

**Department of State
Division of Publications**

312 Rosa L. Parks Avenue, 8th Floor Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Fax: 615-741-5133
Email: register.information@tn.gov

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Sequence Number: 07-06-11
Rule ID(s): 4963
File Date: 07/11/2011
Effective Date: 10/09/2011

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: Information and Education
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
1660-01-27	Rules and Regulations for State Operated Hunter Education Centers and Public Firing Ranges
Rule Number	Rule Title
1660-01-27-.01(g)	Public Usage
1660-01-27-.01(h)	Public Usage
1660-01-27-.02	Use Permits - Fees
1660-01-27-.03	General Rules

Rulemaking Hearing Rules
of the
Tennessee Wildlife Resources Agency

Chapter 1660-01-27
Rules and Regulations for State Operated Hunter Education Centers and Public Firing Ranges
Amendment

Rule 1660-01-27-.01(g) Public Usage, is amended by changing the language in section (g) from "facility manager" to "range manager" so that, as amended, the rule shall read:

- (g) Other uses of the Hunter Education Facilities are subject to approval of the range manager.

Authority: T. C. A. §70-1-206 and §70-2-224.

Chapter 1660-01-27
Rules and Regulations for State Operated Hunter Education Centers and Public Firing Ranges

Amendment

Rule 1660-01-27-.01(h) Public Usage, is amended by changing the language in section (h) from "facility manager or the duty range master" to "range manager" so that, as amended, the rule shall read:

- (h) All incidents resulting in the injury to persons or damage to property must be reported by the person or persons involved as soon as possible to the range manager. This report does not relieve persons from the responsibility of making any other accident report that may be required under state law.

Authority: T. C. A. §70-1-206 and §70-2-224.

Chapter 1660-01-27
Rules and Regulations for State Operated Hunter Education Centers and Public Firing Ranges

Amendment

Rule 1660-01-27-.02 Use Permits - Fees, is amended by adding two new subsections (3) and (4) to read as follows:

- (3) Persons utilizing classrooms or similar facilities at hunter education centers will be subject to the same fees as shooters unless waived or otherwise specified in this chapter for a particular range.
- (4) The Executive Director of the Tennessee Wildlife Resources Agency may allow exceptions to and/or waive use permits and fees for hunter education centers and agency ranges.

Authority: T. C. A. §70-1-206 and §70-2-224.

Chapter 1660-01-27
Rules and Regulations for State Operated Hunter Education Centers and Public Firing Ranges

Amendments

Rule 1660-01-27-.03 General Rules, is amended by deleting the rule in its entirety and by replacing it with the following so that, as amended, the rule shall read

Violation of the following rules may result in a citation and/or expulsion from the range:

- (1) **WATCH THAT MUZZLE.** Keep the muzzle of any firearm pointed in a safe direction at all times. Additional site specific rules may be posted to further clarify muzzle safe zones other than down range such as designated loading areas for muzzle loaders.
- (2) **TREAT EVERY FIREARM AS IF IT WERE LOADED AT ALL TIMES.** It might be even if you think it isn't.
- (3) **BE SURE OF THE TARGET AND WHAT IS IN FRONT OF IT AND BEYOND IT.** Make sure you have an adequate backstop-don't shoot at a flat hard surface or water. Safety zones are defined as an area of protection which may have restricted activities around buildings, firing and archery ranges, roads and other designated areas. All target practice is prohibited except at the designated ranges provided. All unauthorized trespass in the range area is prohibited. Driving into the woods, fields or glades is prohibited.

