

**Department of State**  
**Division of Publications**  
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**For Department of State Use Only**

Sequence Number: 02-22-10  
 Rule ID(s): 4643  
 File Date: 02/22/2010  
 Effective Date: 07/29/2010

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 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 sixty (60) days of the first day of the month subsequent to 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.*

<b>Agency/Board/Commission:</b>	Economic and Community Development
<b>Division:</b>	Business and Industry Services (no longer exists)
<b>Contact Person:</b>	Stephanie Tisdale, ECD General Counsel
<b>Address:</b>	312 Rosa L. Parks Ave., 11 <sup>th</sup> floor, Nashville, TN
<b>Zip:</b>	37243
<b>Phone:</b>	615-253-2006
<b>Email:</b>	<a href="mailto:Stephanie.tisdale@tn.gov">Stephanie.tisdale@tn.gov</a>

**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. Please enter only ONE Rule Number/RuleTitle per row)**

Chapter Number	Chapter Title
0500-05-01	Small and Minority-Owned Telecommunications Business Assistance Program
Rule Number	Rule Title
0500-05-01-.01	Authority
0500-05-01-.02	Purpose and Scope
0500-05-01-.03	Definitions
0500-05-01-.04	Authority Over Program Fund
0500-05-01-.05	Eligible and Retroactive Projects
0500-05-01-.06	Maximum Loan Guarantee Amount
0500-05-01-.07	Loan Guarantee
0500-05-01-.08	Loan Documents
0500-05-01-.09	Application and Application Review
0500-05-01-.10	Regulatory Compliance
0500-05-01-.11	Nondiscrimination
0500-05-01-.12	Monitoring Loan Guarantees
0500-05-01-.13	Loan Committee
0500-05-01-.14	Program Services

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 0500-5-1 Small and Minority-Owned Telecommunications Business Assistance Program

Copy of present rules under this chapter attached.

Repeal

Chapter 0500-5-1 includes rules and guidelines for the Small and Minority-Owned Telecommunications Business Assistance Program that was created in 1995. Initially this program was restricted to the telecommunications industry. ECD was to administer the program along with assistance from the Comptroller of the Treasury. In 2004, this program was transferred solely to the Treasury Department and restrictions to small and minority-owned businesses in the telecommunications industry were removed and the program's purpose shifted to provide assistance to all eligible small and minority-owned businesses. ECD was informed by contact in the Treasury Department that all obligations under this program were exhausted as of August 2007.

Authority: T.C.A. § 4-3-702 (c).

\* 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)
N/A					

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the ~~Department of Economic and Community Development~~ on 7/21/2009 (date as mm/dd/yyyy), and is in compliance with the provisions of TCA 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: Matthew/KL

Signature: July 21, 2009

Name of Officer: Matthew Kisber

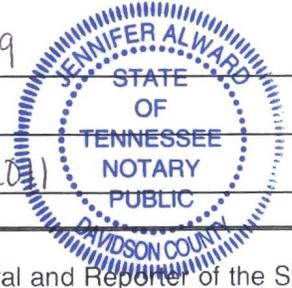
Commissioner, Dept. of Economic and Community

Title of Officer: Development

Subscribed and sworn to before me on: July 21, 2009

Notary Public Signature: Jennifer Alward

My commission expires on: March 7, 2011



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.

RE Cooper Jr  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter  
2-14-10  
 Date

Department of State Use Only

RECEIVED  
 2010 FEB 22 PM 4: 05  
 SECRETARY OF STATE  
 PUBLICATIONS

Filed with the Department of State on: 2/22/10

Effective on: 7/29/10

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 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.

(If applicable, insert Regulatory Flexibility Addendum here)

N/A

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to TCA 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;

Chapter 0500-5-1 of the Rules of the Department of Economic and Community Development contains the guidelines and criteria for the Small and Minority-Owned Telecommunications Business Assistance Program. The purpose of this program was to provide loan guarantees and program services to support small and minority-owned businesses as well as maximize business opportunities in the area of telecommunications. After being transferred to Treasury Department in 2004, the program was expanded to assist all eligible small and minority-owned businesses.

- (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. §4-3-702 (c) provides authority for promulgation of rules. T.C.A. § 65-5-112 and 65-5-113 provide authority for these rules as well as guidelines for both the Small and Minority-Owned telecommunications business participation plan and the Assistance program for small and minority-owned businesses.

