

Clearinghouse Rule 18-026

STATE OF WISCONSIN
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS, AND PROFESSIONAL LAND
SURVEYORS

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : EXAMINING BOARD OF
EXAMINING BOARD OF ARCHITECTS, : ARCHITECTS, LANDSCAPE
LANDSCAPE ARCHITECTS, : ARCHITECTS, PROFESSIONAL
PROFESSIONAL ENGINEERS, : ENGINEERS, DESIGNERS, AND
DESIGNERS, AND PROFESSIONAL LAND: PROFESSIONAL LAND SURVEYORS
SURVEYORS : ADOPTING RULES
: (CLEARINGHOUSE RULE)

The board is petitioning the Joint Committee for Review of Administrative Rules to repeal rules the board has determined to be an unauthorized rule using the process under s. 227.26 (4), Stats.

PROPOSED ORDER

An order of the board to repeal A-E 10.05 (2), A-E 11.05 (2), and A-E 13.06 (2); and to amend A-E 12.06 (3).

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

2017 Wisconsin Act 59, Section 1904

Statutory authority:

ss. 15.08 (5) (b), 15.405 (2), 227.11 (2) (a), 440.03 (4m), 440.035 (1m) (a), 443.015 (1), Stats.

Explanation of agency authority:

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), Stats., 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.”

2017 Wisconsin Act 59, section 1904, created s. 440.03 (4m), Stats., to state that the Examining Board, “may require a credential holder to submit proof of the continuing education programs or courses that he or she has completed only if a complaint is made against the credential holder.”

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 ...”

Section 443.015 (1), Stats., states that, “each section of the examining board may establish continuing education requirements for renewal of a credential issued by that section under this chapter.”

Related statute or rule:

None.

Plain language analysis:

Section 1 repeals the subsection in chapter A-E 10, relating to continuing education for professional land surveyors, authorizing random audits to ensure continuing education compliance.

Section 2 repeals the subsection in chapter A-E 11, relating to continuing education for landscape architects, authorizing random audits to ensure continuing education compliance.

Section 3 amends A-E 12.06 (3) in chapter A-E 12, relating to continuing education for architects, repealing the authorization of random audits to ensure continuing education compliance.

Section 4 repeals the subsection in chapter A-E 13, relating to continuing education for professional engineers, authorizing random audits to ensure continuing education compliance.

Agency contact person:

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TEXT OF RULE

SECTION 1. A-E 10.05 (2) is repealed.

SECTION 2. A-E 11.05 (2) is repealed.

SECTION 3. A-E 12.06 (3) is amended to read:

~~(3) The architect section may conduct a random audit on a biennial basis of its registrants for compliance with these requirements. It is the responsibility of each registrant to retain or otherwise provide evidence of compliance.~~ A registrant may use the American Institute of Architects continuing education system transcript service to document and record his or her continuing education and as evidence of compliance with the continuing education requirements.

SECTION 4. A-E 13.06 (2) is repealed.

SECTION 5. EFFECTIVE DATE. The rules repealed in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