- (4) KEEP YOUR FINGER OFF THE TRIGGER AND OUTSIDE THE TRIGGER GUARD UNTIL READY TO SHOOT. This is the best way to prevent an accidental discharge.
- (5) CHECK YOUR BARREL AND AMMUNITION. Make sure the barrel and action are clear of obstructions and carry only the proper ammunition for your firearm. Furthermore, armor piercing ammunition, tracers or any other type of explosive or incendiary ammunition is prohibited.
- (6) UNLOAD FIREARMS WHEN NOT IN USE. Leave actions open; carry firearms in cases and unloaded to and from the shooting area. Participants may not carry loaded firearms while within the facilities. Firearms may only be loaded while at the designated shooting stations.
- (7) POINT A FIREARM ONLY AT SOMETHING YOU INTEND TO SHOOT. Avoid all horseplay with a gun. Acts of disorderly or unsafe conduct, including acts which interfere with the orderly processes conducted at the Hunter Education Center are prohibited.
- (8) DON'T RUN, JUMP OR CLIMB WITH A LOADED FIREARM. Always pull a firearm toward you by the butt, not the muzzle.
- (9) STORE FIREARMS AND AMMUNITION SEPARATELY AND SAFELY. Store each in secured locations beyond the reach of children and careless adults.
- (10) AVOID ALCOHOLIC BEVERAGES BEFORE OR DURING SHOOTING. Participants may not possess any alcoholic beverage, narcotic drug, barbiturate, marijuana or other behavior modifying substance while on the area. No individual may be under the influence of these substances including legal prescription medications at any time while within the facilities.
- (11) Because all firing ranges are unique and site specific, each individual range will operate on a Standard Operating Procedure (SOP) which will be posted onsite. This SOP will outline numerous aspects of range operation and other site specific items.
- (12) Eye and hearing protection must be worn while on or in the firing range area.
- (13) All participants must check in through the range office.
- (14) Youth under 16 years of age must be accompanied and supervised by an adult at least 21 years of age at all times.
- (15) Only approved paper targets may be used. Paper targets must be placed on frames provided by the Agency. All paper targets, expended rounds and litter must be removed from the range and placed in the appropriate trash and/or recycle receptacles provided.
- (16) Range Safety Officers, where provided, will have control of range safety, activities and persons using the range.
- (17) Range flags or other signaling devices will be displayed while the range is active.
- (18) Domesticated animals are prohibited unless service related.
- (19) Ranges are open only during posted days and hours. The Hunter Education Centers may be used for training or other activities as scheduled during off or non-peak days and hours. The standard individual fee rate will apply for all participants in training events or other activities except for those set out in the SOP. Special activities must be scheduled and approved by the range manager.
- (20) Hunter Education classes are to be scheduled a minimum of two weeks in advance and hunter education class participants and instructors will not be charged a use fee for the classroom or the required live fire exercise.

Authority: T. C. A. §70-1-206 and §70-2-224.

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	✓			
Mike Chace				
Johnny Coleman				
Jeffrey H. Griggs	✓			
Mike Hayes				
Julius Johnson				✓
Robert Martineau				✓
Jeff McMillin	✓			
Mitchell S. Parks				✓
Julie Schuster	✓			
Todd A. Shelton				✓
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 05/20/2011 (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: 03/30/2011

Rulemaking Hearing(s) Conducted on: (add more dates). 05/20/2011

Date: 5-23-11

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 5-23-11

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
7-1-11
 Date

Department of State Use Only

Filed with the Department of State on: 7/11/11

Effective on: 10/9/11

Tré Hargett by [Signature]
Tré Hargett
Secretary of State

RECEIVED
2011 JUL 11 AM 11:19
SECRETARY OF STATE
REGISTRATION

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: 1660-1-27

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 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 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 any significant impact to small businesses in Tennessee. The rule simply clarifies language and terminology to coincide with hunter education and established agency positions. The rule also recognizes the implementation of a Standing Operating Procedure which will provide the necessary flexibility needed due to the uniqueness of each individual firing range across the state of Tennessee.

(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 change or addition to 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 not aware of any federal or state counterparts to this rule.

(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?

The commission does not believe there will be any financial impact on local governments by any changes in this rule.

Please describe the increase in expenditures or decrease in revenues:

The commission believes there will not be any change in either expenditures or revenues resulting from this rule change.

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;

The rule amendment in 1660-01-27-.01(g) simply changes the language from "facility manager", a term not used within the agency to the term "range manager" a term used universally within the Tennessee Wildlife Resources Agency (TWRA). The rule amendment in 1660-01-27-.01-(h) simply changes the language from "facility manager or the duty range master" terminology not used within the agency to the term "range manager" a term used universally within the TWRA. The rule amendment in 1660-01-27-.03 General Rules serves to combine related items and to include the ten commandments of firearms safety that has been and is currently taught to an average of 16,000 to 18,000 students per year across the state of Tennessee. Furthermore in 1660-01-27-.03(11) the introduction of creating and utilizing a Standing Operating Procedure (SOP) enables each range to address unique conditions of each individual range facility. The rule amendments in 1660-01-27-.06(e) and in 1660-01-27-.07(e) simply state the fee charged by the club and/or concessionaire for clay target shooting, a sport not offered at every range operated by the TWRA.

- (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;

Tennessee Code Annotated 70-2-224 grants authority to the Tennessee Wildlife Resources Commission (TWRC) to promulgate rules and regulations establishing procedures and guidelines for the operation of wildlife resources agency sport firing ranges and establishing fees for use by the general public.

