

STATEMENT OF SCOPE

Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Professional Land Surveyors

Rule No.: A-E 1

Relating to: Authority

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

Chapter A-E 1 requires that the A-E Rules Committee review each rule for each section as part of the Examining Board's rule making process. Thus, the current rules outline three layers of review for each rule within the Board structure: the Section, A-E Rules Committee, and the full Examining Board. The Examining Board would like to consider the role of the A-E Rules Committee in light of how the Examining Board and Rules Committee have been operating in recent years, and potentially consider amending A-E 1 to make the Rules Committee an optional component of the rule review process.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

A-E 1 (2) (b) states, "the rules committee shall act for the joint board in rulemaking proceedings..." While this review process was key to establishing rules that affect all sections and to establishing a process for creating processes and procedures for the full Examining Board, in recent years the A-E Rules Committee has had diminished need. Many recent rule projects have focused on one profession, and the Section has been able to determine what rule projects are needed and draft preliminary rules during their meetings. As such, the A-E Rules Committee has been meeting intermittently. In order to ensure that regulatory provisions remain consistent in application and practice, the Examining Board would like to review A-E 1 to determine if a revision is needed.

The policy alternative would be having potentially unnecessary procedural hurdles that may slow processes or even risk the integrity of the rule project.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Under s. 15.08 (5) (b), Stats., the Examining Board "shall promulgate rules for its own guidance ..."

The Examining Board is established under s. 15.405 (2), and "all matters of joint interest shall be considered by joint meetings of all sections of the examining board ..."

Section 227.11 (2) (a), Stats., authorizes the Examining Board to “promulgate rules interpreting the provisions of any statute enforced or administered by the agency.”

Section 440.035 (1m) (a), Stats., states that the Examining Board shall, “independently exercise its powers, duties and functions prescribed by law with regard to rule-making ...”

Chapter 443, Stats., Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors, further defines the Examining Board and establishes each section with its duties and authority.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

80 hours

6. List with description of all entities that may be affected by the proposed rule :

The Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors membership will be affected, and each Section of the Examining Board.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

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