

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 12-02-11
Rule ID(s): 5076
File Date: 12/02/2011
Effective Date: 05/30/2012

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:	Tennessee Board of Regents
Division:	Systemwide Administrative Rules
Contact Person:	Mickey Sheen
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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
0240-01-01	Use of Campus Property and Facilities
Rule Number	Rule Title

Chapter 0240-01-01
Tennessee Board of Regents
Systemwide Administrative Rules
Use of Campus Property and Facilities

Repeal

Rule 0240-01-01 Tennessee Board of Regents Systemwide Administrative Rules Use of Campus Property and Facilities, is repealed in its entirety.

Authority: T.C.A. § 49-8-203. Administrative History: Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 28, 1984; effective November 13, 1984. Amendment filed June 1, 1990; effective September 26, 1990. Amendment filed on sections 0240-01-01-.02, 0240-01-01-.03, and 0240-01-01-.04 on July 29, 1988; effective October 29, 1988. Amendment filed May 13, 1991; effective August 28, 1991. Amendment filed on section 0240-01-01-.04 on August 11, 2004; effective December 29, 2004. Public Necessity rule filed on section 0240-01-01-.06 on October 29, 2008; effective through April 12, 2009. Public Necessity rule filed October 29, 2008, and effective through April 12, 2009, expired April 13, 2009, and reverted to its previous status.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Governor Bill Haslam				X	
Steve Copeland	X				
Gregory Duckett	X				
John Farris	X				
Lee Gatts	X				
Tom Griscom	X				
Commissioner Kevin Huffman				X	
Commissioner Julius Johnson				X	
Fran Marcum	X				
Paul Montgomery	X				
Emily Reynolds	X				
Howard Roddy	X				
Robert Thomas	X				
Danni Varlan	X				
Linda Weeks	X				

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Board of Regents on 09/23/2011, 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: 9/27/2011

Signature: Christine Modisher

Name of Officer: Christine Modisher

Title of Officer: General Counsel and Board Secretary



Subscribed and sworn to before me on: 9-27-11

Notary Public Signature: [Signature]

My commission expires on: February 26, 2013

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.

Robert E. Cooper, Jr.

Robert E. Cooper, Jr.
Attorney General and Reporter

11-18-11

Date

Department of State Use Only

Filed with the Department of State on: _____

12/02/2011

Effective on: _____

05/30/2012

Tre Hargett

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.

(If applicable, insert Regulatory Flexibility Addendum here)

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)

No 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 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;

Rule 0240-01-01 Systemwide Administrative Rules, Use of Campus Property and Facilities. Repeal due to changes in State and Federal laws and Board of Regents policy.

- (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. §§ 4-5-101 et seq. Uniform Administrative Procedures Act, establishes provisions for rulemaking for Tennessee agencies; T.C.A. § 49-8-203, State University and Community College System, Powers and Duties, authorizes the board to establish policies and regulations regarding the campus life of the institutions, including, but not limited to, the conduct of students, student housing, parking and safety, and delegate responsibility for the efficient administration of the institution and its programs to the institution's chief executive officer; Complete College Act TN of 2010, requiring a "community college" system, which implies a single set of standards and rules for all institutions.

- (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;

University, College, and Technology Center administration, faculty, students, and visitors. Adoption urged.

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

None

- (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;

Minimal

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

Donald R. Ungurait
Assistant General Counsel
Tennessee Board of Regents

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

Donald R. Ungurait
Assistant General Counsel
Tennessee Board of Regents

- (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

Donald R. Ungurait
Tennessee Board of Regents

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

None