Registration Law (Registration Law), 63 P.S. §156, authorizes the Board to establish fees as are necessary to generate sufficient revenues for the Board's operations. Section 4(e) of the Registration Law (63 P.S. §151(e)) contemplates that the Board may assess biennial renewal fees by regulation.</b>			

## 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.

**Section 9 of the Registration Law mandates that the Board establish fees by regulation.**

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

**Section 9 of the Registration Law requires the Board to generate adequate revenues through fees to meet its expenses over a biennial period. Biennial renewal fees account for approximately 77% of the Board's biennial revenues from fees. Biennial renewal revenues defray general operating expenses and overhead that cannot be apportioned to specific segments of the regulated community. The current biennial renewal fees are inadequate to meet the Board's revenue requirements. According to the Department of State's Bureau of Finance and Operations (BFO), the Board will incur large deficits over the next several fiscal years -- resulting in a cumulative deficit of approximately \$652,640 by the end of FY06-07 -- unless the new biennial renewal fees are adopted. The new biennial renewal fees will allow the Board to enjoy positive revenue balances for the foreseeable future.**

**Deletion of the examination fees furthers the goal of Governor's Executive Order 1996-1 (relating to regulatory review and promulgation) by eliminating unnecessary regulations. The examination fees are not appropriate for regulations because they are established by contract between the Commonwealth and the independent testing organizations that develop, administer and grade the Board's examinations. The regulation provides an explanation of how examination fees are established and how they are collected.**

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

**The principal risk associated with nonregulation is that a significant portion of the Board's expenses would be subsidized by revenues from other licensing boards within the Bureau of Professional and Occupational Affairs, thereby frustrating the legislative requirement that each licensing board achieve fiscal self-sufficiency through the support of its regulated community.**

(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 regulation benefits the Board's regulated community and the public at large by ensuring that the Board has adequate revenues to discharge its duties under the Registration Law.**

### 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 cannot identify any group that 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.)

**Professional engineers, professional land surveyors and professional geologists will be required to pay the new biennial renewal fees. The Board estimates that approximately 32,355 professional engineers, 3,413 professional land surveyors and 2,637 professional geologists will renew their registrations for the biennial renewal period that begins October 1, 2005.**

(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.

**Because the need for the regulation is based on a fiscal analysis conducted by the BFO using a standardized methodology, the Board did not believe that input from the public or the regulated community at the drafting stage of the regulation would have been helpful in the drafting of proposed rulemaking.**

(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 approximately 38,405 licensees will pay the new biennial renewal fees established by the regulation. The Board estimates that the total additional cost to the regulated community during each biennial renewal period will be approximately \$960,125.**

**The regulation will not impose new legal, accounting or consulting procedures.**

**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 government.**

(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 that may be required.

**The regulation will not result in costs or savings to state government. However, the Board estimates that the regulation will generate approximately \$960,125 in additional revenues during each biennial renewal period.**

### 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
<b>SAVINGS:</b>	None	None	None	None	None	None
<b>Regulated</b>						
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Savings</b>						
<b>COSTS:</b>						
<b>Regulated</b>	None	\$960,125	None	\$960,125	None	\$960,125
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Costs</b>						
<b>REVENUE LOSSES:</b>	None	None	None	None	None	None
<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 in Item 20 are based on the estimated number of renewing licensees during each biennial renewal period multiplied by the additional cost to the licensees:

<u>License Category</u>	<u>Number of Licensees</u>		<u>Additional Cost</u>		
a) Professional Engineer	32,355	x	\$25	=	\$808,875
b) Professional Land Surveyor	3,413	x	\$25	=	\$ 85,325
c) Professional Geologist	2,637	x	\$25	=	\$ 65,925
				<b>Total:</b>	<b>\$960,125</b>

## 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
Engineer Board	\$822,000	\$884,000	\$826,000	\$781,000 (est.)

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

**The regulation ensures that the Board fulfills its statutory mandate to raise sufficient revenues in each biennial period to offset its expenses for that period.**

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

**The Board did not consider a nonregulatory alternative. The Registration Law requires the Board to establish fees by regulation.**

