

**Department of State
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 03-12-20
Rule ID(s): 9317-9319
File Date: 3/18/2020
Last Effective Day: 9/14/2020

Emergency Rule Filing Form

Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.

| | |
|---------------------------------|--|
| Agency/Board/Commission: | Department of State |
| Division: | Division of Publications |
| Contact Person: | Mary Beth Thomas, General Counsel |
| Address: | State Capitol, 1 st Floor, Nashville, Tennessee |
| Zip: | 37243 |
| Phone: | (615) 741-2819 |
| Email: | Mary Beth Thomas |

Revision Type (check all that apply):

☒ Amendment
☐ New
☐ Repeal

Statement of Necessity:

The following emergency amendments are necessary to ensure that the Department of State is able to continue receiving and processing rulemaking filings during the State of Emergency caused by the COVID-19 Virus. These changes are designed to allow the rulemaking process to occur remotely by electronic means by allowing filings to be submitted electronically and removing the requirement that such filings be certified.

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 Please make sure that **ALL new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)**

| Chapter Number | Chapter Title |
|----------------|-------------------------------|
| 1360-01-01 | Notice of Rulemaking |
| Rule Number | Rule Title |
| 1360-01-01-.03 | Forms and Completion of Forms |

| Chapter Number | Chapter Title |
|----------------|-----------------------------------|
| 1360-01-02 | Filing of Rules |
| Rule Number | Rule Title |
| 1360-01-02-.04 | Forms and the Completion of Forms |
| 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. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to

<https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

AMENDED RULES

1360-01-01-.03 FORMS AND COMPLETION OF FORMS.

AMEND subparagraph (a) of paragraph (1) of Rule 1360-01-01-.03, Forms and Completion of Forms, by deleting it in its entirety and substituting instead the following, while leaving subparagraph (1) of subparagraph (a) of paragraph (1) and all of its underlying parts in place:

- (a) Three (3) original forms (SS-7037) documents with original signatures in hard copy or a single PDF copy of the signed original form (SS-7037). Signatures may be affixed electronically.

FURTHER AMEND subparagraph (b) of paragraph (1) of Rule 1360-01-01-.03, Forms and Completion of Forms, by deleting it in its entirety and substituting instead the following:

- (b) A digital version of the original form (SS-7037) shall be submitted contemporaneously with the filing.
 - 1. The file must be transmitted to the Division of Publications in MS Word format via email to publications.information@tn.gov.
 - 2. The email must include the following information within the body of the email:
 - (i) File name(s).
 - (ii) Software program and version.
 - (iii) Chapter and rule number.
 - (iv) Name, address, telephone number and e-mail of the person who is responsible for the contents of the filing.
 - (v) Files not required by the Secretary of State should not be included within the email.
 - (vi) Electronic submission of forms shall not be encrypted. Any transmission of encrypted material to the Secretary of State pursuant to the Uniform Administrative Procedures Act will be rejected and returned to the agency as noncompliant.

Authority: T.C.A. § 4-5-203.

1360-01-02-.04 FORMS AND THE COMPLETION OF FORMS.

AMEND subparagraph (a) of paragraph (1) of Rule 1360-01-02-.04, Forms and the Completion of Forms, by deleting it in its entirety and substituting instead the following, while leaving subparagraph (1) of subparagraph (a) of paragraph (1) and all of its underlying parts in place:

- (a) Three (3) original forms documents with original signatures in hardcopy or a single PDF copy of the signed original form document. Signatures may be affixed electronically.

FURTHER AMEND subparagraph (b) of paragraph (1) of Rule 1360-01-02-.04, Forms and the Completion of Forms, by deleting it in its entirety and substituting instead the following:

- (b) A digital version of the original form shall be submitted contemporaneously with the filing.

1. The file must be transmitted to the Division of Publications in MS Word format via email to publications.information@tn.gov. Contact the Division of Publications if unsure about software requirements.
2. The email must include the following information within the body of the email:
 - (i) File Name(s).
 - (ii) Software program and version.
 - (iii) Chapter(s) and rule number(s).
 - (iv) Name, address, telephone number and e-mail address of the person who is responsible for the contents of the filing.
 - (v) Files not required by the Secretary of State should not be included within the email.
 - (vi) Electronic submission of forms shall not be encrypted. Any transmission of encrypted material to the Secretary of State pursuant to the Uniform Administrative Procedures Act will be rejected and returned to the agency as noncompliant.

