



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Architects TITLE-SERIES: 2-03
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: Fees For Registration of Architects
CITE STATUTORY AUTHORITY: W.Va. Code 30-12-3, 30-1-4, 30-1-22

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/09/2019 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WV Board of Architects
ADDRESS: 405 Capitol Street, Mezzanine Suite 3
Charleston, WV 25301
EMAIL: emily.b.papadopoulos@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule establishes the fees to be charge by the Board.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

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 §30-1-22, reduce the amount of time that architects can remain inactive and execute a late renewal from 12 to six months, and establish a \$25.00 fee for a paper verification of certification for other jurisdictions.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

It is difficult to calculate the expected revenue reduction resulting from the low-income and military waivers because the Board has not previously collected income or military information and applicants typically do not represent either constituency simply from observation.

Anticipated Loss of Revenue to State Government in One Year: \$1,200.00 (3 registrations)

Anticipated increase of Revenue to State Government resulting from decreasing the late renewal period from 12 to six months: \$5,000 (20 architects paying for reinstatement rather than late renewal)

Anticipated increase of Revenue to State Government resulting from Verification Fee: \$700.00 (28 architects)

Net Effect = \$4,500 additional revenue

B. ECONOMIC IMPACT OF THE 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 number of 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 an inactive registration with little to 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 to State Government in One Year: \$1,200.00 (3 registrations)
 Anticipated increase of Revenue to State Government resulting from decreasing the late renewal period from 12 to six months: \$5,000 (20 architects paying for reinstatement rather than late renewal)
 Anticipated increase of Revenue to State Government resulting from Verification Fee: \$700.00 (28 architects)
 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.