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

**The Board did not consider any biennial renewal fee other than the \$50 fee recommended by the BFO.**

## 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 standards applicable to fees charged by the Board.**

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

**The new biennial renewal fees compare favorably with fees that regulatory boards of neighboring states charge to professional engineers, professional land surveyors and professional geologists for renewal of licensure or registration. A list of the renewal fees charged by the regulatory boards of neighboring states is attached as Exhibit 1.**

**The regulation will not have any adverse impact on Pennsylvania's competitiveness with other states.**

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

**The regulation will not affect other existing or proposed regulations of the Board or of any other state agency.**

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

**The Board has not scheduled public hearings or informational meetings in connection with this final rulemaking.**

## 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 that will be required as a result of implementation, if available.

**The regulation will require the Board to revise its biennial renewal form to reflect the new biennial renewal fees. The regulation will not change existing reporting, recordkeeping or other paperwork requirements.**

(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 regulation will apply uniformly to all licensees who renew their registrations. The Board does not have authority to waive payment of a biennial renewal fee.**

(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 take effect upon final publication in the Pennsylvania Bulletin, and will apply to the biennial renewal period that begins October 1, 2005.**

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

**The Board reviews its revenues and program costs on a fiscal year and biennial basis.**

**During review of the regulation on proposed rulemaking, the House Professional Licensure Committee and the Independent Regulatory Review Commission recommended that the Board amend §37.16 (relating to general information; application and examination). An exposure draft of proposed amendments to §37.16 is attached as Exhibit 2. It is anticipated that the proposed amendments, which are part of a comprehensive updating and revision of the Board's entire chapter of regulations, will be submitted for proposed rulemaking by early 2006.**



**FEES CHARGED BY REGULATORY BOARDS OF  
NEIGHBORING STATES FOR RENEWAL OF LICENSE OR  
REGISTRATION OF PROFESSIONAL ENGINEER, PROFESSIONAL  
LAND SURVEYOR, AND PROFESSIONAL GEOLOGIST**

**DELAWARE**

Professional Engineer (2-year renewal term)	\$50
Professional Land Surveyor (2-year renewal term)	\$17-100*
Professional Geologist (2-year renewal term)	\$11-54*

**NEW YORK:**

Professional Engineer (3-year renewal term):	\$210
Professional Land Surveyor (3-year renewal term):	\$210

**NEW JERSEY:**

Professional Engineer (2-year renewal term):	\$80
Professional Land Surveyor (2-year renewal term):	\$80

**OHIO:**

Professional Engineer (1-year renewal term):	\$16
Professional Land Surveyor (1-year renewal term):	\$16

**MARYLAND:**

Professional Engineer (2-year renewal term):	\$78
Professional Land Surveyor (2-year renewal term):	\$78

**WEST VIRGINIA:**

Professional Engineer (1-year renewal term):	\$40
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\* Represents pro-rated fee for initial biennial renewal requirement.

**§ 37.2. [Rules governing Board activities and proceedings.] (Reserved).**

[(a) Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), is applicable to the activities of and administrative proceedings before the Board unless otherwise provided in this chapter.

(b) Except as otherwise provided by statute or by 1 Pa. Code Part II, "Roberts' Rules of Order" will govern the meetings of the Board.]

**[ORGANIZATION AND PROCEDURE]**

**§ 37.11. [Meetings of the Board.] (Reserved).**

[(a) Regular meetings. The Board will hold a minimum of four regular meetings each year. The administrative assistant to the Board, in conjunction with the administrative office of the Bureau, will give notice of the time and place of each meeting of the Board in accordance with section 9 of the Sunshine Act (65 P.S. § 279).

(b) Special meetings. Special meetings may be called at any time by the President of the Board. The administrative assistant to the Board, in conjunction with the administrative office of the Bureau, will give public notice of each special meeting at least 24 hours in advance of the time of convening of the meeting in accordance with section 9 of the Sunshine Act.]

**§ 37.12. [Election of Board officers.] (Reserved).**

[During the first meeting of each calendar year, the Board will elect from among its members a President and a Vice-President. The President will be the agency head of the Board and will preside at all meetings of the Board. The Vice-President will act as the agency head of the Board during a regular or special meeting of the Board in the absence of the President and will serve until the conclusion of the meeting or until the arrival of the President.]