FURTHER AMEND by deleting paragraph (4) of Rule 1360-01-02-.04, Forms and the Completion of Forms, in its entirety and renumbering remaining section accordingly.

Authority: T.C.A. §§ 4-5-202, 4-5-202(c), 4-5-203(e), 4-5-206, 4-5-206(d), 4-5-208 and 4-5-209.

1360-01-02-.05 ADDITIONAL REQUIREMENTS.

AMEND paragraph (4) of Rule 1360-01-02-.05, Additional Requirements, by adding the following sentences to the end of the paragraph:

When submitting the electronic copy via email, submit two files—one in the final format and one in redline format. Do not submit one file in redline format.

Authority: T.C.A. §§ 4-5-202, 4-5-206, 4-5-222, and Public Chapters 464 and 741 of the 105th General Assembly.

1360-01-03-.02 FORMS AND THE COMPLETION OF FORMS.

AMEND subparagraph (a) of paragraph (1) of Rule 1360-01-03-.02, Forms and the Completion of Forms, by deleting it in its entirety and substituting instead the following, while leaving subparagraph (1) of subparagraph (a) of paragraph (1) and all of its underlying parts in place:

- (a) Three (3) original forms documents with original signatures in hard copy or a single PDF copy of the signed original form document. Signatures may be affixed electronically.

FURTHER AMEND subparagraph (b) of paragraph (1) of Rule 1360-01-03-.02, Forms and the Completion of Forms, by deleting the subparagraph in its entirety and substituting instead the following:

- (b) A digital version of the original form shall be submitted contemporaneously with the filing.
 1. The file must be transmitted to the Division of Publications in MS Word format via email to publications.information@tn.gov. Contact the Division of Publications if unsure about software requirements.
 2. The email must include the following information within the body of the email:
 - (i) File name(s).

- (ii) Software program and version.
- (iii) Chapter(s) and rule number(s).
- (iv) Name, address, e-mail address and telephone number of the person who is responsible for the contents of the filing.
- (v) Files not required by the Secretary of State should not be included within the email.
- (vi) Electronic submission of forms shall not be encrypted. Any transmission of encrypted material to the Secretary of State pursuant to the Uniform Administrative Procedures Act will be rejected and returned to the agency as noncompliant.

FURTHER AMEND by deleting paragraph (4) in its entirety.

Authority: T.C.A. §§ 4-5-202, 4-5-206, 4-5-214 and 4-5-215.

* 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 and is in compliance with Tennessee Code Ann. 4-5-222.



Date: 3/17/2020
Signature: Tre Hargett
Name of Officer: Tre Hargett
Title of Officer: Secretary of State

Subscribed and sworn to before me on: MARCH 17, 2020
Notary Public Signature: Bettye L. Stanton
My commission expires on: MARCH 8, 2023

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.

Herbert H. Slatery III
Herbert H. Slatery III
Attorney General and Reporter
3/18/2020
Date

Department of State Use Only

Filed with the Department of State on: 3/18/2020
Effective for: 180 *days
Effective through: 9/14/2020

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

Tre Hargett
Tre Hargett
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://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These rules will have 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 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;

These rules govern the filing of rulemaking notices with the Secretary of State pursuant to the Uniform Administrative Procedures Act. The changes made herein are designed to allow State agencies to file these documents with the Secretary of State in an electronic manner due to the recent crisis involving the COVID-19 virus and the ensuing State of Emergency declared in Tennessee. Any other changes are not substantive.

- (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;

Uniform Administrative Procedures Act, Tennessee Code Title 4, Chapter 5.

- (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 rule will impact all state agencies with rulemaking authority pursuant to the Uniform Administrative Procedures Act.

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

N/A.

- (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;

None.

