

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: 04-24-20
 Notice ID(s): 3088-3090
 File Date: 4/16/2020

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of State
Division:	Division of Publications
Contact Person:	Mary Beth Thomas
Address:	State Capitol, 1 st FL, Nashville, Tennessee, 37243
Phone:	(615) 741-2819
Email:	Mary.Beth.Thomas@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Melinda Kelsey, Director of Human Resources
Address:	312 Rosa L. Parks Ave., 7 th FL, Nashville, Tennessee 37243
Phone:	(615) 253-4548
Email:	Melinda.Kelsey@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	WR Snodgrass Tower, 3 rd Floor, Conference Room F		
Address 2:	312 Rosa L. Parks Ave.		
City:	Nashville		
Zip:	37243		
Hearing Date :	June 10, 2020		
Hearing Time:	8:30 AM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

In response to the State of Emergency declared as a result of the COVID-19 pandemic, the Division of Publications promulgated emergency rules 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. The Division of Publications now seeks to make these changes permanent in an effort to continue the streamlined, online process for rulemaking filings beyond the expiration of the promulgated emergency rules. These changes also include minor changes to correct, clarify, or update the previous version of the rules.

*****Anyone wishing to participate by phone may call into the hearing by dialing 615-253-1098.*****

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. 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-.02	Paper Size and Margins
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-.01	Purpose
1360-01-02-.03	Paper Size, Margins and Numbering of Rules
1360-01-02-.04	Forms and the Completion of Forms
1360-01-02-.05	Additional Requirements
1360-01-02-.06	Forms for Rulemaking

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

AMENDED RULES

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

AMEND Rule 1360-01-01-.02, Paper Size and Margins, by deleting the words “medium bond” and revising punctuation as necessary.

Authority: T.C.A. § 4-5-203.

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 part (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) Chapter and rule number.
 - (ii) Name, address, telephone number and e-mail of the person who is responsible for the contents of the filing.
 - (iii) Files not required by the Secretary of State should not be included within the email.
 - (iv) 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 paragraph (5) of Rule 1360-01-01-.03, Forms and Completion of Forms, by deleting it in its entirety and substituting instead the following:

- (5) A completed sample of form SS-7037 can be found at the Secretary of State’s web site.

Authority: T.C.A. § 4-5-203.

1360-01-02-.01 PURPOSE.

AMEND Rule 1360-01-02-.01 by deleting it in its entirety and substituting instead the following:

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. 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.

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

AMEND paragraph (1) of Rule 1360-01-02-.03, Size, Margins and Numbering of Rules, by deleting the part in its entirety and substituting instead the following:

- (1) All rules filed with the Secretary of State must be on white 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. §§4-5-206, 4-5-220 and 4-5-221.

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

AMEND Rule 1360-01-02-.04, Forms and the Completion of Forms, by deleting the referenced web address and corresponding punctuation.

FURTHER AMEND paragraph (1) of Rule 1360-01-02-.04, Forms and the Completion of Forms, by replacing the word “temporary” with “emergency”.

FURTHER 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 part (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) Chapter(s) and rule number(s).
 - (ii) Name, address, telephone number and e-mail address of the person who is responsible for the contents of the filing.
 - (iii) Files not required by the Secretary of State should not be included within the email.
 - (iv) 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 subparagraph (b) of paragraph (1) of Rule 1360-01-02-.05, Additional Requirements, by deleting it in its entirety and substituting instead the following:

- (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, or provide a statement on the filing, stating such and send to the Secretary of State with the filing. Minutes of the meetings will not be accepted.

FURTHER AMEND subparagraph (a) of 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 PDF format including all signatures 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.*

1360-01-02-.06 FORMS FOR RULEMAKING.

AMEND Rule 1360-01-02-.06, Forms for Rulemaking, by deleting the rule in its entirety and substituting instead the following:

The following forms are required for rulemaking. These forms can be found at the Secretary of State's web site.

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

Authority: *T.C.A. § 4-5-206 and Public Chapter 566 of the 106th General Assembly.*

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

AMEND Rule 1360-01-03-.02, Forms and Completion of Forms, by deleting the following:

(www.state.tn.us/sos)

FURTHER AMEND 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:

- (1) A Notice of Withdrawal of Rules, Notice of Stay of Effective Date, or Notice of Withdrawal of Stay of Effective Date (Form Number SS-7041) shall require the following:

FURTHER 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 part (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) 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 paragraphs (3) and (4) in their entirety.

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

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 4/16/2020

Signature: Mary Beth Thomas

Name of Officer: Mary Beth Thomas

Title of Officer: General Counsel, Department of State

Department of State Use Only

Filed with the Department of State on: 4/16/2020

Tre Hargett

Tre Hargett
Secretary of State

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