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For Department of State Use Only

Sequence Number: 06-20-14
 Rule ID(s): 5747
 File Date: 6/23/14
 Effective Date: 9/21/14

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
1660-01-10	Rules and Regulations Governing Business of Taxidermy
Rule Number	Rule Title
1660-01-10-.01	Records
1660-01-10-.02	General

1660-1-10

Rules and Regulations Governing Business of Taxidermy

Amendment

Rule 1660-01-10-.01, Records, is amended by deleting paragraph (1), subparagraphs (1)(e), (1)(f), and (1)(g) and paragraph (2) in their entirety and replacing them; adding subparagraph (1)(h) and paragraphs (3) and (4) so that they read as follows:

- (1) All taxidermists are required to maintain complete and accurate records on TWRA taxidermy forms on all birds, animals and/or fish, or parts thereof, they receive. All Taxidermy forms shall be completed, maintained and stored in accordance with the TWRA Taxidermy Form Instruction sheet located on the TWRA web site. The records shall include:
- (a) The species of bird, animal and/or fish mounted.
 - (b) The complete name and address of the person from whom received.
 - (c) The complete name and address of the person who killed or took the species (if different from the first).

- (d) The date killed or taken.
 - (e) The state, county, and/or country where taken.
 - (f) The TWRA Identification Number or the confirmation number from a completed check-in for all big game animals taken in Tennessee and submitted for mounting.
 - (g) The service fee for the preparation of the animal.
 - (h) The record shall reflect if the animal came from a shooting preserve, road kill, salvage, or other.
- (2) All records as prescribed in paragraph (1) above shall be maintained on the Taxidermy Accountability Form and shall be held at the taxidermist's place of business. They shall be open to inspection by any duly constituted officer of the Wildlife Resources Agency at all reasonable times. Said records must be maintained for a period of three (3) years.
 - (3) All Taxidermy Accountability Forms and the Log of Taxidermy Accountability Forms shall be kept, maintained and secured together, in one location, and in sequential order. The Log of Taxidermy Accountability Forms shall consist of the following:
 - (a) Complete Name
 - (b) Control Number
 - 1. Control numbers shall begin with the current year followed by consecutive numbering beginning with the number one (1).
 - 2. Control numbers shall be affixed to all trophies and their parts while in possession of the taxidermist.
 - (4) All records shall be recorded in non-erasable ink.

Authority: §§70-1-206 and 70-2-215. Administrative History: Original Rule certified May 8, 1974.

Amendment

Rule 1660-01-10-.02, General, is amended by deleting it in its entirety and replacing it with new section .02 to read as follows:

- (1) Any person, before engaging in the practice of taxidermy, which includes the stuffing, mounting, and preparing of the skins of wild birds, animals, and fish for sale or for hire, must first obtain a permit to do so from the executive director.
- (2) All species must be held in compliance with Federal regulations applicable thereto.
- (3) Upon receiving specimens or trophies, the taxidermist will issue a receipt to the owner describing the specimens or trophies left and stating the maximum time to prepare specimens or trophies and service fee. The taxidermist shall complete the TWRA Taxidermy Accountability Form and the Log of Taxidermy Accountability Forms immediately upon the receipt of the trophy. Taxidermist may dispose of unclaimed trophies for no more than the service fee minus any deposit fees collected. Disposition of all unclaimed trophies shall be recorded on the Accountability Form. No parts or whole trophies of bears may be disposed of to recoup service fees.
- (4) Failure to comply with the reporting requirements of this rule shall result in the denial of renewal for an existing permit, or denial of a new permit.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
Jeff McMillin	✓			
Chad Baker	✓			
Jim Bledsoe	✓			
Harold Cannon	✓			
Bill Cox	✓			
Jeffrey H. Griggs	✓			
Connie King	✓			
Tom Rice	✓			
Jim Ripley				✓
James Stroud	✓			
Trey Teague	✓			
David Watson	✓			
Jamie Woodson	✓			

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish & Wildlife Commission on 5/23/2014 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 03/28/2014

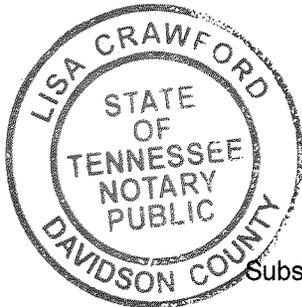
Rulemaking Hearing(s) Conducted on: (add more dates). 05/23/2014

Date: 5/23/14

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 5.23.14

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.
 Robert E. Cooper, Jr.
 Attorney General and Reporter
6-10-14
 Date

Department of State Use Only

Filed with the Department of State on: 6/23/14

Effective on: 9/2/14

Tre Hargett
Tre Hargett
Secretary of State

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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: 1660-01-10

New	_____
Amendment	<u> X </u>
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. § 4-5-202(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, there are approximately 300 taxidermy licenses sold annually.