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

Mary Beth Thomas, General Counsel

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

Mary Beth Thomas, General Counsel

- (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

Mary Beth Thomas, General Counsel
Office of the Secretary of State
State Capitol, 1st Floor
Nashville, TN 37243
Telephone (615) 741-2819
Mary.Beth.Thomas@tn.gov

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

N/A

**RULES
OF
THE TENNESSEE DEPARTMENT OF STATE**

**CHAPTER 1360-01-01
NOTICE OF RULEMAKING**

TABLE OF CONTENTS

| | | | |
|----------------|---|----------------|----------|
| 1360-01-01-.01 | Notice to Secretary of State of Tennessee | 1360-01-01-.04 | Repealed |
| 1360-01-01-.02 | Paper Size and Margins | 1360-01-01-.05 | Repealed |
| 1360-01-01-.03 | Forms and Completion of Forms | | |

1360-01-01-.01 NOTICE TO SECRETARY OF STATE OF TENNESSEE.

- (1) Whenever an agency is required by law to hold a public hearing as part of its rulemaking process and is required to transmit a notice of such rulemaking hearing to the Secretary of State for publication in the Tennessee Administrative Register, that notice shall be filed using form SS-7037 prescribed by this chapter and made available on the Secretary of State's web site. The general information required for all notices shall be added by the agency on the prescribed form.

Authority: T.C.A. § 4-5-203. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Repeal and new rule filed July 29, 2008; effective November 28, 2008.

1360-01-01-.02 PAPER SIZE AND MARGINS.

- (1) All notices of rulemaking hearings filed with the Secretary of State must be on white, medium bond paper, size eight and one-half by eleven inches. The margins of this form will be preselected by the Secretary of State. After the form is completed it can be printed and copies made for submission to the Secretary of State.

Authority: T.C.A. § 4-5-203. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Repeal and new rule filed July 29, 2008; effective November 28, 2008.

1360-01-01-.03 FORMS AND COMPLETION OF FORMS.

- (1) A Notice of Rulemaking Hearing filed with the Secretary of State will require the following:
- (a) Three (3) original forms (SS-7037) documents with original signatures in hard copy or a single PDF copy of the signed original form (SS-7037). Signatures may be affixed electronically.
1. The following guidelines apply to the document:
- (i) The documents must be clean and legible copies.
 - (ii) Use of capitals and lower case in all text. No "all caps."
 - (iii) No bold, underline or italic fonts.
 - (iv) No auto numbering on paragraphs in text of rule.
 - (v) Do not use the MS Word function "track changes."

(Rule 1360-01-01-.03, continued)

- (vi) No unneeded punctuation. Example: No comma between 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 only at end of paragraph.
- (ix) Use the enter key to put space between paragraphs. Do not use paragraph formatting before or after the paragraph to create space. This function does not work with style pallets.
- (x) Use hyphens on keyboard with no spaces 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 shall be Arial and point size 10.

(b) A digital version ~~(diskette or CD)~~ of the original form (SS-7037) filing shall ~~accompany~~ be submitted contemporaneously with the filing.

1. The file must be transmitted to the ~~Secretary of State~~ Division of Publications in MS Word format via email to publications.information@tn.gov.
2. The ~~disk or CD shall be labeled to email must~~ include the following information within the body of the email:
 - (i) File name(s).
 - (ii) Software program and version.
 - (iii) Chapter and rule number.
 - (iv) Name, address, telephone number and e-mail of the ~~technical contact who person who is responsible for the contents of the filing created the medium file.~~
 - ~~(v) Include only what is required on disk/CD. Label disk/CD with chapter number.~~
 - ~~(vii) Files not required by the Secretary of State should not be included~~ within the email on the disk/CD accompanying the rule.
 - ~~(vi) Electronic submission of forms shall not be encrypted. Any transmission of encrypted material to the Secretary of State pursuant to the Uniform Administrative Procedures Act will be rejected and returned to the agency as noncompliant.~~

(2) Page numbering – Page one of all filings will be on the prescribed form. All additional pages will be numbered sequentially at the bottom, middle of the page.

(Rule 1360-01-01-.03, continued)

- (3) The substance of the proposed rules(s) shall be added to the form at the designated place. The text must be formatted according to the rules of the Secretary of State (see Rule 1360-01-02).
- (4) The Secretary reserves the right to reject any filing not in compliance with these rules or other rules pertaining to rulemaking.
- (5) A completed sample of form SS-7037 can be found at the Secretary of State's web site: www.state.tn.us/sos.

Authority: T.C.A. § 4-5-203. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Amendment filed April 16, 1990; effective July 29, 1990. Amendment filed June 12, 1995; effective October 27, 1995. Amendment filed August 17, 1998; effective December 29, 1998. Repeal and new rule filed July 29, 2008; effective November 28, 2008.

