

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION
[25 PA. CODE CH. 287]

Corrective Amendment to 25 Pa. Code § 287.102
(a)(2)(i)

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 287.102(a)(2)(i) (relating to permit-by-rule) as deposited with the Legislative Reference Bureau and the official text as published at 31 Pa.B. 2873, 2888 (June 2, 2001) that currently appears in the *Pennsylvania Code*. The reference to subsection (k) in that subparagraph should have been changed to subsection (i).

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 287.102(a)(2)(i). The corrective amendment to 25 Pa. Code § 287.102(a)(2)(i) is effective as of June 2, 2001, the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 287.102(a)(2)(i) appears in Annex A.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VIII. MUNICIPAL WASTE

CHAPTER 287. RESIDUAL WASTE MANAGEMENT—GENERAL PROVISIONS

§ 287.102. Permit-by-rule.

(a) *Purpose.*

* * * * *

(2) A facility is not subject to permit-by-rule under this section unless it meets the following:

(i) The facility complies with Chapter 299 (relating to storage and transportation of residual waste), except as provided in subsections (b)(7), (c)(3) and (i).

* * * * *

[Pa.B. Doc. No. 01-1768. Filed for public inspection September 28, 2001, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF COSMETOLOGY
[49 PA. CODE CH. 7]
Application Fees

The State Board of Cosmetology (Board) adopts amendments to § 7.2 (relating to fees), to read as set forth in Annex A.

Notice of proposed rulemaking was published at 30 Pa.B. 3266 (July 1, 2000). Publication was followed by a 30-day public comment period. The Board received no comments from the public, the House Professional Licensure Committee, the Senate Consumer Protection and Professional Licensure Committee or the Independent Regulatory Review Commission (IRRC).

Effective Date

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

Statutory Authority

The final-form amendment is authorized under section 16 of the Beauty Culture Law (63 P. S. § 522).

Calculation of Administrative Overhead

1. *Use of Constant Overhead Cost Allocation and "Rounding Up"*

In computing overhead charges, the boards and the Bureau of Professional and Occupational Affairs (Bureau) include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific board. Once the Bureau's expenses are determined, the Bureau's expenses are apportioned to each board based upon that board's share of the total active licensee population. The board's share of the expenses is divided by the number of active licensees under that board to calculate a "per application" charge which is added to the direct personnel cost to establish the cost of processing (the administrative overhead charge). The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

This method of calculating administrative overhead to be apportioned to fees for services was first included in the biennial reconciliation of fees and expenses conducted in 1988-89. In accordance with the Regulatory Review Act (71 P. S. §§ 745.1—745.15), the method was approved by the Senate and House Standing Committees and IRRC as reasonable and consistent with the legislative intent of statutory provisions which require the board to establish fees which meet or exceed expenses.

IRRC suggested, in response to regulations promulgated by other boards, that within each board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring 1/2 hour of processing time would pay 1/2 as much overhead charge as an application requiring 1 hour of processing time. The Bureau concurs with IRRC that by adopting this methodology the Bureau and the boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's previous suggestions, the Bureau conducted a test to compare the resulting overhead charges obtained by applying IRRC suggested time factor versus the current method.

This review of the boards' operation showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratio-based time factor. However, when the time factor is combined with the licensing population for each board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau method, the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

With regard to IRRC's earlier suggestions concerning projected versus actual expenses, the boards noted that the computation of projected expenditures based on amounts actually expended has been the basis for biennial reconciliations for the past 10 years. During these 5 biennial cycles, the experience of both the boards and the Bureau has established that verifiable data can be substantiated by collective bargaining agreements, pay scales and cost benefit factors. This method has provided a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the boards over an extended period. Similarly, accounting, recordkeeping and swift processing of applications, renewals and other fees were the primary basis for "rounding up" the actual costs to establish a fee. This rounding up process has in effect resulted in the necessary but minimal cushion or surplus to accommodate unexpected needs and expenditures.

2. Variation in Administration Charge of Verification/Certification Versus Administrative Charge for Other Services

In response to previous regulations from the Bureau, IRRC questioned why the administrative charge included for other services was different. The administrative charge of \$9.76 represents the cost of processing a verification or certification application for any licensee in the Bureau irrespective of what Board issues the license. The administrative charge of \$11.38 represents the cost of processing other types of licensure applications for only licensees under the Board. In other words, whereas the administrative charge for verification or certification of licensure is constant across all licensees under the Bureau, the license services performed that are specific to the type of license held are calculated based only on the

number of licensees served by the board. Thus, each board has two administrative charges applied to the provision of licensure services: \$9.76 is applied to all boards for verification or certification services and an individual fee (\$1.62) is applied on a per board basis.

