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Sequence Number: 05-06-15
Rule ID(s): 5945
File Date: 5/21/15
Effective Date: 8/19/15

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee State Board of Architectural and Engineering Examiners
Division:	Division of Regulatory Boards, Department of Commerce and Insurance
Contact Person:	Ellery Richardson, Assistant General Counsel
Address:	500 James Robertson Parkway Nashville, Tennessee
Zip:	37243
Phone:	(615) 741-3072
Email:	Ellery.Richardson@tn.gov

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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/Rule Title per row)

Chapter Number	Chapter Title
0120-01	Registration Requirements and Procedures
Rule Number	Rule Title
0120-01-.28	Military Applications – Spouses – Expedited Registration

Substance of Proposed Rule

Chapter 0120-01
Registration Requirements and Procedures

New

The Table of Contents is amended by adding rule 0120-01-.28 Military Applications – Spouses – Expedited Registration, 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 Military Applications – Spouses – Expedited Registration
0120-01-.14 Examinations – Engineer, Engineer Intern	0120-01-.29 Stay of Pending Rule
0120-01-.15 Examinations – Architect	

Rule 0120-01-.28 Military Applicants – Spouses – Expedited Registration is added to Chapter 0120-01, and shall read as follows:

0120-01-.28 Military Applicants – Spouses – Expedited Registration

- (1) An applicant for registration meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:
 - (a) Be issued a certificate of registration upon application and payment of all fees required for the issuance of such registration if, in the opinion of the Board, the requirements for licensure of such other state are substantially equivalent to that required in Tennessee; or
 - (b) Be issued a temporary permit as described herein if the Board determines that the applicant's registration does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including – but not limited to - education, training, or experience, in order to meet the requirements for the certificate of registration to be substantially equivalent. The Board may issue a temporary permit upon application and payment of all fees required for issuance of a regular certificate of registration of the same type which shall allow such person to perform services as if fully registered for a set period of time that is determined to be sufficient by the Board for the applicant to complete such requirements.
 1. After completing those additional requirements and providing the Board with sufficient proof thereof as may be required, a full certificate of registration shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary permit and an expiration date as if the full certificate of registration had been issued at that time, provided that the applicant is otherwise qualified.
 2. A temporary permit shall be issued for a period no longer than the length of a renewal cycle for a full certificate of registration of the same type.
 3. A temporary permit shall expire upon the date set by the Board and shall not be subject to renewal except through the completion of the requirements for substantial equivalency as required by the Board or by an extension of time granted for good cause by the Board.

4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full certificate of registration, then the holder of the temporary permit shall file a renewal application with such documentation and fees, including completion of continuing education, as are required by the Board for all other renewals of a full certificate of registration of the same type.
- (2) Military education, training, or experience completed by a person described at T.C.A. § 4-3-1304(d)(1)(B)(ii)(a)-(c) shall be accepted toward the qualifications, in whole or in part, to receive any certificate of registration issued by the Board if such military education, training, or experience is determined by the Board to be substantially equivalent to the education, training, or experience required for the issuance of such certificate of registration.
 - (3) (a) Any registrant who is a member of the national guard or a reserve component of the armed forces of the United States called to active duty whose registration expires during the period of activation shall be eligible to be renewed upon the registrant being released from active duty without:
 1. Payment of late fees or other penalties; or
 2. Obtaining continuing education credits when:
 - (i) Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the Board; or
 - (ii) The person performs the registered occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the Board.
 - (b) The certificate of registration or permit shall be eligible for renewal pursuant to this paragraph for six (6) months from the person's release from active duty.
 - (c) Any person renewing under this paragraph shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to renewal of any certificate of registration pursuant to this paragraph.

Authority: T.C.A. §§ 62-2-203(c) and (d) and 4-3-1304(d), (e), and (f).

