



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: Landscape Architects TITLE-SERIES: 9-04

RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No

RULE NAME: 9-04 Application for Waiver of Initial Licensing Fees for Certain Individuals

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §30-1-22 and §30-22-7

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:

Passage of SB 396

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 7/22/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 8/22/2020

COMMENTS RECEIVED: No

(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?

Posted on website

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

Passage of SB 396. To require professional licensing boards to issue licenses to certain applicants at no charge to those who qualify.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

passage of SB 396

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

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

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2020 Increase/Decrease (use "-")	2021 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost		0	do not know
Personal Services		0	do not know
Current Expenses		0	do not know
Repairs and Alterations		0	0
Assets		0	0
Other		0	0
2. Estimated Total Revenues		0	0

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

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

Yes

Kendra D Zamora -- 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 9
LEGISLATIVE RULE
WV BOARD OF LANDSCAPE ARCHITECTS

SERIES 4
APPLICATION FOR WAIVER OF INITIAL LICENSING FEES
FOR CERTAIN INDIVIDUALS

§9-4-1. General.

1.1. Scope.-- This rule establishes procedures for waiving the initial licensure fee for low- income individuals and military personnel and their spouses.

1.2. Authority.-- W.Va. Code §30-1-22 and W. Va. Code §30-22-7.

1.3. Filing Date.--

1.4. Effective Date.--

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

§9-4-2. Definitions.

2.1. “Board” means the West Virginia Board of Landscape Architects.

2.2. “Initial licensure fee” means the licensure fee or fees that an applicant must normally pay to obtain a license for the practice of landscape architecture, if the applicant is being licensed as a landscape architect in West Virginia for the first time.

2.3. “Local labor market” means every county in West Virginia, and any county outside of West Virginia if any portion of that county is within 50 miles of the border of West Virginia, as defined in W. Va. Code §21-1C-2.

2.4. “Low-income individual” means an individual in the local labor market whose household adjusted gross income is below 130 percent of the federal poverty line. This term also includes a person enrolled in a state or federal public assistance program including, but not limited to, the Temporary Assistance for Needy Families Program (TANF), Medicaid, or the Supplemental Nutrition Assistance Program (SNAP).

2.5. “Military families” means any person or the spouse of a person who serves as an active member of the armed forces of the United States, the National Guard, or a reserve component as described in 38 U. S. C. §101, or who is an honorably discharged veteran of those forces. This term also includes surviving spouses of deceased service members or honorably discharged veterans who have not remarried.

§9-4-3. Request for Waiver of Initial Licensure Fees.

3.1. Low-income individuals may request a waiver of the initial licensure fee by submitting, with their completed license application, a low-income waiver of initial licensure fee form, as provided by the Board, and all documentation of eligibility for the waiver, as prescribed by this rule. The Board shall review the low-income waiver of initial licensure fee form and issue a decision regarding eligibility for the initial licensure fee waiver within 30 days of receipt of the completed application and form.

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3.2. Military families may request a waiver of the initial licensure fee by submitting with their completed license application a military service verification form as prescribed by the Board, and all documentation of eligibility for the waiver, as prescribed by this rule. The Board shall review the military service verification form and issue a decision regarding eligibility for the initial licensure fee waiver within 30 days of receipt of the completed application and form.

3.3. Upon determining that an applicant is eligible to obtain a license, the Board shall waive the initial licensure fee if the applicant qualifies as a “low-income individual” or as an individual within the class “military families” as defined in this rule.

§9-4-4. Required Documentation for Waiver of Initial Licensure Fees.

4.1. Individuals requesting waiver of initial licensure fee waiver for low-income individuals or military families shall submit, with their license application and their waiver request form, the appropriate documentation as specified in this section.

4.2. To establish low-income eligibility for an initial licensure fee waiver, an applicant shall submit to the Board a federal tax return or documentation of eligibility for one of the following public benefit programs:

4.2.1. The Temporary Assistance for Needy Families Program;

4.2.2. Medicaid; or

4.2.3. The Supplemental Nutrition Assistance Program.

4.3. To establish military family eligibility for a waiver of the initial licensure fee, an applicant shall submit to the Board proof of qualifying military service and if applicable, proof of eligibility as a qualifying spouse or surviving spouse, as follows:

4.3.1. The service member’s DD-214 form;

4.3.2. The service member’s NGB-22 form;

4.3.3. The service member’s DD-1300 form;

4.3.4. A copy of the service member’s current military orders; or

4.3.5. Other official military documentation, determined to be appropriate by the Board, demonstrating the service member’s qualifying past or current military service; and

4.3.6. For a service member’s spouse or surviving spouse, a copy of the certificate of marriage between the spouse and qualifying service member and when applicable, the qualifying service member’s certificate of death.

4.4. Honorable discharged service members applying for a waiver of the initial licensure fee shall submit to the Board a DD-214 form, an NGB-22 form or other official military documentation, determined to be appropriate by the Board, showing that the applicant has been honorable discharged from military service.