**§ 37.13. [Reserved].**

**§ 37.14. [Reserved].**

**§ 37.15. [Reserved].**

**§ 37.16. General information; application and examination.**

(a) Examination applications. Applications to take [the] a licensing [examinations] examination, together with [instructions for applicants, including deadlines for filing and paying fees] information about fees, examination dates and locations and filing deadlines, may be obtained [from the Administrative Office of the Board by writing or telephoning the State Registration Board for Professional Engineers, Land Surveyors and Geologists, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649 (717) 783-7049] from the independent testing organizations that administer the examinations. Contact information for independent testing organizations appears at Board's website: [www.dos.state.pa.us/eng](http://www.dos.state.pa.us/eng). An approved application shall entitle the applicant to take the written examination once upon payment of one fee. If the applicant fails the examination, the applicant shall submit a reexaminee application and pay a new fee. At the discretion of the Board, an applicant who has twice failed the examination may be required to complete remedial coursework in the areas of deficiency identified in the examination diagnostic report before retaking the examination.

[(b) *Reexaminee applications.* An approved application shall entitle the applicant to take the written examination once upon payment of one fee. If the applicant fails the examination, the applicant shall submit a reexaminee application and pay a new fee. Additional references or experience information, or both, on a candidate may be requested in writing by the Board for purposes of updating the applicant's file.

(c) *Examinations.* Written examinations will be held in Pittsburgh, Harrisburg, Philadelphia and other places designated by the Board during the months of April and October of each year at sites designated . Applications for examination eligibility shall be submitted to the Board office by December 1 for the April examination and by July 1 for the October examination.]

(b) Reciprocity applications. Applications for licensure by reciprocity may be obtained from the Board's website at [www.dos.state.pa.us/eng](http://www.dos.state.pa.us/eng) or by writing or telephoning the Board at Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649 or (717) 783-7049, respectively.

(c) Disapproved applications. The Board will maintain each disapproved application on file for one year following notice to the applicant of the reasons for disapproval. An applicant who fails to cure the deficiency within one year shall file a new application.

\* \* \*

#### **§ 37.18. Reactivation of licensure status.**

A licensed engineer, land surveyor or geologist who has allowed his licensure status to lapse by failing to register biennially with the Board may apply to the Board for reactivation of licensure

# FEE REPORT FORM

Agency: State - BPOA

Date: 9/15/04

Contact: Basil L. Merenda, Commissioner  
Bureau of Professional and Occupational Affairs

Phone No. 783-7192

## Fee Title, Rate and Estimated Collections:

Professional Engineer Biennial Renewal Fee: \$50.00  
Professional Land Surveyor Biennial Renewal Fee: \$50.00  
Professional Geologist Biennial Renewal Fee: \$50.00

## Estimated Biennial Revenue:

Engineer - \$1,617,750.00 (32,355 x \$50.00)  
Land Surveyor - \$170,650.00 (3,413 x \$50.00)  
Geologist - \$131,850.00 (2,637 x \$50.00)

Total Estimated Biennial Revenue: \$1,920,250.00

## Fee Description:

The fee will be charged biennially to every applicant for renewal of registration.

## Fee Objective:

The fee should defray a substantial portion of the State Registration Board for Professional Engineers, Land Surveyors and Geologists' administrative overhead, specifically the difference between the Board's total biennial expenditures and its total biennial revenues from non-renewal sources.

## Fee-Related Activities and Costs:

Estimated ending balance on 6/30/04:	(109,531.91)
<b>FOR FISCAL YEAR 04-05</b>	
Estimated non-renewal revenue:	145,000.00
Estimated renewal revenue:	0
Prior year returned funds	474,893.23
Total revenue available:	510,361.32
Estimated expenditures:	781,000.00
Estimated ending balance on 6/30/05:	<b>(270,638.68)</b>
<b>FOR FISCAL YEAR 05-06</b>	
Estimated non-renewal revenue:	140,000.00
Estimated renewal revenue at above rates:	1,920,250.00
Total revenue available:	1,789,611.32
Estimated expenditures:	804,000.00
Estimated ending balance on 6/30/06:	<b>985,611.32</b>

### **Analysis, Comment, and Recommendation:**

It is recommended that the above biennial renewal fees be established to cover projected funding shortfalls between the Board's total biennial expenditures and its total biennial revenues from non-renewal sources.

