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INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

December 16, 2010

Honorable Basil L. Merenda, Acting Secretary
Department of State
302 North Office Building
Harrisburg, PA 17120

Re: Regulation #16-43 (IRRC #2764)
Department of State
Schedule of Civil Penalties - Engineers, Land Surveyors and Geologists

Dear Acting Secretary Merenda:

The Independent Regulatory Review Commission approved the subject regulation today. Our order is enclosed and will be available on our website at www.irrc.state.pa.us.

Because of *sine die* adjournment of the legislature, the Commission may not deliver the order to the standing committees until the fourth Monday in January of the next year or until both committees have been designated in the next legislative session, whichever is later. 1 P.S. §745.7(c.1). Upon receipt of this order, the standing committees have 14 days to review this regulation and report to the state House of Representatives and Senate a concurrent resolution. If this 14-day period expires and neither committee reports a concurrent resolution, the committees will be deemed to have approved the regulation. Accordingly, the Board may proceed with promulgation of this regulation. 71 P.S. § 745.7(d).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

Silvan B. Lutkewitte, III

Chairman

sflh

Enclosure

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held December 16, 2010

Silvan B. Lutkewitte, III, Chairman
George D. Bedwick, Vice Chairman
Arthur Coccodrilli
S. David Fineman, Esq.
John F. Mizner, Esq.

Regulation No. 16-43 (#2764)
Department of State
Bureau of Professional and Occupational
Affairs
Schedule of Civil Penalties - Engineers, Land
Surveyors and Geologists

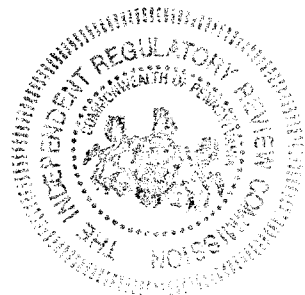
On April 22, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of State (Department). This rulemaking amends 49 Pa. Code Chapter 43b. The proposed regulation was published in the May 2, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. A final-form regulation was submitted to the Commission on September 3, 2010, but was disapproved by the Commission on October 7, 2010, at the request of the Department's counsel, given that the companion Regulation #16A-4710 (IRRC #2762) had been disapproved at the same public meeting. The Department resubmitted the final-form regulation without changes to the Commission on November 24, 2010.


This final regulation would establish a civil penalty schedule for violations of the continuing education requirements of the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board). This regulation is the companion piece to Regulation #16A-4710 (IRRC #2762) from the Board entitled: "Continuing Education."

We have determined this regulation is consistent with the statutory authority of the Department (63 P.S. §§ 2205(a), 151(g) and 158(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.





Silvan B. Lutkewitte, III, Chairman