Fees for Business Changes

Previously, IRRC requested a more detailed explanation of the fee increases for change of business name or post office and change in business physical location.

When a business requests a name or address change, the Board staff reviews the application for completeness and contacts the applicant for any missing information. The staff verifies that the name of the dealership has not changed as a result of an ownership change and determines whether the address change is due to an actual physical location change or to a postal address reassignment. The staff then processes the new information through the computer and issues an updated license.

If there has been a physical location change, in addition to the previous procedures, the Board staff prepares an inspection report form and forwards the form to the Bureau of Enforcement and Investigation (BEI). BEI conducts an onsite inspection, determines whether statutory and regulatory standards for the facility are met and sends the inspection results to the Board. Board staff then updates the computer information and issues a license with the new address or, if BEI has found that the new location does not comply with applicable facility standards, issues a discrepancy notice. Inspection by BEI represents a change from the former procedure, when inspections were performed by the State Police at no charge to the Board. The State Police no longer perform this service.

Reinspection After Failure

When applicable facility standards are not met at initial inspection for new or relocated businesses, BEI advises Board staff of the reasons for failure at the onsite inspection. The Board staff sends a discrepancy letter to the applicant informing the applicant of the deficiencies. The applicant notifies the Board office when the deficiencies have been corrected. The Board office then prepares a reinspection report form and forwards the form to BEI for follow-up inspection. After the follow-up inspection is completed, the results are sent to the Board staff. The Board staff then either sends another discrepancy letter or issues the license.

Although the existing application fees capture the cost of the initial inspection by BEI prior to issuance of a license, the fees do not cover the cost of reinspection by BEI when the applicable facility standards were not met at the initial inspection. This new fee will cover the additional cost of reinspection and require that only those using the service must pay for the service.

Compliance with Executive Order 1996-1

The Board reviewed this final-form amendment and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1. The final-form regulation addresses a compelling public interest as described in this preamble and otherwise complies with Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

The final-form amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from

the Board. The final-form amendment will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Sunset Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 2, 2000, the Board submitted a copy of the notice of proposed rulemaking, published at 30 Pa.B. 3266, to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form amendment, the Board has considered the comments from IRRC and the Committees.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on May 16, 2001, this final-form amendment was deemed approved by the House and Senate Committees. The final-form amendment was deemed approved under section 5(g) of the Regulatory Review Act, effective on May 17, 2001.

Further Information

Individuals who need information about the final-form amendment may contact the Board Administrator, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7130.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the Commonwealth Documents Law (45 P. S. §§ 1201 and 1202) and the regulations 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 amendment does not enlarge the purpose of proposed rulemaking published at 30 Pa.B. 3266.
- (4) The amendment is necessary and appropriate for administration and enforcement of the Board's authorizing statute.

Order

The Board therefore orders that:

- (a) The regulations of the Board, 49 Pa. Code Chapter 7, are amended by amending § 7.2 to read as set forth in Annex A.
- (b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General for approval as required by law.
- (c) The Board shall certify this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.
- (d) The amendment shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

CAROL M. THOMPSON,
Chairperson

Fiscal Note: Fiscal Note 16A-458 remains valid for the final adoption of the subject regulation.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 2855 (June 2, 2001).)

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 7. STATE BOARD OF COSMETOLOGY

FEES

§ 7.2. Fees.

(a) The fee for the cosmetologist, cosmetician, manicurist or teacher examination is \$59. The fee for the manager theory examination is \$31. The fee for each portion of an examination is:

Theory examination.....	\$31
Performance examination (not applicable to managers).....	\$28

(b) Effective September 1, 1999, the fee for the complete cosmetologist, cosmetician, manicurist or teacher examination is \$71. The fee for the manager theory examination is \$31. The fee for each portion of an examination is:

Theory examination.....	\$41
Performance examination (not applicable to managers).....	\$30

(c) Other fees charged by the Board:

Licensure of cosmetologist, manicurist or cosmetician	\$10
Licensure of cosmetology shop manager or cosmetology teacher.....	\$10
Licensure of cosmetology shop, manicurist shop or cosmetician shop	\$55
Licensure of cosmetology school.....	\$160
Licensure by reciprocity.....	\$20
Registration of cosmetology apprentice	\$70
Biennial renewal of manicurist's license	\$21
Biennial renewal of cosmetician's license	\$21
Biennial renewal of cosmetologist's license.....	\$23
Biennial renewal of cosmetology shop manager's or cosmetology teacher's license.....	\$36
Biennial renewal of cosmetology shop's license ...	\$41
Biennial renewal of cosmetician or manicurist shop's license.....	\$25
Biennial renewal of cosmetology school's license .	\$66
Approval of cosmetology school supervisor	\$20
Change in cosmetology, cosmetician or manicurist shop (inspection required)	\$55
Change in cosmetology, cosmetician or manicurist shop (no inspection required)	\$15
Reinspection of cosmetology, cosmetician or manicurist shop or cosmetology school.....	\$40

Certification of student or apprentice training hours	\$30
Verification of license, registration, permit or approval.....	\$15

[Pa.B. Doc. No. 01-1769. Filed for public inspection September 28, 2001, 9:00 a.m.]

