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Sequence Number: 07-08-09  
Rule ID(s): 4251  
File Date: 07/10/2009  
Effective Date: 10/08/2009

# 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  
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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
1660-01-28	Rules and Regulations Governing Licenses, Permits and Fees
Rule Number	Rule Title
1660-01-28-.05	Apprentice Hunting License-Eligibility and Conditions

Rulemaking Hearing Rules  
of the  
Tennessee Wildlife Resources Agency

Chapter 1660-01-28  
Rules and Regulations Governing Licenses, Permits and Fees

Amendment

1660-1-28-.05 Apprentice Hunting License - Eligibility and Conditions, paragraph (1) is hereby amended by changing the period of time that the license is valid from one license year to one year from the date of purchase so that, as amended, the rule shall read:

- (1) The Apprentice Hunting License will be required for all hunters 10 years of age or older who have not completed the mandatory hunter education course as specified in TCA §70-2-108. The Apprentice Hunting License will exempt the hunter for a period of one year from time of purchase from having to complete the mandatory hunter education course. This license can be purchased only once in the lifetime of the hunter.

Authority: T.C.A. §§70-1-206 and 70-2-108.

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 Chase	✓			
Johnny Coleman	✓			
Jim Fyke				✓
Ken Givens				✓
Jeffrey H. Griggs	✓			
Mike Hayes	✓			
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 06-18-2009, 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: 04/27/2009

Notice published in the Tennessee Administrative Register on: 05/01/2009

Rulemaking Hearing(s) Conducted on: (add more dates). 06/18/2009

Date: 6/22/09

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 6/22/09

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, Jr.*

Robert E. Cooper, Jr.  
Attorney General

*7-2-09*

Date

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

*7/10/09*

Effective on: \_\_\_\_\_

*10/8/09*

*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 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.

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RULE: 1660-1-28-.05

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

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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 105<sup>th</sup> 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;

Not applicable.

(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;

It will cost an estimated \$700.00 to have the point of sale license software changed to allow the apprentice license to be valid for one year from time of purchase.

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

Not applicable.

(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;

Not applicable.

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

Not applicable.

(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.

Not applicable.

## 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;
- The rule establishes an exemption to the hunter education requirements. The new rule makes the apprentice license valid for one year from time of purchase. The previous rule made the apprentice license valid for one license year.
- (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;
- T.C.A. §70-2-108(a) authorizes the Tennessee Wildlife Resources Commission to establish an apprentice license.
- (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;
- This amendment may affect hunters in Tennessee who have not graduated from the Tennessee hunter education program.
- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;
- None.
- (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;
- This rule should not affect license revenue. The implementation of the change will cost approximately \$700.00 to change the business rules of our licensing system.
- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;
- Nat Johnson, Assistant Director, Tennessee Wildlife Resources Agency.
- (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; and
- Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 781-6555.
- (I) What prompted the promulgation of the rule? Also include any additional information relevant to the rule proposed for continuation which the committee requests.
- This rule was promulgated pursuant to T.C.A. §70-2-108(a) which passed this past legislative session.