- (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 (TWRA) and any clubs, concessionaires or Volunteers working directly with the TWRA are affected most directly by this rule amendment. The TWRA 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 and reporter or any judicial ruling that directly relates 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 the rule amendments to 1660-01-27-.01(g), 1660-01-27-.01-(h), 1660-01-27-.03, 1660-01-27-.03(11), 1660-01-27-.06(e) 1660-01-27-.07(e).

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

Jeff Winfree, Region II Coordinator for Hunter Education, Boating Safety, Law Enforcement Training and Range Liaison 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 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.

The conditions whereby each range and hunter education center offer such unique experiences prompted the promulgation of this rule amendment. For example, not all sites offer clay target shooting, therefore one specific rule does not cover all facilities.

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Chapter 1660-01-27
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 Amendment

Rule 1660-01-27-.01(g) Public Usage, is amended by changing the language in section (g) from "facility manager" to "range manager" so that, as amended, the rule shall read:

- (g) Other uses of the Hunter Education Facilities are subject to approval of the facility range manager.

Authority: T. C. A. §70-1-206 and §70-2-224.

Chapter 1660-01-27
 Rules and Regulations for State Operated Hunter Education Centers and Public Firing Ranges

Amendment

Rule 1660-01-27-.01(h) Public Usage, is amended by changing the language in section (h) from "facility manager or the duty range master" to "range manager" so that, as amended, the rule shall read:

- (h) All incidents resulting in the injury to persons or damage to property must be reported by the person or persons involved as soon as possible to the ~~facility manager or the duty range master.~~ range manager. This report does not relieve persons from the responsibility of making any other accident report that may be required under state law.

Authority: T. C. A. §70-1-206 and §70-2-224.

Chapter 1660-01-27
Rules and Regulations for State Operated Hunter Education Centers and Public Firing Ranges

Amendment

Rule 1660-01-27-.02 Use Permits - Fees, is amended by adding two new subsections (3) and (4) to read as follows:

- (1) Before any person may shoot at a Hunter Education Center, such person must possess a valid entrance ticket. This ticket must be available for inspection while using the range.
- (2) Entrance ticket fees will be established for each individual center and shall include up to 2 paper targets. Additional paper targets will be provided for a fee.
- (3) Persons utilizing classrooms or similar facilities at hunter education centers will be subject to the same fees as shooters unless waived or otherwise specified in this chapter for a particular range.
- (4) The Executive Director of the Tennessee Wildlife Resources Agency may allow exceptions to and/or waive use permits and fees for hunter education centers and agency ranges.

Authority: T.C.A. §§70-1-206 and 70-2-224. **Administrative History:** Original rule filed May 31, 2000; effective August 14, 2000.

Chapter 1660-01-27
Rules and Regulations for State Operated Hunter Education Centers and Public Firing Ranges

Amendments

Rule 1660-01-27-.03 General Rules, is amended by deleting the rule in its entirety and by replacing it with the following so that, as amended, the rule shall read

~~Violation of the following rules may result in a citation and/or expulsion from the range:~~

- ~~(1) Participants may not possess any alcoholic beverage, narcotic drug, barbiturate, marijuana or other behavior modifying substance while on the area. No individual may be under the influence of these substances at any time while within the facilities.~~
- ~~(2) Participants may not carry loaded firearms while within the facilities. Firearms may only be loaded while at shooting stations.~~
- ~~(3) Safety zones are defined as an area of protection which may have restricted activities around buildings, firing and archery ranges, roads and other designated areas.~~
- ~~(4) Target practice is prohibited except at the ranges provided.~~
- ~~(5) Driving into woods, fields or glades is prohibited.~~

- ~~(6) Acts of disorderly or unsafe conduct, including acts which interfere with the orderly processes conducted at the Hunter Education Center are prohibited.~~
- ~~(7) Domesticated animals are prohibited.~~
- ~~(8) Youth under 16 years of age must be supervised by an adult at all times.~~
- ~~(9) Only approved paper targets may be used.~~
- ~~(10) Paper targets must be placed on frames provided by the Agency.~~
- ~~(11) Ranges are open only during posted days and hours.~~
- ~~(12) All paper targets, expended rounds and litter must be removed from the range.~~
- ~~(13) Eye and hearing protection must be worn while on or in the firing range area.~~
- ~~(14) Range officers will have control of range safety, activities and persons using the range.~~
- ~~(15) Range flags or other signaling devices will be displayed while the range is active.~~
- ~~(16) The Hunter Education Centers may be used for training or other activities as scheduled during off or non-peak days and hours. The individual fee rate will apply for all participants in training events or other activities.~~
- ~~(17) Unauthorized trespass in the range area is prohibited.~~
- ~~(18) All participants must check in through the range office.~~
- ~~(19) Special activities must be scheduled and approved by the range master.~~
- ~~(20) Hunter education classes are to be scheduled a minimum of two weeks in advance.~~
- ~~(21) Hunter education class participants and instructors will not be charged a use fee for the required live fire exercise.~~
- ~~(22) Full metal jacketed ammunition is prohibited.~~

