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Sequence Number: 07-20-14
 Rule ID(s): 5766
 File Date (effective date): 7/22/14
 End Effective Date: 1/18/15

Emergency Rule Filing Form

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

Agency/Board/Commission:	Tennessee Department of Finance and Administration
Division:	Administration
Contact Person:	Trammel Hoehn
Address:	Office of the Commissioner of Finance and Administration, State Capitol, Nashville, Tennessee
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Rule Type:

Emergency Rule

Revision Type (check all that apply):

Amendment

New

Repeal

Statement of Necessity:

T.C.A. Section 4-5-208(a)(5) authorizes emergency rules when an agency is required by an enactment of the General Assembly to implement rules within a prescribed period of time that precludes utilization of rulemaking procedures for the promulgation of permanent rules.

Public Chapter 985 of 2014 authorizes the Department of Finance and Administration to promulgate rules to effectuate the purposes of the statute. The statute requires that an application for certain projects under the rules be filed with the Commissioner of Finance and Administration by December 31, 2014. Requiring the Department to conduct the rulemaking hearing rule process presents a risk that applicants for these projects would not be able to timely file a complete and fully documented application by December 31 of this year. Therefore, emergency rules are required to meet this statutory deadline.

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
0620-03-07	Allocation of Tax Revenues to Assist Economically Distressed Counties
Rule Number	Rule Title
0620-03-07-.01	Purpose, Scope and Authority
0620-03-07-.02	Application Process

Chapter 0620-03-07
 Administrative Division
 New Rules

Assist Economically distressed counties, so that, the new rule shall read:

Table of Contents

0620-03-07-.01 Purpose, Scope and Authority

0620-03-07-.02 Application Process.

0620-03-07-.01 Purpose, Scope and Authority.

- (1) Public Chapter 985 of 2014 amended Title 67, Chapter 6 of T.C.A. to create a program for allocation of certain sales tax revenues to assist economically distressed counties. The Department of Finance and Administration (Department) is granted certain responsibilities under Public Chapter 985 (Act).
- (2) The Department is authorized to promulgate rules and regulations regarding its responsibilities under the Act.

Authority: T.C.A. §§ 4-5-201 et seq.; 67-6-104.

0620-03-07-.02 Application Process.

- (1) An eligible county, municipality, or industrial development corporation established by such eligible county or municipality seeking to receive the allocation provided by the Act must submit an application to the Department of Finance and Administration. The Department will consider an application only if the following conditions are met:
 - (a) The application must be on a form approved by the Department.
 - (b) The application must be accompanied by payment of the non-refundable application fee of ten thousand dollars (\$10,000).
 - (c) The application must contain all information required by the form. The applicant must also submit any supplemental information requested by the Department after receipt of the application. The completed application and all requested supplemental information must be received within the time specifications of the Department's form to be considered.
 - (d) The applicant must indicate which information in the application materials it considers confidential under T.C.A. § 67-6-104(i). The applicant must separate this material from non-confidential materials and label the confidential materials as such. The Department may allow consultants to review confidential material submitted in the course of the application process, provided that the contract or memorandum of understanding requires the consultant to maintain the confidentiality of such materials.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 67-6-104.

* 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)

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

Date: July 16, 2014

Signature: Larry B. Martin

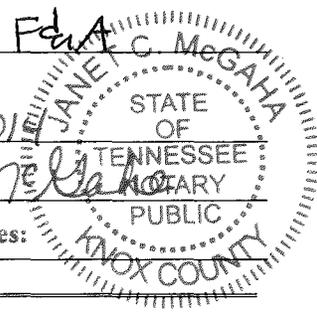
Name of Officer: Larry B. Martin

Title of Officer: Commissioner of Fe...

Subscribed and sworn to before me on: July 16, 2014

Notary Public Signature: Janet C. McGAHA

My commission expires on: August 29, 2015



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.

Robert E. Cooper, Jr.
Robert E. Cooper, Jr.
Attorney General and Reporter
7-21-14
Date

Department of State Use Only

Filed with the Department of State on: 7/22/14

Effective for: 180 *days

Effective through: 11/18/15

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

Tre Hargett
Tre Hargett
Secretary of State

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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)

This rule would assist local governments by allowing eligible local government entities to receive the benefits of Public Chapter 985 of 2014.

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 describes the process that local governments must follow to obtain the tax revenue apportionment and distribution authorized by Public Chapter 985 of 2014.

- (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;

Public Chapter 985 of 2014, in Section One, T.C.A. Section 67-6-104(l), authorized promulgation of these rules to effectuate the purposes of the statute

- (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;

This would assist local governments in receiving the tax revenue apportionments of this rule.

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

Not applicable

- (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 would have a minimal impact.

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

Trammel Hoehn, Legislative Liaison, Department of Finance and Administration

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

Trammel Hoehn, Legislative Liaison, Department of Finance and Administration

- (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

Office of the Commissioner of Finance and Administration, State Capitol, Nashville, Tennessee, 37243, (615) 532-7680, Trammel.Hoehn@tn.gov

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

Not applicable