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Sequence Number: 06-16-15
Rule ID(s): 5966
File Date: 6/22/15
Effective Date: 9/20/15

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:	Alarm Systems Contractors Board
Division:	Division of Regulatory Boards Department of Commerce and Insurance
Contact Person:	Anthony M. Glandorf
Address:	Davy Crockett Tower 500 James Robertson Pkwy Nashville, Tennessee
Zip:	37243
Phone:	615-741-3072
Email:	Anthony.glandorf@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
0090-01	General Provisions
Rule Number	Rule Title
009-01-15	Military Applicants

Chapter 0090-01
Alarm Systems Contractors Board

New Rule 0090-01-.15 is added and reads:

- (1) An applicant for certification, licensure, or registration meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:
- (a) Be issued a certification, license, or registration upon application and payment of all fees required for the issuance of such certification, license or registration, if, in the opinion of the Board, the requirements for certification, licensure, or registration 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 certification, license, or 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 certification, license, or 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 certification, license, or registration of the same type which shall allow such person to perform services as if fully certified, licensed, or 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 certification, license, or registration shall be issued to the applicant with an issuance date of the original issuance of the temporary permit and an expiration date as if the full certification, license, or registration had been issued at that time.
 - 2. A temporary permit shall be issued for a period no longer than the length of a renewal cycle for a full certification, license, or 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 certification, license, or 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 certification, license, or registration of the same type.
 - (c) 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 certification, license, or 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 certification, license or registration.
- (2) Any certificate holder, licensee, or 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 certification, license, or registration expires during the period of activation shall be eligible to be renewed upon the certificate holder, licensee, or registrant being released from active duty without:
- (a) Payment of late fees or other penalties; or
 - (b) Obtaining continuing education credits when:

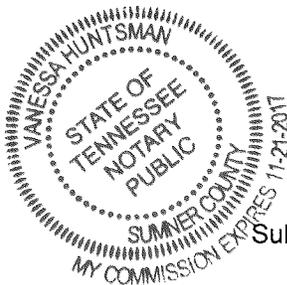
1. Circumstances associated with the person's military duty prevented the obtaining of continuing education credits and a waiver request has been submitted to the Board; or
 2. The person performs the certification, licensed, or registered occupation as part of such person's military duties and provides documentation sufficient to demonstrating such to Board.
- (3) The certification, license or registration shall be eligible for renewal pursuant to Paragraph (2) for six (6) months from the person's release from active duty.
- (4) Any person renewing under Paragraph (2) shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to the renewal of any certification, license, or registration license pursuant to Paragraph (2).

Authority: T.C.A. §§ 4-3-1304(d)(1); 62-32-307(g).

* 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)
Vivian L. Hixson	x				
McKenzie C. Roberts	x				
Karen D. Jones	x				
John Keith Harvey	x				
Steve Tucker				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Alarm Systems Contractors Board on 03/27/2014, 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 ninety (90) days of the filing of the proposed rule with the Secretary of State.



Date: 6/9/2015

Signature: [Handwritten Signature]

Name of Officer: Anthony Glandorf

Title of Officer: Chief Counsel

Subscribed and sworn to before me on: 06/09/2015

Notary Public Signature: Vanessa Huntsman

My commission expires on: 11/21/2017

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.



Department of State Use Only

[Handwritten Signature]

Herbert H. Slatery III
Attorney General and Reporter

6/11/2015
Date

Filed with the Department of State on: 6/22/15

Effective on: 9/20/15

[Handwritten Signature]

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;**

These rules are not expected to have a measurable impact on the cost to small businesses.

- (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 other administrative costs required for these proposed rules.

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

There is no expected adverse impact on small businesses as a result of these proposed rules. The proposed rules are expected to assist with the protection of the welfare of the citizens of the State of Tennessee by seeking to make it easier for military applicants and their spouses who hold alarm contracting or similar licenses in other states to obtain their alarm contracting licenses in Tennessee and thus, more easily obtain employment here.

- (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;**

There are no less burdensome, less intrusive, or less costly alternative methods known which will achieve the purpose and objectives of these proposed rules.

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

This rule is being adopted pursuant to the requirements as set forth in T.C.A. § 4-3-1304.

- (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.**

Any possible exemption of small businesses from these rules would result in less protection for the citizens of the State of Tennessee.

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 Board does not foresee any impact on local government by the promulgation of this Rule.

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 proposed rule adds a new section for the expedited licensure for certain military personnel and spouses pursuant to T.C.A. § 4-3-1304(d)(1)

- (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 promulgation of this rule was mandated by the passage of an amendment of T.C.A. § 4-3-1304, which mandated the establishment of a procedure to expedite the issuance of a license, certification or permit to perform services regulated by a regulatory board, commission, to military personnel and their spouses.

- (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;

Members of the Armed Services, including the National Guard and their spouses would be most directly affected by this rule.