1360-01-01-.04 REPEALED.

Authority: T.C.A. § 4-5-203. **Administrative History:** Original rule filed June 12, 1995; effective October 27, 1995. Repeal filed July 29, 2008; effective November 28, 2008.

1360-01-01-.05 REPEALED.

Authority: T.C.A. § 4-5-203. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Amendment renumbering rule (formerly 1360-01-01-.04) filed June 12, 1995; effective October 27, 1995. Repeal filed July 29, 2008; effective November 28, 2008.

**RULES
OF
THE TENNESSEE DEPARTMENT OF STATE**

**CHAPTER 1360-01-02
FILING OF RULES**

TABLE OF CONTENTS

| | | | |
|----------------|--|----------------|---|
| 1360-01-02-.01 | Purpose | 1360-01-02-.05 | Additional Requirements |
| 1360-01-02-.02 | Definitions of Rules | 1360-01-02-.06 | Forms for Rulemaking |
| 1360-01-02-.03 | Paper Size, Margins and Numbering of Rules | 1360-01-02-.07 | Reservation of Right of Rejection by Secretary of State |
| 1360-01-02-.04 | Forms and Completion of Forms | | |

1360-01-02-.01 PURPOSE.

It is the intent of the Secretary of State to simplify the rulemaking process for state agencies with rulemaking authority by incorporating a series of forms that shall be completed by the agency and submitted to the Secretary. These forms are furnished at the Secretary of State web site: www.state.tn.us/sos. The agency is then to go to the Publications Division within the site and follow the instructions. These forms are to be completed by computer and printed for submission to the Secretary of State.

Authority: T.C.A. §§ 4-5-202 and 4-5-206. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1. 001.). Repeal and new rule filed May 23, 1984; effective June 22, 1984. Repeal and new rule filed July 29, 2008; effective November 28, 2008.

1360-01-02-.02 DEFINITIONS OF RULES. The following are definitions of types of rules that can be filed with the Secretary of State pursuant to the Uniform Administrative Procedures Act.

- (1) The term “rules” shall mean rulemaking hearing rules, proposed rules, and emergency rules. Each term mentioned is applicable to its own form.
- (2) Form SS-7039 is applicable to “rulemaking hearing rules.” These are rules filed by an agency after a rulemaking hearing is conducted pursuant to T.C.A. § 4-5-202.
- (3) Form SS-7038 is applicable to “proposed rules.” These are rules filed by an agency without a rulemaking hearing pursuant to T.C.A. § 4-5-205.
- (4) Form SS-7040 is applicable to “emergency rules.” These are filed by an agency pursuant to T.C.A. § 4-5-208(a), where:
 - (a) An immediate danger to the public health, safety or welfare exists, and the nature of this danger is such that the use of any other form of rulemaking authorized by this chapter would not adequately protect the public; or
 - (b) The rule only delays the effective date of another rule that is not effective; or
 - (c) It is required by the constitution or court order; or
 - (d) It is required by an agency of the federal government and adoption of the rule through ordinary rulemaking procedure described in this chapter might jeopardize a federal program or funds; or

(Rule 1360-01-02-.02, continued)

- (e) The 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 described elsewhere in this chapter for the promulgation of permanent rules.

(5) Reserved

Authority: T.C.A. §§ 4-5-202, 4-5-206, 4-5-208, 4-5-209 and Public Chapter 566 of the 106th General Assembly. **Administrative History:** (For history prior to June 22, 1984 see pages 1-1. 001.). Repeal and new rule filed May 23, 1984; effective June 22, 1984. Repeal and new rule filed July 29, 2008; effective November 28, 2008. Amendments filed August 24, 2009; effective January 29, 2010.

1360-01-02-.03 PAPER SIZE, MARGINS AND NUMBERING OF RULES.

- (1) All notices of rulemaking hearings filed with the Secretary of State must be on white, medium bond paper, size eight and one-half by eleven inches. The margins of this form will be preselected by the Secretary of State. After the form is completed it can be printed and copies made for submission to the Secretary of State.
- (2) Control Number. A four-digit number has been assigned to each state agency authorized by law to make rules or determine contested cases. This control number will be used on all rules filed for publication with the Secretary of State pursuant to the Administrative Procedures Act, Tennessee Code Annotated Title 4, Chapter 5.
- (3) Numbering Rules
 - (a) Where the agency is small and its functions are limited to one particular area, the second number designating the major division of primary subject matter may be dispensed with.