STATE BOARD OF LANDSCAPE ARCHITECTS

[49 PA. CODE CH. 15]

Application Fees

The State Board of Landscape Architects (Board) amends §§ 15.12 and 15.57 (relating to fees; and registration by endorsement) to read as set forth in Annex A.

A. Effective date.

The amendments take effect upon final-form publication in the *Pennsylvania Bulletin*.

B. Statutory Authority

The final-form amendments are authorized under section 5(a) of the Landscape Architects' Registration Law (law) (63 P.S. § 905(a)). This provision requires the Board to increase fees to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

C. Background and Purpose.

Expenses of the Board that are related to processing individual applications or providing certain services directly to individual licensees or applicants are funded through fees which are based on the cost of providing the service. The fee is charged to the person requesting the service.

A recent systems audit within the Bureau of Professional and Occupational Affairs (Bureau) determined that the application and service fees did not accurately reflect the actual cost of processing the applications and performing the services. A detailed explanation of the background of these fees as well as a description of the fees was published at 29 Pa.B. 4355 (August 14, 1999).

D. Summary of Comments and Responses on Proposed Rulemaking

Following publication of proposed rulemaking at 29 Pa.B. 4355, the Board did not receive any comments from the general public. The Board also did not receive any comments or objections from the Senate Consumer Protection and Professional Licensure Committee. The House Professional Licensure Committee issued comments on September 27, 1999. The Board received comments from the Independent Regulatory Review Commission (IRRC) on October 14, 1999. The following is the response to both sets of comments.

Certification and Verification Fee

IRRC questioned the difference in staff processing time between a verification and a certification, and asked for a revised description of the staff processing functions for those two tasks. The House Professional Licensure Committee also asked for a distinction between verification and certification and the respective fees.

The certification of a score is made at the request of a licensee when the licensee is seeking to obtain a license

in another state based upon a license in this Commonwealth, which had been issued on the basis of a uniform National or regional examination which was taken in this Commonwealth. Generally the state of the original license is the only source of the score of the licensee, as testing agencies do not maintain this information. The licensing laws of many states include provisions that licensure by reciprocity or endorsement based on a license in another state will be granted only if the board or agency determines that the qualifications are the same or substantially similar. Many state agencies have interpreted this provision to require that licensees have attained a score equal to, or exceeding, the passing rate in that jurisdiction at the time of original licensure. For this reason, these states require that the Board and other boards certify the examination score the applicant achieved on the license examination.

As noted in proposed rulemaking, the difference between the verification and certification fees is the amount of time required to produce the document requested by the licensee. As previously noted, states request different information when making a determination as to whether to grant a license based on reciprocity or endorsement from another state. The Bureau has been able to create two documents from its records that will meet all of the needs of the requesting state. The licensee, when applying to the other state, receives information as to what documentation and form is acceptable in the requesting state. The Bureau then advises the licensee of the type of document the Bureau can provide and the fee.

In the case of a "verification," the staff produces the requested documentation by a letter, usually computer generated, which contains the license number, date of original issuance, current expiration date and status of the license. The letter is printed from the Bureau's central computer records and sent to the Board staff responsible for handling the licensee's application. The letter is sealed, folded and mailed in accordance with the directions of the requestor. The Bureau estimates the average time to prepare this document to be 5 minutes. This function takes only 5 minutes because the search for the information is computerized.

The Bureau uses the term "certification fee" to describe the fee for a request for a document, again generally to support reciprocity or endorsement applications to other states, territories or countries, or for employment or training in another state. A certification document contains information specific to the individual requestor. It may include dates or location where examinations were taken, or scores achieved or hours and location of training. The information is entered onto a document which is usually supplied by the requestor. The Board staff then seals and issues this certification document. The average time to prepare a certification is 45 minutes. This is because a number of resources—such as files, microfilm and rosters—must be retrieved, consulted and often manually searched, in order to provide the information requested. The staff processing function in preparing a certification requires much more manual searching for information than the staff function in preparing a verification, which is primarily a computerized search.

