

Department of State

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Sequence Number: 01-05-09
Rule ID(s): 3956
File Date: 01/05/09
Effective Date: 03/21/09

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. TCA Section 4-5-205

Agency/Board/Commission:	Tennessee Wildlife Resources Agency
Division:	Wildlife Division
Contact Person:	Lisa Crawford
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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) Revised (for additional chapters, copy and paste table)

Chapter Number	Chapter Title
1660-01-17	Rules and Regulations Governing the Commercial Use of Wildlife
Rule Number	Rule Title
1660-01-17-01	General Provisions for Commercial Use

Chapter 1660-01-17
Rules and Regulations Governing the Commercial Use of Wildlife
Amendment

Rule 1660-01-17-01 General Provisions For Commercial Use, is amended by adding paragraph (6) to read as follows:

- (6) Hides of Legally Taken Native Rabbits
 - (a) Finished or green hides of native rabbits may be bought or sold.

Statutory Authority: T.C.A. §§70-1-206, 70-4-107 and 70-4-201

The roll-call vote by the Tennessee Wildlife Resources Commission on this rulemaking hearing rule amendment was as follows:

Board Member	Aye	No	Abstain	Absent
R. B. "Buddy" Baird	✓			
Mike Chase	✓			
Johnny Coleman	✓			
Thomas H. Edwards			✓	
Jim Fyke				
Ken Givens				
Mike Hayes	✓			
Gary K. Kimsey	✓			
Boyce C. Magli	✓			
Mitchell S. Parks	✓			
Todd A. Shelton	✓			
Hugh Simonton, Jr.	✓			
Danya Welch				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Wildlife Resources Commission on 10/23/2008 (mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/19/08

Notice published in the Tennessee Administrative Register on: 09/01/08

Rulemaking Hearing(s) Conducted on: (add more dates). 10/23/08

Date: 10-27-08

Signature: Gary T. Myers

Name of Officer: Gary T. Myers

Title of Officer: Executive Director



Subscribed and sworn to before me on: 10-27-08

Notary Public Signature: Lisa Crawford

My commission expires on: 8-23-11

All rulemaking hearing 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.

RE Cooper

Robert E. Cooper, Jr.
Attorney General and Reporter

12-16-08

Date

Department of State Use Only

Filed with the Department of State on: _____

1/5/09

Effective on: _____

3/21/09

Riley C Darnell

Riley C. Darnell
Secretary of State

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SECRETARY OF STATE
PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. §4-5-222. Agencies shall include only their responses to public hearing comments, which shall be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Chapter 1660-01-17
Rules and Regulations Governing the Commercial Use of Wildlife

New	_____
Amendment	<u> X </u>
Repeal	_____



There were no public comments to the above-described rule.



Attached hereto are the public comments and response thereto.

Regulatory Flexibility Addendum

Pursuant to Public Chapter 464 of the 105th General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

- (1) The Commission anticipates a small group would be affected by this change. Approximately 1000-2000 trappers and 20 fur dealers could directly benefit from this proposed rule.
- (2) The Commission anticipates no change in reporting, recordkeeping, or other administrative costs to incorporate the proposed rule change into the existing the TWRA system.
- (3) The Commission anticipates a small positive effect to small businesses as few rabbit hides are sold annually.
- (4) The Commission is unaware of an alternative to the proposed rule and anticipates only positive benefits to those affected.
- (5) The Commission is not aware of any federal or state counterparts to this rule.
- (6) The Commission anticipates positive effects to small businesses and exemptions to this rule would likely not be beneficial.

Additional Information Required

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:

This is a rule amendment that legalizes the buying and selling of green and finished hides of native rabbits.

- (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:

TCA 70-1-206 grants authority to the Tennessee Wildlife Resources Commission (TWRC) to promulgate rules and regulations. TCA 70-4-107 establishes authority for the TWRC to set open seasons and set regulations for the taking of game on Agency controlled lands. TCA 70-4-201, grants authority to the Tennessee Wildlife Resources Commission (TWRC) to promulgate what wildlife or parts of wildlife may be sold or purchased.

- (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:

The Tennessee Wildlife Resources Agency and hunting and trapping sportsmen are affected most directly by this rule. The Tennessee Wildlife Resources Agency is urging adoption of this rule.

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

We are not aware of any opinions of the attorney general or any judicial ruling that directly relate to this rule.

- (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:

We do not anticipate any significant fiscal impact to the Agency , local or state revenues as a result of this rule amendment to 1660-1-17-.01.

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

Greg Wathen, Chief of Wildlife, possesses substantial knowledge and understanding of this rule.

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

Nat Johnson, TWRA Assistant Executive Director, will explain the rule at the scheduled meeting of the Government Operations Committees.

- (H)** Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees:

Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555.

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

A need to legalize the selling and purchasing of finished and green native rabbit hides prompted the promulgation of this rule amendment.