

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #3

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2006 JUL 28 P 1:47

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: Board of Landscape Architects TITLE NUMBER: 9

CITE AUTHORITY: §30-22-7

AMENDMENT TO AN EXISTING RULE: YES NO


IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: Fees

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



Authorized Signature



STATE BOARD OF LANDSCAPE ARCHITECTS

Post Office Box 1355, St. Albans, West Virginia 25177
<http://www.wvlicensingboards.com/landscape>
(304) 727-5501, (304) 727-5580 FAX

July 28, 2006

The Honorable Betty Ireland
Secretary of State
Building 1, Suite 157-K
1900 Kanawha Boulevard
Charleston, West Virginia 25305-0770

RE: Agency Approved Rule, Series 3

Dear Secretary Ireland:

Attached please find the agency approved rule revisions following the public comment period. No comments were received during this period. As previously stated, the revisions are extensive so we propose to repeal and replace Series 1 and create a new Series 3 Rule titled Fees.

The proposed Series 3 Rule includes: 1) the language from the old Series 1 Rule; 2) the current fee schedule new fees in accordance with W. Va. Code §30-22-7(a)(6).

If you have any questions or need more information please do not hesitate to contact me.

Sincerely,

**West Virginia State Board of
Landscape Architects**

Roger J. Kennedy, Chairman

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia State Board of Landscape Architects

Address: P.O. Box 1355
St. Albans, West Virginia 25177

Phone Number: 304-727-5501 Email: rkennedy@chaptech.com

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The new Series 3 Rule, "Fees" maintains or reduces fees on individuals and establishes a new fee schedule for Certificates of Authorization.

It is proposed to repeal and replace Series 1 "Rules of the West Virginia State Board of Landscape Architects" with "Registration of Landscape Architects" and to create a new Series 3 Rule "Fees". The proposed Rule includes the current fee schedule from the old Series 1 Rule and in accordance with recently repealed W. Va. Code §30-22-5(a). The proposed schedule adds nominal fees for inactive and retired licensees as well as fees for business entities desiring a Certificate of Authorization to practice in this State in accordance with W. Va. Code §30-22-7(a)(6).

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	5,500.00	4,000.00
Personal Services	0.00	500.00	500.00
Current Expenses	0.00	1,000.00	1,000.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	4,000.00	2,500.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	6,000.00	6,000.00

Rule Title: _____

Rule Title: Fees

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

The increase in revenues is a result of fees generated from issuing Certificates of Authorization to business entities desiring to practice in the State. It is estimated that 40 businesses will register, generating a total revenue of \$6,000.00.

It is anticipated that our license renewal revenues will decrease slightly with the addition of retired and inactive status licenses. We anticipate 10 to 20 current registrants will change their status to either retired or inactive, resulting in a loss of approximately \$800.00 annually.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: July 28, 2006

Signature of Agency Head or Authorized Representative

Roan J. Kennedy

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 28, 2006

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Board of Landscape Architects
P.O. Box 1355
St. Albans, West Virginia 25177
(304) 727-5501

LEGISLATIVE RULE TITLE: Fees

1. Authorizing statute(s) citation §30-22-7

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
Comment period began: June 28, 2006

b. What other notice, including advertising, did you give of the hearing?
Notified members of the American Society of Landscape Architects, West Virginia Chapter.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
Comment period ended: July 28, 2006

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.
Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 28, 2006

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Roger Kennedy, Chairman

P.O. Box 1355

St. Albans, West Virginia 25177

(304) 727-5501, (304) 727-5580 FAX

Email: rkennedy@chapttech.com

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

- 3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

TITLE 9
LEGISLATIVE RULE
WEST VIRGINIA STATE BOARD OF LANDSCAPE ARCHITECTS

SERIES 3
FEES

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

§9-3-1. General.

- 1.1. Scope. -- This rule specifies fees to be charged by the Board.
- 1.2. Authority. -- W. Va. Code §§30-22-7(a)(6).
- 1.3. Filing Date. --
- 1.4. Effective Date. --

§9-3-2. Definitions.

2.1. Terms Defined by Statute -- Terms defined in W. Va. Code §30-22-4 have the same meanings when used in this rule unless the context or subject matter clearly requires a different interpretation.

2.2. Terms Defined -- As used in this rule, the following terms have the following meanings unless the context or subject matter clearly requires a different interpretation:

2.2.a. Registrant -- A current licensee or Certificate of Authorization (COA) holder.

§9-3-3. Requirements.

3.1. The fees listed in this rule are payable to the West Virginia State Board of Landscape Architects. Fees shall be paid by check or money order and are non-refundable. The Board may return any application received without the proper fee to the applicant.

3.2. The Board shall notify each registrant during the month of April of each year of the amount of the renewal fee.

3.3. A registrant shall pay renewal fees before the thirtieth (30th) day of June of each year.

3.4. A renewal postmarked after the thirtieth (30th) day of June is considered expired, and the Board shall assess the registrant a late fee penalty as described in this rule.

§9-3-4. Fees.

General Fees

Reciprocal or New Application	\$100.00
Temporary Permit	\$100.00
Duplicate Renewal Card	\$5.00
Replacement Certificate	\$15.00
Current Roster ¹	\$25.00
Insufficient Funds (returned check)	\$25.00
Copies of Public Records (per page)	\$0.25
Examinations	(See footnote 6.)

Certificate of Authorization (COA) Fees

Application for Sole Proprietor ²	\$20.00
Application for Firm with two or more Licensed Landscape Architects ³	\$150.00
Duplicate/Replacement Certificate	\$15.00

Annual Renewal Fees

License Renewal	\$100.00
COA or License Renewal Late Fee ⁴	\$50.00
Inactive Status	\$25.00
Retired Status	\$5.00
COA for Sole Proprietor ²	\$15.00
COA for Firm with two or more Licensed Landscape Architects ³	\$150.00

Reinstatement Fees

Retired or Inactive Licensees	\$100.00
Expired License ⁵	\$250.00
Expired COA for Sole Proprietor	\$60.00
Expired COA for Firm with two or more Licensed Landscape Architects ³	\$350.00

1. Available for free download from the Board's web site.
2. A COA for a firm with one (1) registrant is optional.
3. Regardless of the landscape architect's state of registration or licensure.
4. In addition to the renewal fee.
5. Reinstatement of expired license contingent upon successful completion of continuing education requirements and/or examinations in addition to the fee.
6. Examination fees are set at cost to the Board plus any administrative fees incurred by the Board.