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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#2453

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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.

State Registration Board for Professional Engineers, Land Surveyors and Geologists

BY \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

\_\_\_\_\_  
(AGENCY)

*Andrew C. Clark*  
ANDREW C. CLARK

DOCUMENT/FISCAL NOTE NO. 16A-478

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

DATE OF ADOPTION: \_\_\_\_\_

6.7.05  
DATE OF APPROVAL

BY: *Theodore Tesler*  
Theodore Tesler, P.G.

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

President

TITLE: (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

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

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

FINAL RULEMAKING

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS  
(49 PA. CODE, CHAPTER 37)

BIENNIAL RENEWAL FEES AND EXAMINATION FEES

**PREAMBLE**

The State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board), by this order, amends §37.17 (relating to schedule of fees) to read as set forth in Annex A.

The amendments raise the biennial renewal fees for professional engineers, professional land surveyors and professional geologists from \$25 to \$50. The new biennial renewal fees will initially apply to licensees who renew their biennial registrations for the renewal period that begins October 1, 2005. The amendments also delete examination fees from the Board's fee schedule and add an explanatory statement about how examination fees are set and collected. The amendments also make minor editorial changes to the descriptions of certain fees for consistency of usage.

*Summary of Comments and Responses to Proposed Rulemaking*

The Board published a notice of proposed rule making at 35 Pa.B.258 (January 8, 2005), with a 30-day public comment period. The proposed rulemaking explained in detail the fiscal and policy reasons for amending the Board's fee schedule. The Board did not receive any public comments.

The Board received comments from the Independent Regulatory Review Commission (IRRC) and the House Professional Licensure Committee (House Committee) as part of their review of proposed rulemaking under the Regulatory Review Act (63 P.S. §§745.1 - 745.14). The Board did not receive comments from the Senate Committee on Consumer Protection and Professional Licensure (Senate Committee) as part of its review of proposed rulemaking under the Regulatory Review Act.

The amendments, in proposed form, provided for the deletion of examination fees from the Board's fee schedule, but did not add an explanatory statement about examination fees. The House Committee and IRRC recommended that language be added to the fee schedule explaining how examination fees are set and collected. The Board agrees that such clarification would be useful. The Board has incorporated into the final amendments a statement that examination fees are established by agreement between the Commonwealth and the testing organizations that develop, administer and grade the examinations and that examination candidates pay examination fees directly to the testing organizations.

The House Committee and IRRC also recommended that the Board consider amending §37.16 (relating to general information; application and examination). Section 37.16(c) provides that examinations are to be held in Pittsburgh, Harrisburg, Philadelphia and other places designated by the Board during the months of April and October of each year. Section 37.16(c) further provides that applications for examination eligibility are to be submitted to the Board by December 1 for the April examination and by July 1 for the October examination.

The House Committee questioned whether §37.16(c) should be revised, given that the testing organizations administer the examinations. IRRC likewise requested clarification, recommending that the Board replace the current §37.16(c) with language indicating where examination candidates can obtain information about current testing organizations, examination fees, examination deadlines, examination dates, and examination locations. IRRC also noted that the information in §37.16(c) is outdated with regard to the application deadlines for the professional geologist examination.

The Board agrees with the House Committee and IRRC that §37.16(c) should be amended. The Board is in the process of updating and revising its entire set of regulations in Chapter 37. The Board recently sent an exposure draft of the general revisions to professional organizations for pre-proposal comment. The proposed revisions to §37.16, as reflected in the exposure draft, would include language similar to that recommended by IRRC. Examination candidates would be directed to contact the testing organizations for examination applications and examination-related information, including examination fees, examination dates and locations, and examination application filing deadlines. Examination candidates would be advised that contact information about testing organizations may be obtained from the Board's website. The Board anticipates that the proposed general revisions will be published for public comment and submitted for regulatory review by early 2006.

