

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: DS-10-12
Rule ID(s): 5203-5204
File Date: 05/09/12
Effective Date: 10/29/12

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.

Agency/Board/Commission:	Department of State
Division:	Publications
Contact Person:	Cody Ryan York
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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
1360-01-02	Filing of Rules
Rule Number	Rule Title
1360-01-02-.05	Additional Requirements

Chapter Number	Chapter Title
1360-01-03	Withdrawal of Rules, Stays of Effective Dates, and Withdrawal of Stay of Effective Date
Rule Number	Rule Title
1360-01-03-.02	Forms and the Completion of Forms

(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 1360-01-02
Filing of Rules

Rule 1360-01-02-.05 Additional Requirements is amended by deleting the language "five (5)" and by substituting instead the language "three (3)" so that, as amended, subdivision (4) (a) shall read as follows:

1360-01-02-.05 Additional Requirements.

(4) "Redline" Copy of Rule Filing

- (a) Pursuant to Public Chapter 741 of the 105th General Assembly, all agencies shall submit a "redline" version of the filing in addition to the three (3) copies required by the Secretary of State. This copy will be forwarded to the General Assembly by the Secretary of State for review by the appropriate committees.

Authority: T.C.A. §4-5-202.

Chapter 1360-01-03
Withdrawal of Rules, Stays of Effective Dates, and Withdrawal of Stay of Effective Date

Rule 1360-01-03-.02 Forms and the Completion of Forms is amended by deleting the language "Five (5)" and by substituting instead the language "Three (3)" so that, as amended, subdivision (1) (a) shall read as follows:

1360-01-03-.02 Forms and the Completion of Forms. The forms supplied by the Secretary of State through the website (www.state.tn.us/sos) shall be completed by the rule filer and the following guidelines are to be followed.

- (1) A Notice of Withdrawal of Rules, Notice of Stay of Effective Dates, or Notice of Withdrawal of Stay of Effective Date (Form number 7041) shall require the following:
- (a) Three (3) entire forms completed with original signatures.
1. The following guidelines apply to the document:
 - (i) The documents must be clean and legible.
 - (ii) Use of capitals and lower case in all text. No "all caps."
 - (iii) No bold, underline or italic fonts.
 - (iv) Do not use auto-numbering on paragraphs in the text of rule.
 - (v) Do not use the MS Word function "track changes."
 - (vi) Do not use unneeded punctuation: Example: No comma between the rule number and rule title or apostrophe after agency name in main heading.
 - (vii) Use T.C.A. for Tennessee Code Annotated.
 - (viii) No hard return at the end of lines within a paragraph. Use at the end of a paragraph.
 - (ix) Use the enter key to put space between paragraphs. Do not use paragraph formatting to add space before or after the paragraph. This function does not work well with style pallets.
 - (x) Use hyphens on keyboard with no space between hyphen and rule numbers. Variations can cause search options to overlook target.

- (xi) No single digits on rule and chapter numbers. Place "0" with single numbers. Example: 1200-5-5 = 1200-05-05.
- (xii) Font style for all submissions shall be Arial and point size 10.

Authority: T.C.A. §4-5-202.

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Department of State on 04/24/2012, and 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 sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.

Date: 4/24/12

Signature: *Tre Hargett*

Name of Officer: TRE HARGETT

Title of Officer: SECRETARY OF STATE



Subscribed and sworn to before me on: 4/24/12

Notary Public Signature: *Mona Lee Hart*

My commission expires on: NOV. 7 2012

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.

REC Cooper
Robert E. Cooper, Jr.
Attorney General and Reporter
5-6-12
Date

Department of State Use Only

Filed with the Department of State on: 05/09/12

Effective on: 10/29/12

Tre Hargett
Tre Hargett
Secretary of State

RECEIVED
2012 MAY -9 PM 3:45
SECRETARY OF STATE
REGISTRATION

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.

This rule has no impact on small businesses.

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)

This rule is not projected to have an impact on local government.

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;

This rule is being proposed because the Department of State only needs three (3) copies of rules. This is consistent with the three (3) copies required for the Notice of Rulemaking Hearing filing.

- (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;

The rule is lawfully adopted by the Department of State in accordance with T.C.A. §4-5-202.

- (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;

Those most directly affected by this rule are all state agencies and departments who file rules. These agencies urge adoption to minimize waste by requiring two (2) more paper copies than necessary.

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

Changing the copy requirement from 5 copies to 3 copies was discussed and approved by the Tennessee Attorney General's office. No additional opinion was given or requested.

- (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;

The fiscal impact on agencies that file rules should be minimal.

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

Cody Ryan York
Department of State

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

Cody Ryan York, Mona Hart
Department of State

- (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

Cody Ryan York, Division of Publications, 312 Rosa L. Parks Avenue, Snodgrass Tower, 8th Floor, Nashville, TN, 37243. Mona Hart, Department of State, 312 Rosa L. Parks Avenue, Snodgrass Tower, 7th Floor, Nashville, TN, 37243. 615-741-2819

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