Violation of the following rules may result in a citation and/or expulsion from the range:

- (1) **WATCH THAT MUZZLE.** Keep the muzzle of any firearm pointed in a safe direction at all times. Additional site specific rules may be posted to further clarify muzzle safe zones other than down range such as designated loading areas for muzzle loaders.
- (2) **TREAT EVERY FIREARM AS IF IT WERE LOADED AT ALL TIMES.** It might be even if you think it isn't.
- (3) **BE SURE OF THE TARGET AND WHAT IS IN FRONT OF IT AND BEYOND IT.** Make sure you have an adequate backstop-don't shoot at a flat hard surface or water. Safety zones are defined as an area of protection which may have restricted activities around buildings, firing and archery ranges, roads and other designated areas. All target practice is prohibited except at the designated ranges provided. All unauthorized trespass in the range area is prohibited. Driving into the woods, fields or glades is prohibited.
- (4) **KEEP YOUR FINGER OFF THE TRIGGER AND OUTSIDE THE TRIGGER GUARD UNTIL READY TO SHOOT.** This is the best way to prevent an accidental discharge.
- (5) **CHECK YOUR BARREL AND AMMUNITION.** Make sure the barrel and action are clear of obstructions and carry only the proper ammunition for your firearm. Furthermore, armor piercing ammunition, tracers or any other type of explosive or incendiary ammunition is prohibited.

- (6) UNLOAD FIREARMS WHEN NOT IN USE. Leave actions open; carry firearms in cases and unloaded to and from the shooting area. Participants may not carry loaded firearms while within the facilities. Firearms may only be loaded while at the designated shooting stations.
- (7) POINT A FIREARM ONLY AT SOMETHING YOU INTEND TO SHOOT. Avoid all horseplay with a gun. Acts of disorderly or unsafe conduct, including acts which interfere with the orderly processes conducted at the Hunter Education Center are prohibited.
- (8) DON'T RUN, JUMP OR CLIMB WITH A LOADED FIREARM. Always pull a firearm toward you by the butt, not the muzzle.
- (9) STORE FIREARMS AND AMMUNITION SEPARATELY AND SAFELY. Store each in secured locations beyond the reach of children and careless adults.
- (10) AVOID ALCOHOLIC BEVERAGES BEFORE OR DURING SHOOTING. Participants may not possess any alcoholic beverage, narcotic drug, barbiturate, marijuana or other behavior modifying substance while on the area. No individual may be under the influence of these substances including legal prescription medications at any time while within the facilities.
- (11) Because all firing ranges are unique and site specific, each individual range will operate on a Standing Operating Procedure (SOP) which will be posted onsite and online. This SOP will outline numerous aspects of range operation and other site specific items.
- (12) Eye and hearing protection must be worn while on or in the firing range area.
- (13) All participants must check in through the range office.
- (14) Youths under 16 years of age must be accompanied and supervised by an adult at least 21 years of age at all times.
- (15) Only approved paper targets may be used. Paper targets must be placed on frames provided by the Agency. All paper targets, expended rounds and litter must be removed from the range and placed in the appropriate trash and/or recycle receptacles provided.
- (16) Range Safety Officers, where provided, will have control of range safety, activities and persons using the range.
- (17) Range flags or other signaling devices will be displayed while the range is active.
- (18) Domesticated animals are prohibited unless service related.
- (19) Ranges are open only during posted days and hours. The Hunter Education Centers may be used for training or other activities as scheduled during off or non-peak days and hours. The standard individual fee rate will apply for all participants in training events or other activities except for those set out in the SOP. Special activities must be scheduled and approved by the range manager.
- (20) Hunter Education classes are to be scheduled a minimum of two weeks in advance and hunter education class participants and instructors will not be charged a use fee for the classroom or the required live fire exercise.

Authority: T. C. A. §70-1-206 and §70-2-224.