

Proposed Rules
The Department of State
Division of Publications

Chapter 1360-01-03
Withdrawal of Rules
and
Chapter 1360-01-04
Stay of Effective Date of Rules

Presented herein are proposed amendments of the Department of State, Publications Division submitted pursuant to T.C.A. §4-05-202 in lieu of a rulemaking hearing. It is the intent of the Publications Division to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed with the Department of State, Publications Division, 8th floor, William Snodgrass Tennessee Tower, 312 8th Avenue North, Nashville, TN, 37243, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality that will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For copies of the proposed rules, contact: Richard Arnold, Director, Division of Publications, 312 8th Avenue North, William Snodgrass Tennessee Tower, Nashville, TN 37243.

Repeals

1360-01-03 Withdrawal of Rules and 1360-01-04 Stay of Effective Date of Rules are repealed in their entirety and replaced with a new 1360-01-03 Withdrawal of Rules, Stays of Effective Date of Rules, and Withdrawal of Stay of Effective Date

Authority: T.C.A. §4-5-202.

New Rules

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

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 expiration of thirty (30) days from filing of rules, the agency proposing the rule may stay the running of the thirty (30) day period for a duration not to exceed sixty (60) 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 thirty (30) day period that remained upon the date the stay was filed.

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

1360-01-03-.02 Forms and the Completion of Forms. The forms supplied by the Secretary of State through the web site (<http://state.tn.us/sos/rules/index.htm>) 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) Five (5) entire forms completed with original signatures.
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 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.

1. The file must be in MS Word software. Contact the division if unsure about software requirements.
 2. The disk or CD should be labeled and include the following information:
 - (i) software program and version.
 - (ii) chapter(s) and rule number(s).
 - (iii) name, address, e-mail address and telephone number of person who made the disk file and is responsible for the contents.
 - (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.
- (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 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.

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.

The proposed rules set out herein were properly filed in the Department of State on the 29th day of July, 2008, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of November, 2008. (FS 07-15-08; DBID 2921-2922)