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Sequence Number: 4-28-15
 Rule ID(s): 5938
 File Date (effective date): 4-30-15
 End Effective Date: 10-27-15

Emergency Rule Filing Form

Emergency rules are effective from date of filing for a period of up to 180 days.

Agency/Board/Commission:	Tennessee State Board of Architectural and Engineering Examiners
Division:	Division of Regulatory Boards, Department of Commerce and Insurance
Contact Person:	Ellery R. Richardson, Assistant General Counsel
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Rule Type:
 Emergency Rule

Revision Type (check all that apply):
 Amendment
 New
 Repeal

Statement of Necessity:

TCA 4-5-208(a)(2) allows the filing of an emergency rule to delay the effective date of another rule that is not yet effective. Rulemaking Hearing Rules Filing Form, Rule ID 5836, Sequence Number 11-18-14, was filed on November 17, 2014. A stay was filed to delay the effective date of this filing until May 1, 2015. Due to an error in Rule 0120-01-.06, this emergency filing is necessary to delay the effective date of Rule 0120-01-.06 further until the error can be corrected.

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/RuleTitle per row)

Chapter Number	Chapter Title
0120-01	Registration Requirements and Procedures
Rule Number	Rule Title
0120-01-.29	Stay of Pending Rule

Chapter 0120-01
Registration Requirements and Procedures

New

The Table of Contents is amended by adding rule 0120-01-.29 Stay of Pending Rule, so that the amended Table of Contents shall read as follows:

0120-01-.01 Definitions	0120-01-.16 Examinations - Landscape Architect
0120-01-.02 Applicability	0120-01-.17 Repealed
0120-01-.03 Residency Requirements	0120-01-.18 Repealed
0120-01-.04 Applications - General	0120-01-.19 Repealed
0120-01-.05 Applications - Engineer	0120-01-.20 Reexamination - Engineer
0120-01-.06 Applications - Engineer Intern	0120-01-.21 Reexamination - Engineer Intern
0120-01-.07 Applications - Architect	0120-01-.22 Reexamination - Architect
0120-01-.08 Applications - Landscape Architect	0120-01-.23 Reexamination - Landscape Architect
0120-01-.09 References	0120-01-.24 Duplicate Certificates of Registration
0120-01-.10 Education and Experience Requirements - Engineer	0120-01-.25 Renewal of Registration
0120-01-.11 Education and Experience Requirements - Architect	0120-01-.26 Repealed
0120-01-.12 Education and Experience Requirements - Landscape Architect	0120-01-.27 Notification to the Board
0120-01-.13 Examinations - General	0120-01-.28 (Pending)
0120-01-.14 Examinations - Engineer, Engineer Intern	0120-01-.29 Stay of Pending Rule
0120-01-.15 Examinations - Architect	

New Rule
Rule 0120-01-.29

Rule 0120-01-.29 – Stay of Pending Rule

Pending rule 0120-01-.06 [Applications - Engineer Intern] in Rule ID 5836, which was filed on November 17, 2014, Sequence Number 11-18-14, and stayed on January 27, 2015 with an effective date of May 1, 2015 is further stayed for one hundred and eighty (180) days pursuant to T.C.A. § 4-5-208(a)(2).

Authority: T.C.A. § 4-5-208(a)(2).

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Richard D. Thompson, RA	x				
Robert G. Campbell, Jr., PE	x				
Susan K. Ballard, RID	x				
Wilson Borden	x				
Harold P. Balthrop, Jr., PE	x				
Philip K. S. Lim, PE	x				
Paul W. Lockwood, RLA	x				
Jerome Headley, RA	x				
Frank W. Wagster, RA	x				

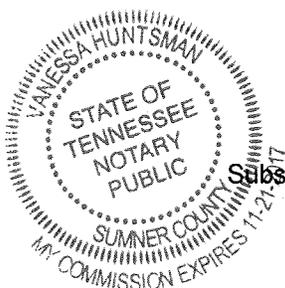
I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: 4-28-15

Signature: Elley

Name of Officer: Elley Richardson

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: 04/28/2015

Notary Public Signature: Vanessa Huntsman

My commission expires on: 11/21/2017

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III

Herbert H. Slatery III
Attorney General and Reporter

4/30/2015

Date



Department of State Use Only

Filed with the Department of State on: 4-30-15

Effective for: 180 *days

Effective through: 10-27-15

* Emergency rule(s) may be effective for up to 180 days from the date of filing.

Tre Hargett

Tre Hargett
Secretary of State

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

Staying Rule 0120-01-.06 [Applications – Engineer Intern] will have no expected impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule stays the effective date for Rule 0120-01-.06 [Applications – Engineer Intern], Rule ID 5836. The original rule changes the application fee for an engineer intern. The current rule has the fee set for fifty dollars (\$50.00). Due to a filing error in Rule ID 5836, the fee was deleted instead of lowered to fifteen dollars (\$15.00). This emergency rule stays the effective date of the rule until October 1, 2015. In the intervening time the Board plans to file a new proposed rule to correct the filing error and set the engineer intern application fee at fifteen dollars (\$15.00), as it was originally contemplated at the rulemaking hearing.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

TCA 4-5-208(a)(2) allows the filing of an emergency rule to delay the effective date of another rule that is not yet effective. Rule ID 5836 will not be effective until May 1, 2015.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

All future registered engineer interns will be affected. The Board members urge adoption of this rule to avoid a conflict in the rules.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There are no known opinions or judicial rulings that relates to this rule.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

This rule will only minimally impact the Board's revenues, as it merely delays the effective date of a fee change.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

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Davy Crockett Tower, 5th Floor
Nashville, TN 37243
(615) 741-3221

Ellery Richardson, Assistant General Counsel
500 James Robertson Parkway
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(615) 741-3072

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

John Cothron, Executive Director, Board of Architectural and Engineering Examiners
Ellery Richardson, Assistant General Counsel

(H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A