

Department of State
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For Department of State Use Only

Sequence Number: 09-06-12
 Rule ID(s): 5186
 File Date: 04/04/2012
 Effective Date: 07/03/2012

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission: Tennessee Wildlife Resources Agency
Division: Boating and Law Enforcement
Contact Person: Lisa Crawford
Address: PO Box 40747, Nashville, TN
Zip: 37204
Phone: 615-781-6606
Email: Lisa.Crawford@tn.gov

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
1660-02-03	Rules and Regulations Governing Classification of Vessels and Equipment and Lights Required
Rule Number	Rule Title
1660-02-03-.07	Navigation Rules – Adoption of Federal Code and Regulations

Rules and Regulations
 of the
 Tennessee Wildlife Resources Agency

Chapter 1660-02-03
 Rules and Regulations Governing Classification of Vessels and Equipment and Lights Required

Amended Rule

Rule 1660-02-03-.07, Navigation Rules – Adoption of Federal Code and Regulations, is amended by deleting paragraph (1) in its entirety and inserting a new paragraph (1), to read as follows:

- (1) The State of Tennessee hereby adopts, and incorporates by reference, The Inland Navigation Rules Act of 1980 which appears in 33 CFR Parts 83 - 90. All vessels operating on or using the waters of Tennessee shall be governed by and follow these rules.

Authority: T.C.A. §§69-9-209 and 70-1-206. Administrative History: Original rule certified May 8, 1974. Amendment filed May 27, 1983; effective June 27, 1983. Amendment filed April 16, 1993; effective May 31, 1993. Amendment filed February 28, 1996; effective May 13, 1996. Amendment filed April 10, 2007; effective June 24, 2007.

The roll-call vote by the Tennessee Wildlife Resources Commission on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
William L. Brown	✓			
Jim Bledsoe	✓			
Harold Cannon	✓			
Jeffrey H. Griggs	✓			
Julius Johnson				✓
Bob Martineau Jr.				✓
Jeff McMillin	✓			
Mitchell S. Parks	✓			
Julie Schuster	✓			
Todd A. Shelton				✓
Trey Teague	✓			
Eric Wright				✓
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 03/16/2012 (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: 01/20/2012

Rulemaking Hearing(s) Conducted on: (add more dates). 03/16/2012

Date: 3-20-12

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 3-20-12

Notary Public Signature: Lisa Crawford

My commission expires on: 5-5-15

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.

Robert E. Cooper, Jr.
 Attorney General and Reporter
3-29-12

Department of State Use Only

Filed with the Department of State on: _____

07/04/2012

Effective on: _____

07/03/2012

Tre Hargett

Tre Hargett
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 can 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.

RULE: 1660--02-03-.07

Rules and Regulations Governing Classification of Vessels and Equipment and Lights Required

New _____
Amendment X
Repeal _____

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

Attached hereto are the responses to public comments.

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. § 4-5-203(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule;

The commission does not anticipate significant impact to small businesses in Tennessee. The rule establishes Navigation Rules that Tennessee boaters must follow.

(2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

The Commission anticipates no record keeping associated with this rule.

(3) A statement of the probable effect on impacted small businesses and consumers;

The commission anticipates no probable effect to small businesses.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business;

The Commission is unaware of alternatives to the proposed rule and does not believe the rule as proposed would be burdensome to small businesses.

(5) A comparison of the proposed rule with any federal or state counterparts; and

The Commission is adopting federal Inland Navigation Rules for operation of vessels on Tennessee waters.

(6) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

The Commission anticipates no probable effect to small businesses and exemptions to this rule would likely not be beneficial.

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule to 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)

Will passage of this rule have a projected financial impact on local governments?

This rule will have no projected impact on local governments

Please describe the increase in expenditures or decrease in revenues:

There will be no increase in expenditures or decrease in revenues.

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;

This rule amendment corrects the cite of the Inland Navigation Rules. The rules were recently moved from the United States Code to the Code of Federal Regulations.

- (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;

This rule amendment will correct the cite for the Inland Navigation Rules which were moved from the United States Code to the Code of Federal Regulations. 33 CFR Parts 83 – 90 (formerly 33 U.S.C. 2001 *et seq.* and Annex I through V, 33 CFR 84-88.)

- (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;

Persons who operate vessels in Tennessee.

- (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 amended rule.

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

Darren Rider, Chief of Boating and Law Enforcement, possesses substantial knowledge and understanding of this rule. Darren.Rider@tn.gov

- (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 Committee.

- (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

Nat Johnson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555, Nat.Johnson@tn.gov

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

This amended rule was prompted by the transfer of the Inland Navigation Rules from USC to CFR.

Red Line Copy

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Tennessee Wildlife Resources Agency

Chapter 1660-02-03

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Date: _____

Signature: _____

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____