- (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;

Repeal of these rules would not directly affect any parties, since this program was transferred to the Department of the Treasury in 2004 and subsequently terminated in 2007.

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

We are unaware of any attorney general opinions or judicial rulings made that directly 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 change (repeal) would not have any effect on state or local government revenues or expenditures.

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

ECD Internal Auditor, Lamont Price and ECD employee, Lorie Shauntee, have limited knowledge of this rule.

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

Lamont Price, ECD Internal Auditor

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

Lamont Price, 312 Rosa L. Parks Ave., 11<sup>th</sup> floor, Nashville, TN 37243; 615-253-1760

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

N/A

RULES  
OF  
TENNESSEE DEPARTMENT OF ECONOMIC  
AND COMMUNITY DEVELOPMENT  
TOURIST PROMOTION DIVISION

CHAPTER 0500-1-1  
GUIDELINES FOR ORGANIZATION APPLYING  
FOR TOURIST PROMOTION MATCHING FUNDS

TABLE OF CONTENTS

0500-1-1-.01 Purpose	0500-1-1-.04 Requirements
0500-1-1-.02 Application	0500-1-1-.05 Approval and Funds
0500-1-1-.03 Certification	0500-1-1-.06 Audit

**0500-1-1-.01 PURPOSE**

- (1) By the provision set forth in Senate Bill No. 1417, Public Chapter 552, and enacted by the General Assembly of the State of Tennessee, 1970, matching funds may be distributed to any chartered non-profit tourist promotion organization representing all the area within a planning region of the State of Tennessee as delineated by the State Planning Commission and by Executive Order No. 17.
- (2) It is further stated in the Bill that each said organization operating under the provisions of this chapter shall operate subject to the supervision and control of the Commissioner of Conservation, and that funds appropriated to implement the provisions of this chapter are subject to the approval of the Governor and the Commissioner of Conservation.
- (3) Pursuant to the above and in compliance with Senate Bill No. 1417, the Commissioner of Conservation, in agreement with the Commissioner of Finance and Administration, and subject to approval of the Governor, does hereby establish the following guidelines, compliance with which is necessary for any organization requesting certification for matching funds.

*Authority: T.C.A. Section 4-331, Administrative History. Original Rule certified June 10, 1974*

**0500-1-1-.02 APPLICATION.** The applying organization shall submit its application to the director of the appropriate development district, and he in turn shall ascertain completeness of said application, and the forward with his letter of recommendation to the Commissioner of Conservation, stating that all requirements have been met and all necessary documentation is attached.

*Authority: T.C.A. Section 4-331, Administrative History. Original Rule certified June 10, 1974*

**0500-1-1-.03 CERTIFICATION.** The applying organization shall be certified in writing by the district director as representing all the area within that planning district relative to the promotion of tourism.

*Authority: T.C.A. Section 4-331, Administrative History. Original Rule certified June 10, 1974*

**0500-1-1-.04 REQUIREMENTS.** The applying organization shall submit the following with its application:

- (a) Complete name and mailing address of the organization
- (b) One copy of the organization's charter and bylaws.
- (c) One copy of the minutes of the organization's most recent board of directors meeting
- (d) One copy of the membership list, showing the amount annual dues for each member.
- (e) Xerox (or similar) copies of deposit slips showing monies deposited for expenditure for the promotion or tourism in the District. The total monies of the deposit slips shall be considered to be the matching funds of the people of that district

*Authority: T.C.A. Section 4-331, Administrative History. Original Rule certified June 10, 1974*

**0500-1-1-.05 APPROVAL AND FUNDS.** Upon receipt of each application for funds, the Commissioner of Conservation shall review, determine its completeness, and forward to the office of the governor for approval by the Governor. The application shall then be sent to the Commissioner of Finance and Administration for approval and payment of the basis of One (\$1.00) Dollar in matching State funds for each Two (\$2.00) Dollars contributed by the local people and the organization involved, up to a maximum of Fifteen Thousand (\$15,000.00) Dollars annually, according to the stipulation of the Bill.

*Authority: T.C.A. Section 4-331, Administrative History. Original Rule certified June 10, 1974*

**05001-1-.06 AUDIT.** Funds provided to each organization are subject to audit by the State of Tennessee

*Authority: T.C.A. Section 4-331, Administrative History. Original Rule certified June 10, 1974*

August, 1999 (Revised) 1

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~~GUIDELINES FOR ORGANIZATIONS APPLYING CHAPTER \_\_\_\_\_ 0500-1-1  
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