Example: 1200-06-01-.01

| | | | |
|----------------|----------|---------|------|
| 1200 | 06 | 01 | .01 |
| Control number | Division | Chapter | Rule |

- (4) Rule Structure. All separate parts of a rule shall be designated by a letter or number. Rules shall be organized, numbered and referenced according to the following outline form:
 - (1) Paragraph
 - (a) subparagraph
 - 1. part
 - (i) subpart
 - (I) item
 - I. subitem
 - A. section
 - (A) subsection

Authority: T.C.A. §§4-5-206, 4-5-220 and 4-5-221. **Administrative History:** (For history prior to June 22 1984 see pages 1-1.001. Repeal and new rule filed May 23, 1984; effective June 22, 1 984. Amendment filed June 12, 1995; effective October 27, 1995. Repeal and new rule filed July 29, 2008; effective November 28, 2008.

(Rule 1360-01-02-.03, continued)

1360-01-02-.04 FORMS AND THE COMPLETION OF FORMS. The forms supplied by the Secretary of State through the web site (www.state.tn.us/sos) shall be completed by the rule filer and the following guidelines are to be followed:

- (1) A Proposed Rulemaking Form, Rulemaking Hearing Form and a Temporary Rule Filing Form shall require the following:

- (a) Three (3) ~~entire original~~ forms ~~documents completed~~ with original signatures in hard copy or a single PDF copy of the signed original form document. Signatures may be affixed electronically.

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 before or after the paragraph to create space. 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) Responses to comments are not part of the Government Operations Committee statement. Compose responses on separate sheet of paper. If there were no comments to respond to, draft a memo stating that fact.
- (xiii) Font style for all submissions shall be Arial and point size 10.

- (b) ~~Diskette or CD submission of the material is required. Other requests for transmission of data can be accommodated; however, the filing agency must contact the division before submission.~~ A digital version of the original form shall be submitted contemporaneously with the filing.

1. The file must be transmitted to the Division of Publications in MS Word ~~software format via email to publications.information@tn.gov.~~ - Contact the ~~division~~ Division of Publications if unsure about software requirements.

(Rule 1360-01-02-.04, continued)

2. The ~~disk or CD should be labeled and email must~~ include the following information within the body of the email:
 - (i) File Name(s).
 - (ii) Software program and version.
 - (iii) Chapter(s) and rule number(s).
 - (~~iii~~iv) Name, address, telephone number and e-mail address of the person who made the disk file and is responsible for the contents of the filing.
 - (iv) ~~Include only what is required on disk/CD. Label disk/CD with chapter number.~~ Files not required by the Secretary of State should not be included within the email, on the disk/CD accompanying the rule.
 - (vi) ~~Any~~ Electronic submission of forms shall not be encrypted. Any transmission of encrypted material to the Secretary of State pursuant to the Uniform Administrative Procedures Act will be rejected and returned to the agency as ~~non-compliant~~ noncompliant.
- (2) Page numbering – Page one of all filings will be on the prescribed form. All additional pages will be numbered sequentially at the bottom, middle of the page.
- (3) Each rule filed with the Secretary of State shall clearly show at the bottom of that rule the statutory authority (rulemaking as well as substantive) for each rule. Where a particular group of rules has the same statutory authority, then that authority need only be cited once at the end of that group of rules.
- (4) ~~All rules filed with the Secretary of State shall be certified.~~
- ~~(5)~~ New rules and amendments may be filed together with the same set of signatures so long as they are grouped and separated by the headings “New Rules” and/or “Amendments.” When filing multiple amendments involving more than one rule and/or chapters within one document, the amendments must be in numeric order.

Authority: T.C.A. §§ 4-5-202, 4-5-202(c), 4-5-203(e), 4-5-206, 4-5-206(d), 4-5-208 and 4-5-209.

Administrative History: (For history prior to June 22, 1984 see pages 1 - 1. 001.). Repeal and new rule filed May 23, 1984; effective June 22, 1984. Amendment filed June 12, 1995; effective October 27, 1995. Amendment filed August 17, 1998; effective December 29, 1998. Repeal and new rule filed July 29, 2008; effective November 28, 2008. Amendment filed August 24, 2009; effective January 29, 2010. Amendment filed October 20, 2011; effective March 30, 2012.