*Fiscal Impact*

The amendments will generate approximately \$960,125 in additional biennial renewal fee revenues, broken down as follows:

<b>Certification Class</b>	<b>No. of Renewing Licensees</b>	<b>Fee Increase</b>		<b>Additional Revenues</b>
Professional Engineer	32,355	x	\$25	\$808,875
Professional Land Surveyor	3,413	x	\$25	\$85,325
Professional Geologist	2,637	x	\$25	\$65,925

*Paperwork Requirements*

The amendments will require the Board to change its biennial renewal form to reflect the new fees. The amendments will not create additional paperwork requirements for the regulated community.



*Effective Date*

The amendments will become effective upon publication of this final rulemaking in the *Pennsylvania Bulletin*. The new biennial renewal fees will initially apply to licensees who renew their registrations for the biennial renewal period beginning October 1, 2005.

*Statutory Authority*

Section 9 of the Engineer, Land Surveyor and Geologist Registration Law (Registration Law) (63 P.S. §156) requires the Board to establish fees by regulation and to ensure that revenues derived from fees, fines and civil penalties are adequate to cover the Board's expenditures over a biennial period. Section 4(e) of the Registration Law (63 P.S. §151(e)) contemplates that the Board may assess biennial renewal fees by regulation.

The Board considers the amendments to be both required by law and the least restrictive means of covering the cost of activities that the Board is required to perform.

*Regulatory Review*

On December 22, 2004, under authority of Section 5(a) and (f) of the Regulatory Review Act (71 P.S. §745.5(a) and (f)), the Board submitted a copy of the notice of proposed rulemaking published at 35 Pa. B. 258 to IRRC for review and comment. On February 2, 2005, under authority of Section 5(a) and (f) of the Regulatory Review Act, the Board submitted copies of the notice of proposed rulemaking published at 35 Pa. B. 258 to the chairpersons of the House and Senate Committees for review and comment.

In adopting final amendments, the Board considered comments from IRRC and the House Committee. The Board did not receive comments from the Senate Committee or the general public

On June 10, 2005, the Board submitted final amendments to IRRC and the House and Senate Committees. Under authority of Section 5.1(e) and (j.2) of the Regulatory Review Act (71 P.S. §745.5a(e) and (j.2)), the amendments were approved by the House Committee on \_\_\_\_\_, 2005, approved by the Senate Committee on \_\_\_\_\_, 2005, and approved by IRRC on \_\_\_\_\_, 2005.

*Additional Information*

Persons who desire additional information about the amendments may submit inquiries to Shirley S. Klinger, Administrator, State Registration Board for Professional Engineers, Land Surveyors

and Geologists, P. O. Box 2649, Harrisburg, PA 17105-2649. The Board's telephone number is (717) 783-7049 and its e-mail address is [ST-ENGINEER@state.pa.us](mailto:ST-ENGINEER@state.pa.us).

*Findings*

The Board finds that:

(1) Public notice of the Board's intention to amend 49 Pa. Code, Chapter 37, by this order has been given under Sections 201 and 202 of the act of July 31, 1968 (P.L.769, No. 240) (45 P.S. §§1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the Registration Law.

(4) The amendments to this final-form rulemaking do not enlarge the original purpose of the proposed rulemaking at 35 Pa. B. 258.

*Order*

The Board, acting under the Registration Law, orders that:

(a) The regulations of the Board, 49 Pa. Code, Chapter 37, are amended by amending §37.17 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The amendments shall take effect 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 37. STATE REGISTRATION BOARD FOR PROFESSIONAL  
ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

\* \* \*

QUALIFICATIONS FOR LICENSURE

\* \* \*

§37.17. Schedule of fees.

