



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
MAKING REVIEW COMMITTEE**

AGENCY: Architects TITLE-SERIES: 2-03
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 2-03 Fees for Registration of Architects

PRIMARY CONTACT

NAME: West Virginia Board of Architects
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CITE STATUTORY AUTHORITY: W.Va. Code 30-12-3, 30-1-4, 30-1-23

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

SB 396 was passed during the 2019 Legislative Session waiving initial licensing fees for "low-income individuals" and "military families" and requires Chapter 30 Boards to propose rules for implementation. W.Va. Code 30-1-23 is the corresponding statute. W.Va. 30-1-4 provides that boards "shall make such rules and regulations . . . necessary to regulate its proceedings and to carry out the purposes," and W.Va. 30-12-3 states that the board "is authorized and empowered" to establish a schedule of fees for registration and "other matters deemed appropriate by the board."

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/5/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/9/2019

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

The Board advertised the comment period on its website and posted the proposed rules to the site. Moreover, each registered architect in West Virginia was emailed links to the proposed rule changes and the email address to the Board in order to facilitate comments.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule establishes the fees to be charged by the Board. The purpose of the rule change is to add a waiver of initial licensing fees for low income individuals and military families in compliance with W.Va. Code 30-1-23, reduce the amount of time architects can remain inactive and execute a late renewal and establish a \$25.00 fee for paper verification of certification for other jurisdictions.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Senate Bill 396 requires rules to implement the waiver. The reduction of the late renewal period is required to curb unlicensed practice and reinforce continuing education to enhance public health, safety, and welfare. The addition of the \$25.00 certification fee will make the Board of Architects consistent with other West Virginia professional boards and other states' boards governing the practice of architecture, reimbursing the board for the time and expense to research licensure for candidates that were often licensed briefly years ago and are no longer licensed in West Virginia.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

It is difficult to project because the Board has not previously collected income or military information from applicants. Anticipated loss of revenue in one year from waivers: \$1,200 (3 registrations). Anticipated increase of revenue resulting from decreasing period of late renewal: \$5,000 (20 architects paying for reinstatement rather than late renewals). Anticipated increase in revenue from Verification Fee: \$700.00 (28 architects).
Net Effect = \$4,500 additional revenue

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

There will be a positive impact for low income individuals and military families in the form of a savings of \$400.00 per registration. The reduction of the months an architect can be inactive and still execute a late renewal will be a positive impact for the health, safety, and welfare of West Virginians with fewer architects operating with no accountability for continuing education. The time devoted to researching current and former registrants reciprocal registrations will now be accounted for and compensated.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			\$4,500.00

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Anticipated Loss of Revenue from waivers: \$1,200.00
 Anticipated Increase of Revenue due to shortened Late Renewals and increase in reinstatements:
 \$5,000.00
 Anticipated increase in revenue due to Verification Fee: \$700.00
 Net Effect = \$4,500 additional revenue

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Emily B Papadopoulos -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 2
LEGISLATIVE RULE
BOARD OF ARCHITECTS

SERIES 3
FEES FOR REGISTRATION OF ARCHITECTS

§2-3-1. General.

1.1. Scope. -- This rule sets fees related to the registration of architects as provided in W. Va. Code §§3-1-6 and 30-12-1, et seq.

1.2. Authority. -- W. Va. Code §30-1-6.

1.3. Filing Date. -- ~~May 6, 2009~~

1.4. Effective Date. -- ~~May 6, 2009~~

1.5 Sunset Date. - - This rule shall terminate and have no further force and effect upon the expiration of 10 years from its effective date.

§2-3-2. Definitions.

2.1. Terms Defined by Statute -- Terms defined in W. Va. Code §30-12-2 have the same meanings when used in this rule unless the context or subject matter clearly requires a different interpretation.

2.2. Terms Defined -- Terms defined in "Title 2 Legislative Rule Board of Architects – Series 1 – Registration of Architect" have the same meanings when used in this rule unless the context or subject matter clearly requires a different interpretation.

2.3 Terms Defined – As used in this rule, the following terms have the following meanings unless context or subject matter requires a different interpretation:

2.3.1 Initial –means obtaining a license for the practice of architecture in West Virginia for the first time.

2.3.2 Low income individuals – individuals in the local labor market as defined in W.Va. Code §21-1C-2 of this code whose household adjusted gross income is below 130 percent of the federal poverty line. This term also includes any person enrolled in a state or federal public assistance program including, but not limited to, the Temporary Assistance for Needy Families Program, Medicaid, or the Supplemental Nutrition Assistance Program (SNAP).

2.3.2 Military Families – any person who serves as an active member of the armed forces in the United States, the National Guard, or a reserve component as described in 38U.S.C. §101, honorably discharged veterans of those forces, and their spouses. This term also includes surviving spouses of deceased service members who have not remarried.

§2-3-3. Fees.

3.1. The applicant shall pay with his or her application for registration or reciprocal registration a non-refundable filing fee in the amount of one hundred dollars (\$100.00) unless the applicant's request for a waiver of the fee is accepted by the Board pursuant to section 3.9 or 3.10.

3.2. The applicant shall pay directly to NCARB or its designee all fees related to the cost of the A.R.E. or any division of the A.R.E.

3.3. The applicant for registration or reciprocal registration shall pay the Board fifty dollars (\$50.00) for a printed certification evidencing registration as an architect unless the applicant's request for a waiver of the fee is accepted by the Board pursuant to section 3.9 or 3.10.

3.4. The applicant shall pay a fee to the Board of seventy-five dollars (\$75.00) for the annual renewal of a certificate of registration. An initial certificate of registration expires on June 30th of the year following initial registration, and annual renewals expire on June 30th of each year thereafter.

3.5. The nonresident applicant for reciprocal registration shall pay to the Board, in addition to the filing fee accompanying the application and the fee for the printed certification, two hundred fifty dollars (\$250.00) for registration unless the applicant's request for a waiver of the fee is accepted by the Board pursuant to section 3.9 or 3.10.

3.6. The applicant shall pay to the Board for the renewal of an inactive certificate of registration one hundred fifty dollars (\$150.00), if the inactive certificate of registration is renewed within ~~twelve~~ six months (~~12~~) (6) after the renewal date.

3.7. The applicant shall pay to the Board for reinstatement of an inactive certificate of registration two hundred fifty dollars (\$250.00), if the inactive certificate of registration is reinstated more than twelve (12) months but not exceeding five years after the renewal date.

3.8. Architects registered in West Virginia who seek a verification of certification for other jurisdictions shall pay to the Board twenty-five (\$25.00) for a verification of certification.

3.9. Low-income individuals, as defined in this rule, may seek a waiver of the initial fees set forth in Sections 3.1, 3.3, and 3.5 for registration as an architect in accordance with W.Va.Code §30-1-22. Waiver requests must be submitted at the time of the application for registration on a form prescribed by the Board and must include all verification documents required by the Board. The Board shall process the request within 30 days.

3.10 Military families, as defined in this rule, may seek a waiver of the initial fees set forth in Sections 3.1, 3.3, and 3.5 for registration as an architect in accordance with W.Va.Code §30-1-22. Waiver requests must be submitted at the time of the application for registration on a form prescribed by the Board and must include all verification documents required by the Board. The Board shall process the request within 30 days.