



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: §30-12-3

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:

The board is authorized and empowered to establish a legislative rule for a schedule of fees to be charged to applicants. This is the sole source of funding for the board and is considered Special Revenue.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

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? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

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

PUBLIC HEARING:

(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?

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 charges by the board for registration, renewal, reinstatement, etc.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The board operates solely on its collected registration fee revenue.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There is no impact on the revenue.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

The board operates on special revenue collected by registration fees and other fees collected. These fees have not changed, with the exception of a new fee and the waiver for military families and low-income individuals, in over 20 years.

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

The board's fees remain stable. Waivers are now provided for low income individuals and military families. There are not proposed changed in the fees.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2024 Increase/Decrease (use "-")	2025 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			\$162, 050.00

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

The amount above for estimated total revenue was the total for FY2024 and is a good indicator of an average year of income for the board. This is not an increase but the amount that the board receives in registration revenue in a fiscal year, so it is typical of what could come in annually over the next five years.

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. -- ~~April 20, 2020~~

1.4. Effective Date. -- ~~July 1, 2020~~

1.5 Sunset Date. - - This rule shall terminate and have no further force and effect on ~~June 30, 2025.~~
August 1, 2030.

§2-3-2. Definitions.

2.1. 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 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 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 38 U.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 sections 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 sections 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 six months (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 §30-1-23. 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 §30-1-23. 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.