(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 costs for 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 business.

(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

Taxidermist who receive migratory birds or other protected species must first obtain a federal taxidermy permit in accordance to 50 CFR 10-24. There is no state counterpart.

(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 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?

The commission does not anticipate any significant financial impact on local governments in Tennessee.

There will be no projected financial impacts on local governments.

The commission does not anticipate any increase or decrease in state expenditures as a result of this rule.

Please describe the increase in expenditures or decrease in revenues:

n/a

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;

Taxidermy is a business mainly for the mounting of trophy big game and fish killed or taken by sportsmen of Tennessee. The agency monitors and inspects taxidermists to ensure the trophies they receive were taken by legal means. The relevant changes to the rule ensure taxidermists will be receiving such wildlife. The two (2) new forms will ensure uniformity for all taxidermists operating in Tennessee.

- (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;

50 CFR 10-24 Federal Taxidermy Permit. Taxidermist who receive migratory birds or other protected species must first obtain a federal taxidermy permit. TCA Section 70-2-215 tasks the TWRA with first permitting taxidermists and then promulgating rules regarding record maintenance requirements.

- (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 permitted taxidermists will be 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.

- (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.

- (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 Division, possesses substantial knowledge and understanding of this rule. (Darren.rider@tn.gov) 615-781-6580

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

Chris Richardson, TWRA Special Assistant to the Director/Policy and Legislation, 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

Chris Richardson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 837-6016, Chris.Richardson@tn.gov

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

There is no additional relevant information to the rule proposed.

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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
1660-01-10	Rules and Regulations Governing Business of Taxidermy
Rule Number	Rule Title
1660-01-10-.01	Records
1660-01-10-.02	General

Chapter 1660-01-10
Rules and Regulations Governing Business of Taxidermy

Amendment

Rule 1660-01-10-.01, Records, is amended by deleting paragraph (1), subparagraphs (1)(e), (1)(f), and (1)(g) and paragraph (2) in their entirety and replacing them; adding subparagraph (1)(h) and paragraphs (3) and (4) so that they read as follows:

- (1) ~~All taxidermists are required to maintain complete records on all birds, animals and/or fish, or parts thereof, they receive. The records shall include:~~
- (1) All taxidermists are required to maintain complete and accurate records on the TWRA taxidermy forms on all birds, animals and/or fish, or parts thereof, they receive. All Taxidermy forms shall be completed, maintained and stored in accordance with the TWRA Taxidermy Form Instruction sheet located on the TWRA web site. The records shall include:
 - (a) The species of bird, animal and/or fish.
 - (b) The complete name and address of the person from whom received.

- (c) The complete name and address of the person who killed or took the species (if different from the first).
 - (d) The date killed or taken.
 - ~~(e) The state and country where taken.~~
 - (e) The state, county, and/or country where taken.
 - ~~(f) The hunting license and/or big game stamp number of the person who killed any big game species—submitted for mounting.~~
 - (f) The TWRA Identification Number or the confirmation number from a completed check-in for all big game animals taken in Tennessee and submitted for mounting.
 - ~~(g) If the animal came from a shooting preserve, the record shall reflect this.~~
 - (g) The service fee for the preparation of the animal.
 - (h) The record shall reflect if the animal came from a shooting preserve, road kill, salvage or other.
- ~~(2) All records as prescribed in paragraph (1) above shall be maintained on forms furnished by the Agency and shall be held at the taxidermist's place of business. They shall be open to inspection by any duly constituted officer of the Wildlife Resources Agency at all reasonable time. Said records must be maintained for one year from the date of delivery.~~
- (2) All records prescribed in paragraph (1) above shall be maintained on the Taxidermy Accountability Form and shall be held at the taxidermist's place of business. They shall be open to inspection by any duly constituted officer of the Wildlife Resources Agency at all reasonable times. Said records must be maintained for a period of three (3) years.
- ~~(3) All Taxidermy Accountability Forms and the Log of Taxidermy Forms shall be kept, maintained and secured together, in one location, and in sequential order. The Log of Taxidermy Accountability Forms shall consist of the following:~~
- (a) Complete Name.
 - (b) Control Number.
 - 1. Control numbers shall begin with the current year followed by consecutive numbering beginning with one (1).
 - 2. Control numbers shall be affixed to all trophies and their parts while in possession of the taxidermist.
- (4) All records shall be recorded in non-erasable ink.