1360-01-02-.05 ADDITIONAL REQUIREMENTS.

- (1) Responses to comments
 - (a) When filing rulemaking hearing rules, a document containing responses to comments submitted at the rulemaking hearing must accompany the rule filing as prescribed in T.C.A. § 4-5-222. One copy of the responses is required to be filed with the filing. This requirement states only agency responses to comments are required. Letters of inquiry from parties questioning the rule will not be accepted. These comments can be summarized.

(Rule 1360-01-02-.05, continued)

- (b) When no comments are received at the hearing then there will be no responses by the agency. In this case the agency should draft a memorandum stating such and send to the Secretary of State with the filing. Minutes of the meetings will not be accepted.
- (2) Joint Government Operations Committee Legislative Oversight
 - (a) The Secretary of State will forward the rule filings and the information submitted pursuant to T.C.A. § 4-5-225(i)(1) through (9) to the Government Operations Committee. This enables the required information to be received by the committee at the same time as the rule filings, thus facilitating the committee's review of the rule filings.
- (3) Regulatory Flexibility Act
 - (a) Pursuant to the Regulatory Flexibility Act all agencies shall submit a statement that will accompany the rule filing with relation to the impact on small businesses.
 - (b) Requirements of this section can be found in Public Chapter 464 of the Acts of 2007.
 - (c) If applicable, the statement shall be added to the rule filing document after the signature of the Secretary for publication in the Tennessee Administrative Register by the Secretary of State.
- (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. When submitting the electronic copy via email, submit two files—one in the final format and one in redline format. Do not submit one file in redline format.
 - (b) "Redline" form is a copy of the filing that shall "denote all amendments to an existing rule by placing a line through all language to be deleted and by including all language to be added in brackets or underlined or by another clearly recognizable method that indicates the changes made to the rule."
 - (c) Public Chapter 741 took effect July 1, 2008.

Authority: T.C.A. §§ 4-5-202, 4-5-206, 4-5-222, and Public Chapters 464 and 741 of the 105th General Assembly. **Administrative History:** Original rule filed June 12, 1995; effective October 27, 1995. Amendment filed August 17, 1998; effective December 29, 1998. Repeal and new rule filed July 29, 2008; effective November 28, 2008. Amendment filed May 9, 2012; effective October 29, 2012.

1360-01-02-.06 FORMS FOR RULEMAKING. The following forms are required for rulemaking. These forms can be found at the Secretary of State's web site: www.state.tn.us/sos.

- (1) Proposed rule form is SS-7038.
- (2) Rulemaking hearing rule form is SS-7039.
- (3) Temporary rule form (Emergency Rules) is SS-7040.

Authority: T.C.A. § 4-5-206 and Public Chapter 566 of the 106th General Assembly. **Administrative History:** (For history prior to June 22, 1984 see pages 1- 1. 001.). Repeal and new rule filed May 23, 1984; effective June 22, 1984. Amendment renumbering rule (formerly 1360-01-02-.05) filed June 12, 1995;

(Rule 1360-01-02-.05, continued)

effective October 27, 1995. Repeal and new rule filed July 29, 2008; effective November 28, 2008. Amendment filed August 24, 2009; effective January 29, 2010.

1360-01-02-.07 RESERVATION OF RIGHT OF REJECTION BY THE SECRETARY OF STATE

The Secretary of State reserves the right to reject agency submittals for noncompliance with these rules.

Authority: T.C.A. §§ 4-5-202 and 4-5-206. **Administrative History:** Original rule filed July 29, 2008; effective November 28, 2008.

**RULES
OF
THE TENNESSEE DEPARTMENT OF STATE OF TENNESSEE**

**CHAPTER 1360-01-03
WITHDRAWAL OF RULES, STAYS OF EFFECTIVE DATES, AND WITHDRAWAL OF STAY OF
EFFECTIVE DATE**

TABLE OF CONTENTS

| | | | |
|----------------|-----------------------------|----------------|--|
| 1360-01-03-.01 | Definitions | 1360-01-03-.03 | Reservation of Right of Rejection by the |
| 1360-01-03-.02 | Form and Completion of Form | | Secretary of State |
| | | 1360-01-03-.04 | Repealed |

1360-01-03-.01 DEFINITIONS.

