

Regulatory Analysis Form

This space for use by IRRC
RECEIVED
 2000 MAY -5 PM 12: 09
 REVIEW COMMISSION
 IRRC Number: 2115

(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

(3) Short Title
 Biennial Renewal Fees

(4) PA Code Cite
 49 Pa. Code § 9.3

(5) Agency Contacts & Telephone Numbers
 Primary Contact: Judith Pachter Schulder, Assistant 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.

(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
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated	362,500.00	362,500.00	362,500.00	362,500.0	362,500.0	362,500.0
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated						
Local Government						
State Government						
Total Revenue Losses						

(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 X 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.

FEE REPORT FORM

Agency: State - BPOA

Date: 09/16/99

Contact: David Williams

Phone No. 783-7194

Fee Title, Rate and Estimated Collections:

Registered Architect Biennial Renewal Fee: \$100.00

Estimated Biennial Revenue: \$725,100.00 (7,251 renewals x \$100.00)

Fee Description:

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

Fee Objective:

The fee should defray a substantial portion of the State Board of Architect's 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:

Deficit carried forward from 97/99 cycle:	(51,445.79)
FOR BIENNIAL CYCLE 7/1/99-6/30/01	
Prior year returned funds: (estimate)	42,982.87
Estimated non-renewal revenue:	104,000.00
Estimated renewal revenue @ above rates:	725,100.00
Total revenue available:	820,637.08
Estimated expenditures:	556,000.00
Estimated ending balance on 6/30/01:	<u>264,637.08</u>

Analysis, Comment, and Recommendation:

It is recommended that a renewal fee of \$100.00 be established to cover the difference 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)

RECEIVED

2000 MAY -5 PM 12:09

REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

#2115

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: *Cristina S. Capron*
(DEPUTY ATTORNEY GENERAL)

State Architects Licensure Board
(AGENCY)

BY: *[Signature]*

APR 07 2000

DATE OF APPROVAL

DOCUMENT/FISCAL NOTE NO. 16A-415

DATE OF ADOPTION:

BY: *[Signature]*
Frank M. Adams, President

3/27/00

DATE OF APPROVAL

(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 PROPOSED RULEMAKING
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE ARCHITECTS LICENSURE BOARD
49 PA. CODE, CHAPTER 9
BIENNIAL RENEWAL FEES

The State Architects Licensure Board (Board) proposes to amend 49 Pa. Code §9.3 (relating to fees), by raising the biennial renewal fee for architects 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), 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 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 Proposed Amendment

The following table outlines the affected fee and proposed change:

<u>Application</u>	<u>Current Fee</u>	<u>Proposed 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 proposed amendment will increase 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 proposed amendment will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, the proposed 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. In addition to submitting the regulation, the agency has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulation, it will notify the agency within ten days after the expiration of the Committee review period. Such notification shall specify the regulatory review criteria which have not been

met by that portion. The Act specifies detailed procedures for review, prior to final publication of the regulation, by the agency, 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 amendments 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.

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

* * *



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

(717) 783-3397

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

May 5, 2000

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

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

Dear Chairman McGinley:

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

The Commission will be pleased to provide whatever information your Commission 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:JPS:apm
Enclosures

c: John T. Henderson, Jr., Chief Counsel
Department of State
Dorothy Childress, 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
Leonidas Pandeladis, Counsel
State Architects Licensure Board
Judith Pachter Schulder, Counsel
Bureau of Professional and Occupational Affairs
State Architects Licensure Board

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

RECEIVED

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

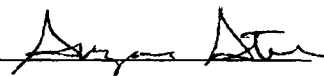
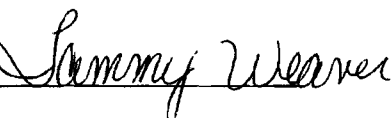
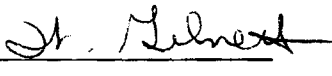
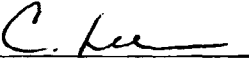
2000 MAY -5 PM 12: 09

REGULATORY
REVIEW COMMISSION

TYPE OF REGULATION

- X 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
5/5/00		HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
5/5/00		SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
5/5/00		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
5/5/00		LEGISLATIVE REFERENCE BUREAU

April 10, 2000