Administrative Overhead

IRRC requested that the Board and the Bureau thoroughly examine its cost allocation methodology for administrative overhead and itemize the overhead costs to be recouped by these fees. IRRC commented that although the methodology is reasonable, there is no indication that the fees will recover the actual overhead costs because

there is no relationship to the service covered by the fees and because the costs are based upon past expenditures rather than projected expenditures. IRRC expressed the view that there is no certainty that the projected revenues of the new fee will meet or exceed projected expenditures as required under the Board's enabling statutes. The House Professional Licensure Committee also questioned the Bureau's use of a \$9.76 fee for certain services, as well as the Bureau's decision to round up proposed fees.

In computing overhead charges, the boards and the Bureau include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific board. Once determined, the Bureau's total administrative charge is apportioned to each board based upon that board's share of the total active licensee population. In turn, the board's administrative charge is divided by the number of active licensees to calculate a "per application" charge which is added to direct personnel cost to establish the cost of processing. The administrative charge is consistently applied to every application regardless of how much time the staff spends processing the application.

This method of calculating administrative overhead to be apportioned to fees for services was first included in the biennial reconciliation of fees and expenses conducted in 1988-89. In accordance with the Regulatory Review Act (71 P. S. §§ 745.1—745.15), the method was approved by the Senate and House Committees and IRRC as reasonable and consistent with the legislative intent of statutory provisions which require the board to establish fees which meet or exceed expenses.

IRRC suggested that within each board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring 1/2 hour of processing time would pay 1/2 as much overhead charge as an application requiring 1 hour of processing time. The Bureau concurs with IRRC that by adopting this methodology, the Bureau and the boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead of charges obtained by applying IRRC's suggested time factor versus the current method. This review of a board's operation showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratio-based time factor. However, when the time factor is combined with the licensing population for each board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau method the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

With regard to IRRC's suggestions concerning projected versus actual expenses, the boards noted that the computation of projected expenditures based on amounts actually expended has been the basis for biennial reconciliations for the past 10 years. During these 5 biennial cycles, the experience of both the boards and the Bureau has been that established and verifiable data can be substantiated by collective bargaining agreements, pay scales and cost benefit factors. This method has provided a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the boards over an extended period. Similarly accounting, recordkeeping and swift processing of applications, renewals and other fees were the primary basis for "rounding up" the actual costs to establish a fee. This rounding up process has in effect resulted in the necessary but minimal cushion or surplus to accommodate unexpected needs and expenditures.

For these reasons, the Board has not made changes in the method by which it allocates administrative expenditures and the resulting fees will remain as proposed.

Increase in Fee for Licensure Under §§ 15.54(b)(2) and (3) or 15.56(a)(3)

The comments of the House Professional Licensure Committee inquired as to the significant increase in fee for these services. The fee will be increased from \$45 to \$60. The Board does not view this cost-based increase to be significant, as explained in this section. However, the Board also increased the fee for licensure and Board interview under § 15.54(b)(4) or § 15.56(a)(1) or (2) (relating to registration by examination; and registration without examination) from \$255 to \$350. This increase is also addressed in this section.

Section 6 of the law outlines seven routes to licensure as a landscape architect. The Board has split the fees for these routes into two groups based upon the amount of Board time and involvement in the licensure process.

Four groups of candidates for licensure are not required to appear before the Board. Section 15.54(b)(1) provides for licensure by examination for an applicant who holds an undergraduate degree in landscape architecture and 2 years of practical experience. Section 15.54(b)(2) provides for licensure by examination for an applicant with an undergraduate degree in landscape architecture, 1 year of graduate education in landscape architecture and 1 year of practical experience. Section 15.54(b)(3) provides for licensure by examination for an applicant with an undergraduate degree in a subject other than landscape architecture, a graduate degree in landscape architecture and 2 years of practical experience. Section 15.56(a)(3) provides for licensure without examination for an applicant who has passed the examination in another state with a score approved by the Board and met the education and other practical experience requirements of the act.

Candidates applying for licensure in the following three categories must appear for a Board interview. Section 15.54(b)(4) provides for licensure by examination for an applicant with no applicable landscape architecture degree but 8 years of practical experience. Section 15.56(a)(1) provides for licensure without examination for an applicant with an undergraduate degree in landscape architecture and 10 years of experience. Section 15.56(a)(2) provides for licensure without examination for an applicant with no degree in landscape architecture but 15 years of practical experience.