(a) *Professional engineers and professional land surveyors.* The Board will charge the following fees:

[Examination for licensure as a professional engineer.....	\$105
October 1998 examination and thereafter.....	\$120
Professional Engineer Exam Review (Optional).....	\$75
Examination for licensure as a professional land surveyor.....	\$187
October 1998-April 1999 examination.....	\$227
October 1999 examination and thereafter.....	\$252
Pennsylvania Fundamentals of Land Surveying Portion.....	\$42
N.C.E.E.S. Fundamentals of Land Surveying Portion.....	\$40
October 1998 examination and thereafter.....	\$65
N.C.E.E.S. Principles and Practices of Land Surveying.....	\$60

**Final Rulemaking  
Biennial Renewal Fees /Examinations (#16A-478)  
Submitted June 10, 2005**

October 1998-April 1999 examination.....	\$75
October 1999 examination and thereafter.....	\$100
Administration (to be added to total parts taken at one sitting).....	\$45
Examination for certification as engineer-in-training.....	\$75]
<u>Biennial renewal of registration.....</u>	<u>\$50</u>

(b) *Professional geologists.* The Board will charge the following fees:

Application for registration.....	\$50
Biennial renewal <u>of registration</u> [fee].....	[\$25] <u>\$50</u>
Temporary permit [fee].....	\$25
[Fundamentals of Geology Examination.....	\$150
Principles/Practices of Geology Examination.....	\$150
Examination Access Fee (to be added to each examination taken).....	\$25
Administration (to be added to total parts taken at one sitting).....	\$45]

(c) *Other fees.* The Board will charge the following fees:

Certification of license, registration, permit or scores.....	\$25
Verification of license, registration or permit.....	\$15

(D) EXAMINATION FEES ARE ESTABLISHED BY AGREEMENT BETWEEN THE COMMONWEALTH AND THE TESTING ORGANIZATIONS THAT DEVELOP, ADMINISTER AND GRADE THE EXAMINATIONS. EXAMINATION CANDIDATES PAY EXAMINATION FEES DIRECTLY TO THE TESTING ORGANIZATIONS.

# PROPOSED RULEMAKING

## STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

[49 PA. CODE CH. 37]

### Biennial Renewal Fees and Examination Fees

The State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) proposes to amend § 37.17 (relating to fees) to read as set forth in Annex A.

#### *Description of Proposed Rulemaking*

Section 37.17 sets forth a schedule of fees charged by the Board. The proposed rulemaking would raise the biennial renewal fees for professional engineers, professional land surveyors and professional geologists from \$25 to \$50; delete the examination fees for all three license classes; and make minor editorial changes.

#### *Background and Need for Proposed Rulemaking*

##### *a. New Biennial Renewal Fees*

Section 9 of the Engineer, Land Surveyor and Geologist Registration Law (Registration Law) (63 P. S. § 156)

provides that the Board's biennial revenues from fees, fines and civil penalties shall meet or exceed the Board's biennial expenditures. Because fines and civil penalties have historically accounted for a small percentage of the Board's total revenues, the Board must generate most of its revenues from fees.

The Board's principal sources of fee revenues are the fees charged to licensees for biennial renewal of their registrations. The biennial renewal fees account for approximately 77% of the Board's fee revenues during each biennial renewal period. The biennial renewal fees defray general operating expenses and overhead—primarily in the areas of investigation, prosecution and enforcement—that are not susceptible of being apportioned to a specific segment of persons and entities regulated by the Board and, therefore, are borne equally by the entire regulated community.

The current \$25 biennial renewal fees for professional engineers and professional land surveyors were established in 1978 by section 101 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-101). The current \$25 biennial renewal fee for professional geologists was adopted in 1994.

A recent analysis prepared by the Department of State's Bureau of Finance and Operations (BFO) determined that the Board's current biennial renewal fee structure is inadequate to meet the Board's revenue needs. As reflected by the following revenue and expense data and projections provided by the BFO, the Board will continue to run large deficits unless the biennial renewal fees are increased:

<i>Financial Status</i>	<i>FY02-03</i>	<i>FY03-04</i>	<i>FY04-05</i>	<i>FY05-06</i>	<i>FY06-07</i>
Beginning Balance:	\$239,400.75	(\$482,638.94)	(\$109,531.91)	(\$270,639.68)	\$30,360.32
Revenue:	\$161,960.31	\$1,199,107.03	\$145,000.00	\$1,105,000.00	\$145,000.00
Prior Yr. Returned Funds:	0	0	\$474,892.23	0	0
Total Revenue:	\$401,361.06	\$716,468.09	\$510,360.32	\$834,360.32	\$175,360.32
Adjust. For Prior Year Expenses:	0	0	0	0	0
Expenses:	\$884,000.00	\$826,000.00	\$781,000.00	\$804,000.00	\$828,000.00
Remaining Balance:	(\$482,638.94)	(\$109,531.91)	(\$270,639.68)	\$30,362.32	(\$652,639.68)

To close the gap between the Board's revenues and expenses, the BFO recommended that the Board increase the biennial renewal fees for all three licensure classes from \$25 to \$50, effective with the biennial renewal period that begins October 1, 2005. The higher biennial renewal fees would raise biennial renewal revenues from the current to \$960,125.00 to \$1,920,250. The BFO estimates that these additional biennial revenues would enable the Board to have positive balances for the foreseeable future, including approximately \$815,861.32, at the end of FY08-09.

##### *b. Deletion of Examination Fees*

The examinations for certification as an engineer-in-training and surveyor-in-training and for licensure as a

professional engineer, professional land surveyor and professional geologist are developed, administered and graded by independent testing organizations under contract with the Commonwealth. The Board has no role in establishing examination fees. Examination fees are established by contract between the independent testing organizations and the Commonwealth and are remitted by examination candidates directly to those organizations. The Board proposes to discontinue the practice of periodically amending its regulations to publish updated schedules of examination fees. Accordingly, the proposed rulemaking would delete all references to examination fees. The Board would continue to provide current examination fee information to examination candidates on its website.

c. *Editorial Changes*

The proposed rulemaking would make minor editorial changes to descriptions of the fees for consistency of usage in the fee schedule.

*Fiscal Impact*

The proposed rulemaking would generate approximately \$960,125 in additional biennial renewal fee revenues, broken down as follows:

<i>Certification Class</i>	<i>No. of Renewing Licensees</i>	<i>Fee Increase</i>	<i>Additional Revenues</i>
Professional Engineer	32,355	× \$25	\$808,875
Professional Land Surveyor	3,413	× \$25	\$85,325
Professional Geologist	2,637	× \$25	\$65,925

*Paperwork Requirements*

The proposed rulemaking would require the Board to change its biennial renewal form to reflect the new fees. The proposed rulemaking would not create additional paperwork requirements for the regulated community.

*Effective Date*

The proposed rulemaking would become effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*. The new biennial renewal fees would apply to licensees who renew their registrations for the biennial renewal period beginning October 1, 2005.

*Statutory Authority*

Section 9 of the Registration Law requires the Board to establish fees by regulation and to ensure that revenues derived from fees, fines and civil penalties are adequate to cover the Board's expenditures over a biennial period. Section 4(e) of the Registration Law (63 P. S. § 151(e)) contemplates that the Board may assess biennial renewal fees by regulation.

The Board considers the proposed rulemaking to be both required by law and the least restrictive means of covering the cost of activities that the Board is required to perform.

*Regulatory Review*

On December 22, 2004, under authority of section 5(a) and (f) of the Regulatory Review Act (71 P. S. § 745.5(a) and (f)), the Board submitted copies of this proposed rulemaking, a Regulatory Analysis Form and a Fee Report Form to the Independent Regulatory Review Commission (IRRC). Copies of the Regulatory Analysis and Fee Report Forms are available to the public upon request.

In accordance with section 5(a) and (f) of the Regulatory Review Act, the Board will deliver copies of this proposed rulemaking and the Regulatory Analysis and Fee Report Forms to the Chairpersons of the Senate Standing Committee on Consumer Protection and Professional Licensure and the House Standing Committee on Professional Licensure by the second Monday after the date on which committee designations for the 2005-2006 session of the General Assembly are published in the *Pennsylvania Bulletin*.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days after the close of

the public comment period, specifying the regulatory review criteria that have not been met. The Regulatory Review Act sets forth procedures that permit the Board, the General Assembly and the Governor to review IRRC's comments, recommendations or objections prior to final adoption of the proposed rulemaking.