* 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 proposed rules, lawfully promulgated and adopted by the Tennessee State Board of Architectural and Engineering Examiners on April 9, 2015, and it is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 5/7/15

Signature: Ellery W

Name of Officer: Ellery Richardson

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: MAY 7, 2015

Notary Public Signature: Margaret Williams

My commission expires on: 11/6/17

All proposed 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

5/14/2015 Date

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2015 MAY 21 PM 1:57
SECRETARY OF STATE
PUBLICATIONS

Filed with the Department of State on: 5/21/15

Effective on: 8/19/15

Tre Hargett
Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule;

The proposed rule is a licensing requirement that will apply to all license and registration applicants equally, if the individual applicants meet the requirements. Therefore, businesses will not have any costs associated with this rule.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

There are no projected reporting, recordkeeping, or administrative costs for small businesses associated with this rule.

(3) A statement of the probable effect on impacted small businesses and consumers;

This rule has no projected impact on small businesses or consumers.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business;

The rule will ease the burden of applying for a license or registration for those applicants who meet the requirements. There are no less burdensome, intrusive, or costly methods to achieve the purpose of the rule.

(5) A comparison of the proposed rule with any federal or state counterparts; and

There are no federal counterparts to this rule. Public Chapter 122 of the Public Acts of 2013 requires all regulatory boards to adopt rules expediting licenses for military applicants and applicants with spouses in the military. The Boards are adopting rules substantially similar to this proposed rule.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

This rule does not require small businesses to change their operations. Therefore, there is no need for an exemption.

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)

The proposed rules have no projected 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 provides a process for expedited licensure for applicants that meet the qualifications of T.C.A. § 4-3-1304(d).

- (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;

T.C.A. §§ 4-3-1304(d), 4-3-1304(e), and 4-3-1304(f). This law mandates that all regulatory boards within the Department of Commerce and Insurance adopt an expedited licensing process for certain military personnel and the spouses of certain military personnel.

- (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;

The proposed rule would apply to any applicants that meet the requirements of T.C.A. § 4-3-1304(d). The Board members urge adoption of this rule.

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

N/A

- (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;

There is no expected impact on state or local government revenues and expenditures.

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

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

Ellery Richardson, Assistant General Counsel
500 James Robertson Parkway
Davy Crockett Tower, 5th Floor
Nashville, TN 37243
(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

John Cothron, Executive Director
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Davy Crockett Tower, 5th Floor
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(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

N/A

Substance of Proposed Rule
Chapter 0120-01
Registration Requirements and Procedures

New

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 - (b) Be issued a temporary permit as described herein if the Board determines that the applicant's registration does not meet the requirements for substantial equivalency, but that the applicant could perform additional acts, including – but not limited to - education, training, or experience, in order to meet the requirements for the certificate of registration to be substantially equivalent. The Board may issue a temporary permit upon application and payment of all fees required for issuance of a regular certificate of registration of the same type which shall allow such person to perform services as if fully registered for a set period of time that is determined to be sufficient by the Board for the applicant to complete such requirements.
 1. After completing those additional requirements and providing the Board with sufficient proof thereof as may be required, a full certificate of registration shall be issued to the applicant with an issuance date of the date of the original issuance of the temporary permit and an expiration date as if the full certificate of registration had been issued at that time, provided that the applicant is otherwise qualified.
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 4. Should an extension to a temporary permit cause the permit to be in effect longer than the renewal cycle of a full certificate of registration, then the holder of the temporary permit shall file a renewal application with such documentation and fees, including

completion of continuing education, as are required by the Board for all other renewals of a full certificate of registration of the same type.

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- (3) (a) Any registrant who is a member of the national guard or a reserve component of the armed forces of the United States called to active duty whose registration expires during the period of activation shall be eligible to be renewed upon the registrant being released from active duty without:
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 - (ii) The person performs the registered occupation as part of such person's military duties and provides documentation sufficient to demonstrate such to the Board.
- (b) The certificate of registration or permit shall be eligible for renewal pursuant to this paragraph for six (6) months from the person's release from active duty.
- (c) Any person renewing under this paragraph shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to renewal of any certificate of registration pursuant to this paragraph.

Authority: T.C.A. §§ 62-2-203(c) and (d) and 4-3-1304(d), (e), and (f).