Authority: §§70-1-206 and 70-2-215. Administrative History: Original Rule certified May 8, 1974.

Rule 1660-01-10-.02, General, is amended by deleting it in its entirety and replacing it with new section .02 to read as follows:

- (1) Any person, before engaging in the practice of taxidermy, which includes stuffing, mounting, and preparing of the skins of wild birds, animals, and fish for sale or for hire, must first obtain a permit to do so from the executive director.

- (1) (2) All species must be held in compliance with Federal regulations applicable thereto.
- (2) (3) Upon receiving specimens or trophies, the taxidermist will issue a receipt to the owner describing the specimens or trophies left and stating the maximum time to prepare specimens or trophies and service fee. The taxidermist shall complete the TWRA Taxidermy Accountability Form and the Log of Taxidermy Accountability Forms immediately upon receipt of the trophy. Taxidermist may dispose of unclaimed trophies for no more than the service fee minus any deposit fees collected. Disposition of all unclaimed trophies shall be recorded on the Accountability Form. No parts or whole trophies of bears may be disposed of to recoup service fees.
- (3) ~~Violation of any of these rules and regulations shall be just cause for revocation of any existing permit or refusal to issue a permit.~~
- (4) Failure to comply with the reporting requirements of this rule shall result in the denial of renewal for an existing permit, or denial of a new permit.

Authority: §§70-1-206 and 70-2-215. Administrative History: Original Rule certified May 8, 1974.

Authority: §§70-1-206 and 70-2-215. Administrative History: Original Rule certified May 8, 1974.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent
Jeff McMillin				
Chad Baker				
Jim Bledsoe				
Harold Cannon				
Bill Cox				
Jeffrey H. Griggs				
Connie King				
Tom Rice				
Jim Ripley				
James Stroud				
Trey Teague				
David Watson				
Jamie Woodson				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish & Wildlife Commission on 05/23/2014 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 03/28/2014

Rulemaking Hearing(s) Conducted on: (add more dates). 05/23/2014

Date: 5/23/14

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

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

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

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: 1660-01-10

New	_____
Amendment	<u> X </u>
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. § 4-5-202(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, there are approximately 300 taxidermy licenses sold annually.

(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 costs for 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 business.

(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

Taxidermist who receive migratory birds or other protected species must first obtain a federal taxidermy permit in accordance to 50 CFR 10-24. There is no state counterpart.

(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 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?

The commission does not anticipate any significant financial impact on local governments in Tennessee.

There will be no projected financial impacts on local governments.

The commission does not anticipate any increase or decrease in state expenditures as a result of this rule.

Please describe the increase in expenditures or decrease in revenues:

n/a

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;

Taxidermy is a business mainly for the mounting of trophy big game and fish killed or taken by sportsmen of Tennessee. The agency monitors and inspects taxidermists to ensure the trophies they receive were taken by legal means. The relevant changes to the rule ensure taxidermists will be receiving such wildlife. The two (2) new forms will ensure uniformity for all taxidermists operating in Tennessee.

- (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;

50 CFR 10-24 Federal Taxidermy Permit. Taxidermist who receive migratory birds or other protected species must first obtain a federal taxidermy permit. TCA Section 70-2-215 tasks the TWRA with first permitting taxidermists and then promulgating rules regarding record maintenance requirements.

- (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 permitted taxidermists will be 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.

- (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.

- (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 Division, possesses substantial knowledge and understanding of this rule. (Darren.rider@tn.gov) 615-781-6580

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

Chris Richardson, TWRA Special Assistant to the Director/Policy and Legislation, 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

Chris Richardson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 837-6016, Chris.Richardson@tn.gov

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

There is no additional relevant information to the rule proposed.