Because the costs of review and approval involved in the first four categories are identical, the fee has been described as an application for licensure under § 15.54(b)(1), (2) and (3) or § 15.56(a)(3). Likewise, because the costs to review and approve applications in the final three categories are identical, the fee designation is an application for licensure and Board interview under § 15.54(b)(4) or § 15.56(a)(1) or (2). The \$15 increase for § 15.54(b)(1), (2) and (3) or § 15.56(a)(3)—those avenues of licensure which do not require a Board interview—is based on actual Board costs for the services.

The fees for licensure under the remaining three avenues of licensure increased more significantly. Licensure under any of the three methods requiring a Board interview allows an applicant who has certain combinations of experience or education, or both, to apply for licensure as a landscape architect without taking the licensure examination. Candidates are required to submit an extensive application to the Board which details the work and education experience which they believe qualifies them for licensure without examination. These applications are reviewed by a member of the Board staff who works with the applicant to provide any additional information needed. The applications are individually reviewed by members of a panel of the Board. The panel then schedules and conducts an in-depth personal interview of the applicant, reviewing blueprints, drawings, diagrams, plans, photographs and other documentation for numerous projects completed during the career of the applicant. The process is quite time and staff intensive because of the review of the candidate's work experience. The more significant increase of \$95 for these avenues of licensure involving a Board interview under § 15.54(b)(4) or § 15.56(a)(1) or (2), reflect an average of costs for the interview process, as well as the fact that the Board has not increased that fee in 13 years.

Miscellaneous Changes

Other changes that have been made since the time these final-form amendments were submitted as a proposed rulemaking include the elimination of the fee per section of licensing examination. This fee was removed because it was temporal—the fees listed in the regulation were for the exams given in June 1999, September 1999 and June 2000. Those times have passed and the fees are obsolete.

E. Fiscal Impact and Paperwork Requirements

The final-form amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The final-form amendments will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

F. Sunset Date

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

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 30, 1999, the Board submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 4355, to IRRC and to the Chairpersons of the Senate and House Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period as well as other documentation. In preparing the final-form regulations, the Board has considered any comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), on September 4, 2001, the final-form regulations were deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 6, 2001, and approved the final-form amendments.

H. Contact Person

Further information may be obtained by contacting Shirley Klinger, Administrative Assistant, State Board of Landscape Architects, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-4865.

I. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was 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 at 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) These final-form amendments do not enlarge the purpose of proposed rulemaking published at 29 Pa.B. 4355.

(4) These final-form amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in Part B of this preamble.

J. Order

The Board, acting under its authorizing statutes, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 15, are amended by amending §§ 15.12 and 15.57 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General 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) This order shall take effect on publication in the *Pennsylvania Bulletin*.

JAMES W. PASHEK, L.A.,
Chairperson

Fiscal Note: Fiscal Note 16A-615 remains valid for the final adoption of the subject regulation.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 31 Pa.B. 5416 (September 22, 2001).)

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 15. STATE BOARD OF LANDSCAPE ARCHITECTS

APPLICATION PROCEDURES

§ 15.12. Fees.

Following is the schedule of fees charged by the Board:

(1) Application for examination.....	\$ 40
(2) Application for licensure under § 15.54(b)(1), (2) and (3) or § 15.56(a)(3)	\$ 60
(3) Application for licensure and Board interview under § 15.54(b)(4) and 15.56(a)(1) or (2)...	\$350
(4) Application for licensure by endorsement ..	\$ 45
(5) Application for temporary permit	\$ 45
(6) Administration of examination for one section or more	\$ 45
(7) Verification of licensure	\$ 15
(8) Certification of licensure or scores.....	\$ 25
(9) Duplicate certificate fee	\$ 5
(10) Biennial registration fee.....	\$125

EXAMINATIONS

§ 15.57. Registration by endorsement.

(a) *General requirements.* An applicant who has passed the LARE, holds an unexpired license from another state or foreign country, has a graduate or undergraduate degree in landscape architecture from an approved institution or college and possesses 2 years of practical experience in landscape architecture of a grade or character satisfactory to the Board, may be granted registration by endorsement following the filing of an application and a Board review of the applicant's comprehensive work sample.

(b) *Endorsement.*

(1) An applicant who requests registration by endorsement shall submit with the application an official certification of registration in the applicant's home state, territory or country from the secretary of the examining or registration board or other certifying official, stating on what basis registration was granted, whether by oral or written examination or exemption, and whether the registration is in good standing at the time of the application for registration in this Commonwealth.

(2) An applicant who requests registration by endorsement shall submit with the application complete information relative to training, education and experience as may be required by the Board.

(c) *Exception.* An applicant who received a license from another jurisdiction, without having passed the LARE examination, is not entitled to registration by endorsement.

[Pa.B. Doc. No. 01-1770. Filed for public inspection September 28, 2001. 9:00 a.m.]