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

There have been no opinions of the attorney general and reporter or judicial rulings that relate 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;

There could possibly be a minimal increase in state government revenues as a result of this rule.

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

Anthony Glandorf, Chief Counsel for the Private Protective Services Program, Division of Regulatory Boards, Department of Commerce and Insurance

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

Anthony Glandorf, Chief Counsel for the Private Protective Services Program, Division of Regulatory Boards, Department of Commerce and Insurance

- (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

Anthony Glandorf, Chief Counsel
Tennessee Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, Tennessee 37243
615-741-3072
Anthony.glandorf@tn.gov

Cody Vest, Executive Director
500 James Robertson Parkway
Nashville, Tennessee 37243
615-532-9160
Cody.vest@tn.gov

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

None.

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Agency/Board/Commission:	Alarm Systems Contractors Board
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Rule Number	Rule Title
009-01-.15	Military Applicants

Chapter 0090-01
Alarm Systems Contractors Board

New Rule 0090-01-.15 is added and reads:

- (1) An applicant for certification, licensure, or registration meeting the requirements of T.C.A. § 4-3-1304(d)(1) may:
- (a) Be issued a certification, license, or registration upon application and payment of all fees required for the issuance of such certification, license or registration, if, in the opinion of the Board, the requirements for certification, licensure, or registration 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 certification, license, or 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 certification, license, or 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 certification, license, or registration of the same type which shall allow such person to perform services as if fully certified, licensed, or 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 certification, license, or registration shall be issued to the applicant with an issuance date of the original issuance of the temporary permit and an expiration date as if the full certification, license, or registration had been issued at that time.
 - 2. A temporary permit shall be issued for a period no longer than the length of a renewal cycle for a full certification, license, or 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 certification, license, or 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 certification, license, or registration of the same type.
 - (c) 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 certification, license, or 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 certification, license or registration.
- (2) Any certificate holder, licensee, or 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 certification, license, or registration expires during the period of activation shall be eligible to be renewed upon the certificate holder, licensee, or registrant being released from active duty without:
- (a) Payment of late fees or other penalties; or
 - (b) Obtaining continuing education credits when:

1. 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
 2. The person performs the certification, licensed, or registered occupation as part of such person's military duties and provides documentation sufficient to demonstrating such to Board.
- (3) The certification, license or registration shall be eligible for renewal pursuant to Paragraph (2) for six (6) months from the person's release from active duty.
- (4) Any person renewing under Paragraph (2) shall provide the Board such supporting documentation evidencing activation as may be required by the Board prior to the renewal of any certification, license, or registration license pursuant to Paragraph (2).

Authority: T.C.A. §§ 4-3-1304(d)(1); 62-32-307(g).

* 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)
Vivian L. Hixson	x				
McKenzie C. Roberts	x				
Karen D. Jones	x				
John Keith Harvey	x				
Steve Tucker				X	

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Alarm Systems Contractors Board on 03/27/2014, 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 ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: _____

Signature: _____

Name of Officer: _____

Title of Officer: _____

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

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
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

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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;**

These rules are not expected to have a measurable impact on the cost to small businesses.

- (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 other administrative costs required for these proposed rules.

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

There is no expected adverse impact on small businesses as a result of these proposed rules. The proposed rules are expected to assist with the protection of the welfare of the citizens of the State of Tennessee by seeking to make it easier for military applicants and their spouses who hold alarm contracting or similar licenses in other states to obtain their alarm contracting licenses in Tennessee and thus, more easily obtain employment here.

- (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;**

There are no less burdensome, less intrusive, or less costly alternative methods known which will achieve the purpose and objectives of these proposed rules.

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

This rule is being adopted pursuant to the requirements as set forth in T.C.A. § 4-3-1304.

- (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.**

Any possible exemption of small businesses from these rules would result in less protection for the citizens of the State of Tennessee.

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 Board does not foresee any impact on local government by the promulgation of this Rule.

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 proposed rule adds a new section for the expedited licensure for certain military personnel and spouses pursuant to T.C.A. § 4-3-1304(d)(1)

- (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 promulgation of this rule was mandated by the passage of an amendment of T.C.A. § 4-3-1304, which mandated the establishment of a procedure to expedite the issuance of a license, certification or permit to perform services regulated by a regulatory board, commission, to military personnel and their spouses.

- (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;

Members of the Armed Services, including the National Guard and their spouses would be most directly affected by this rule.

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

There have been no opinions of the attorney general and reporter or judicial rulings that relate 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;

There could possibly be a minimal increase in state government revenues as a result of this rule.

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

Anthony Glandorf, Chief Counsel for the Private Protective Services Program, Division of Regulatory Boards, Department of Commerce and Insurance

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

Anthony Glandorf, Chief Counsel for the Private Protective Services Program, Division of Regulatory Boards, Department of Commerce and Insurance

- (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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Cody Vest, Executive Director
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(l) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.