- (1) Withdrawal of Rules – An agency may, after filing, withdraw a rule prior to the effective date of the rule. The rule withdrawal shall take effect upon delivery of written notification of such withdrawal to the Department of State.
- (2) Stay of Effective Date of Rules – Prior to the effective date of a rule the agency proposing the rule may stay the running of the ninety (90) day period for a duration not to exceed seventy (75) days. Such stay shall become effective at such time as the agency files written notice with the Secretary of State and shall specify the effective length of the stay.
- (3) Withdrawal of Stay of Effective Date – Prior to its expiration, the stay may be withdrawn by the agency. Withdrawal or expiration of the stay shall reactivate the running of the balance of the ninety (90) day period that remained upon the date the stay was filed.

Authority: T.C.A. §§ 4-5-206, 4-5-214, 4-5-215 and Public Chapter 566 of the 106th General Assembly.
Administrative History: (For history prior to June 22, 1984, see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Repeal and new rule filed July 29, 2008; effective November 28, 2008. Amendments filed August 24, 2009; effective January 29, 2010.

1360-01-03-.02 FORMS AND THE COMPLETION OF FORMS. The forms supplied by the Secretary of State through the web site (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 original~~ forms ~~documents completed~~ with original signatures in hard copy or a single PDF copy of the signed original form document. Signatures may be affixed electronically.
 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.”

(Rule 1360-01-03-.02, continued)

- (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.

(b) ~~Diskette or CD submission of the material is required. Other requests for transmission of data can be accommodated; however, the filing agency must contact the division before submission. A digital version of the original form shall be submitted contemporaneously with the filing.~~

1. The file must be transmitted to the Division of Publications in MS Word ~~software~~ format via email to publications.information@tn.gov. Contact the ~~division~~ Division of Publications if unsure about software requirements.
2. The ~~disk or CD should be labeled and email must~~ include the following information within the body of the email:
 - (i) File name(s).
 - (ii) Ssoftware program and version.
 - (iii) Cchapter(s) and rule number(s).
 - (iviii) Name, address, e-mail address and telephone number of the person who ~~made the disk file and~~ is responsible for the contents of the filing.
 - (iv) ~~Include only what is required on disk/CD. Files not required by the Secretary of State should not be included on the disk/CD accompanying the rule within the email.~~
 - (vi) Electronic submission of forms shall not be encrypted. Any transmission of encrypted material to the Secretary of State pursuant to the Uniform Administrative Procedures Act will be rejected and returned to the agency as noncompliant.

- (2) Page numbering – Page one of all filings will be on the prescribed form. All additional pages will be numbered sequentially at the bottom, middle of the page.

(Rule 1360-01-03-.02, continued)

- (3) Each filing with the Secretary of State shall clearly show at the bottom of that rule the statutory authority (rulemaking as well as substantive) for each rule. The only exception is when a particular group of rules has the same statutory authority, then that authority need only be cited once at the end of that group of rules.

~~(4) All rules filed with the Secretary of State shall be notarized.~~

Authority: T.C.A. §§ 4-5-202, 4-5-206, 4-5-214 and 4-5-215. **Administrative History:** (For history prior to June 12, 1984, see pages 1-1.001.) Repeal and new rule filed May 23, 1984 effective June 22, 1984. Repeal and new rule filed July 29, 2008; effective November 28, 2008. Amendment filed May 9, 2012; effective October 29, 2012.

1360-01-03-.03 RESERVATION OF RIGHT OF REJECTION BY THE SECRETARY OF STATE

The Secretary of State reserves the right to reject agency submittals for noncompliance with these rules.

Authority: T.C.A. §§ 4-5-202 and 4-5-206. **Administrative History:** (For history prior to June 22, 1984, see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Amendment filed April 16, 1990; effective July 29, 1990. New rule filed June 12, 1995; effective October 27, 1995. Repeal and new rule filed July 29, 2008; effective November 28, 2008.

1360-01-03-.04 REPEALED.

Authority: T.C.A. §§ 4-5-202 and 4-5-206. **Administrative History:** (For history prior to June 22, 1984, see pages 1-1.001.) Repeal and new rule filed May 23, 1984; effective June 22, 1984. Repeal filed July 29, 2008; effective November 28, 2008.