*Public Comment*

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed rulemaking to Steven Wennberg, Counsel, State Registration Board for Professional Engineers, Land Surveyors and Geologists, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this notice of proposed rulemaking in the *Pennsylvania Bulletin*.

GEORGE ROMAN, P. E., P.L.S.,  
*President*

**Fiscal Note:** 16A-478. 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 37. STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS  
QUALIFICATIONS FOR LICENSURE**

**§ 37.17. Schedule of fees.**

(a) *Professional engineers and professional land surveyors.* The Board will charge the following fees:

[ Examination for licensure as a professional engineer .....	\$105
October 1998 examination and thereafter ...	\$120
Professional Engineer Exam Review (Optional).....	\$75
Examination for licensure as a professional land surveyor .....	\$187
October 1998—April 1999 examination.....	\$227
October 1999 examination and thereafter ...	\$252
Pennsylvania Fundamentals of Land Surveying Portion .....	\$42
N.C.E.E.S. Fundamentals of Land Surveying Portion.....	\$40
October 1998 examination and thereafter ...	\$65
N.C.E.E.S. Principles and Practices of Land Surveying.....	\$60
October 1998—April 1999 examination.....	\$75
October 1999 examination and thereafter ...	\$100
Administration (to be added to total parts taken at one sitting) .....	\$45
Examination for certification as engineer-in-training .....	\$75 ]
Biennial renewal of registration.....	\$50

(b) *Professional geologists.* The Board will charge the following fees:

\* \* \* \* \*

Biennial renewal [ fee ] of registration ... [ \$25 ] \$50

PROPOSED RULEMAKING

Temporary permit [ fee ] .....	\$25
[ Fundamentals of Geology Examination ....	\$150
Principles/Practices of Geology Examination .....	\$150
Examination Access Fee (to be added to each examination taken) .....	\$25
Administration (to be added to total parts taken at one sitting).....	\$45 ]

\* \* \* \* \*

[Pa.B. Doc. No. 05-57. Filed for public inspection January 7, 2005, 9:00 a.m.]



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS



**STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS**

P.O. BOX 2649  
HARRISBURG, PENNSYLVANIA 17105-2649

Telephone: (717)783-7049  
Fax: (717)705-5540  
[www.dos.state.pa.us/eng](http://www.dos.state.pa.us/eng)

June 10, 2005

The Honorable John R. McGinley, Jr., Esq.  
Chairman, Independent Regulatory Review Commission  
Harristown II, 14<sup>th</sup> Floor  
333 Market Street  
Harrisburg, PA 17101

RE: Final Rulemaking of State Registration Board for Professional  
Engineers, Land Surveyors and Geologists Relating to Biennial  
Renewal Fees and Examination Fees (16A-478)

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Registration Board for Professional Engineers, Land Surveyors and Geologists relating to biennial renewal fees and examination fees.

The Board stands ready to provide whatever information or assistance your Commission may require during its review of the final rulemaking.

Sincerely,

A handwritten signature in black ink that reads "Theodore Tesler".

Theodore Tesler, P.G., President  
State Registration Board for Professional Engineers,  
Land Surveyors and Geologists

TT:SW  
Enclosure

cc: Albert H. Masland, Chief Counsel  
Department of State



Joyce McKeever, Deputy Chief Counsel  
Department of State

Cynthia Montgomery, Regulatory Counsel  
Department of State

Basil L. Merenda, Commissioner  
Bureau of Professional and Occupational Affairs

Gerald S. Smith, Senior Counsel in Charge  
Department of State

Steven Wennberg, Counsel  
State Registration Board for Professional Engineers,  
Land Surveyors and Geologists

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

**I.D. NUMBER:** 16A-478  
**SUBJECT:** State Registration Board for Prof. Engineers, Land Surveyors & Geologists:  
Biennial Renewal Fees & Examination Fees  
**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

RECEIVED  
 2005 JUN 10 PM 2:21  
 REGISTRATION COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
6/10/05	<i>Sandra J. Zaepfel</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
6/10/05	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
6/10/05	<i>St. Helms</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)