





ANALYSIS OF PROPOSED LEGISLATIVE RULES

**Agency:** West Virginia Board of Architects

**Subject:** Registration of Architects, 2CSR1

PERTINENT DATES

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Filed as emergency:

Fiscal Impact: None

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ABSTRACT

The proposed rule amends a current legislative rule. The following is a synopsis of the substantive amendments.

Subsection 3.15 has been deleted and relocated to the West Virginia Board of Architects rule, Fees for Registration of Architects, 2CSR3.

Section 6 relates to reciprocal registration. A new Subsection 6.2 has been added which allows the Board to award reciprocal registration to an applicant who meets the requirements of Section 6 who has five years of practical experience as a registered architect in another state or jurisdiction recognized by NCARB, but who does not hold an NCARB certificate.

Section 7 relates to examination. This section has been amended to clarify that the examination is administered by the NCARB with the NCARB scoring the examination and reporting the results to the Board.

Section 8 relates to registration. A new Subsection 8.7 has been added stating that an architect who does not renew his or her certificate of registration is placed on inactive status and may not practice architecture in this state.

### AUTHORITY

Statutory authority: W.Va. Code, §30-12-1, which provides, in part, as follows:

...Pursuant to the provisions of chapter twenty-nine-a of this code, the board, in addition to the authority, powers and duties granted to it by this article, has the authority to promulgate rules relating to the regulation of the practice of architecture and may include rules pertaining to the registration of architects. Any disciplinary proceedings held by the board shall be held in accordance with the provisions of the administrative procedures act for contested cases pursuant to the provisions of article five of said chapter...

### ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

VIII. OTHER

Counsel has technical modifications to suggest.

