

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 07-11-14
Rule ID(s): 5758
File Date: 7/14/14
Effective Date: 10/10/14

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:	Doe Mountain Recreation Authority (DMRA)
Division:	
Contact Person:	Gabrielle K. Lynch, Secretary/Treasurer
Address:	% Johnson County Mayor; 222 West Main Street; Mountain City, TN 37683
Zip:	37683
Phone:	423-739-2537
Email:	glynch@tnc.org

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
0485-01-01	Rules of the Doe Mountain Recreation Authority
Rule Number	Rule Title
0485-01-01-.07	User Agreement and Fees

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rulemaking Hearing Rules of the Doe Mountain Recreation Authority

Chapter 0485-01-01

0485-01-01-.07 User Agreement and Fees is amended to establish specific daily and annual fees per user/visitor and to authorize the reduction of fees for appropriate purposes, so that, as amended, the rule shall read:

(1) User Agreement: All Doe Mountain Recreation Authority users must sign an Acknowledgement of Risk and have a valid DMRA User Agreement and photo ID in their presence at all times while on Doe Mountain Recreation Authority lands.

(2) Fees - General: The Doe Mountain Recreation Authority Board of Directors will assess fees to defray the costs of the Authority's responsibilities with respect to the lands under its administration and to make the Doe Mountain Recreation Authority as self-sufficient as possible. Fees may be based on the type of recreational use, including the impact of particular uses on Doe Mountain and maintenance required for specific uses.

(3) Fees – The following specific fees will be charged per user/visitor:

- (a) Off Highway Vehicle Drivers
 - 1. Annual Pass \$60
 - 2. Daily Pass \$18
- (b) Bicycle
 - 1. Annual Pass \$35
 - 2. Daily Pass \$5
- (c) Equestrian
 - 1. Annual Pass \$35
 - 2. Daily Pass \$5
- (d) Hikers and Off Highway Vehicle Passengers
 - 1. Annual Pass \$25
 - 2. Daily Pass \$3
- (e) Children age five and under: No fee will be charged for any child age five and under when accompanied by his or her parent or guardian.

(4) Complimentary passes and fee waivers: The Doe Mountain Recreation Authority Board of Directors may allow for complimentary passes, as appropriate, for specific categories of users. The Board of Directors may also authorize reduced fees or waive fees for appropriate purposes, such as for promotions, for access by persons conducting scientific research, etc., if the Board of Directors determines that waiver is in the interest of the Doe Mountain Recreation Authority. The authority to reduce fees or waive fees on a case-by-case basis may be exercised by the Chair of the Board of Directors of the Doe Mountain Recreation Authority. The authority to reduce fees or waive fees on a case-by-case basis may also be delegated by the Board of Directors to such other person as the Board of Directors designates.

Authority: T.C.A. §§ 11-25-107 to 11-25-108. Administrative History: Original rule filed August 6, 2013; effective November 4, 2013.

The vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Frank Arnold				X	
Ed Carter (by John Gregory)	X				
Mike Farmer	X				
Jerry Grindstaff	X				
Carolyn Hawkins	X				
Brock Hill	X				
Lawrence Keeble	X				
Gabrielle Lynch	X				
Terry Maughon	X				
Roby Philippi	X				
Larry Potter	X				
Ray Stout	X				
Richard Strang	X				
Matthew Garland				X	
Susan Whitaker (by Dave Jones)	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Doe Mountain Recreation Authority Board of Directors on 05/06/2014, 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: 02/18/2014

Rulemaking Hearing(s) Conducted on: (add more dates). 05/06/2014

Date: 5-21-14

Signature: [Handwritten Signature]

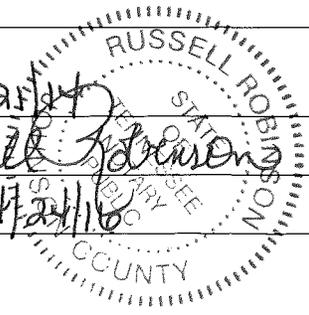
Name of Officer: Larry Potter

Title of Officer: Chair, Doe Mountain Recreation Authority Board of Directors

Subscribed and sworn to before me on: 5/21/14

Notary Public Signature: [Handwritten Signature]

My commission expires on: 4/24/16



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.

[Handwritten Signature]

Robert E. Cooper, Jr.
Attorney General and Reporter

6-26-14

Date

Department of State Use Only

Filed with the Department of State on: 7/14/14

Effective on: 10/12/14

[Handwritten Signature]
Tre Hargett
Secretary of State

RECEIVED
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OFFICE OF
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.

No comments were received.

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.

(If applicable, insert Regulatory Flexibility Addendum here)

This rule does not affect small businesses.

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)

This rule has no projected impact on local governments.

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;

The Doe Mountain Recreation Authority (DMRA) is amending its rule on User Agreement and Fees to establish specific fees for recreational uses of Doe Mountain lands under DMRA authority and to authorize the reduction of fees for appropriate purposes. The prior rule did not contain specific fees.

- (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. §§ 11-25-107 and 11-25-108 authorize the DMRA to make rules and regulations deemed expedient for the management of the affairs of the Authority.

- (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;

Potential users of DMRA lands will be most directly affected by this rule. Representatives of potential user groups serve on the Board of Directors of the DMRA and urge 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;

Not applicable.

- (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;

The fiscal impact on state and local government revenues and expenditures is minimal.

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

Gabrielle K. Lynch, DMRA Secretary/Treasurer

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

Gabrielle K. Lynch, DMRA Secretary/Treasurer

- (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

Gabrielle K. Lynch: % Johnson County Mayor; 222 West Main Street; Mountain City, TN 37683
423-739-2537; glynch@tnc.org

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

A redline is provided below.

Redline of May 2014 DMRA Rule Amendment – New text is underlined red; deleted text is red strikethrough.

0485-01-01-.07 USER AGREEMENT AND FEES.

(1) User Agreement: All Doe Mountain Recreation Authority users must sign an Acknowledgement of Risk and have a valid Doe Mountain Recreation Authority User Agreement and photo ID in their presence at all times while on Doe Mountain Recreation Authority lands.

(2) Fees - General: The Doe Mountain Recreation Authority Board of Directors will assess fees ~~and other charges~~ to defray the costs of the Authority's responsibilities with respect to the lands under its administration and to make the Doe Mountain Recreation Authority as self-sufficient as possible. Fees may be based on the type of recreational use, including the impact of particular uses on Doe Mountain and maintenance required for specific uses.

(a) ~~(3) Fee types: Charges may include, as determined by the Board of Directors of the Doe Mountain Recreation Authority, any of the following:~~

~~_____ (a) Single visit entry fees or user charges;~~

~~_____ (b) Annual fees;~~

~~_____ (c) Fees for special activities;~~

~~_____ (d) Fees assessed on authorized concessionaires;~~

~~_____ (e) Parking fees; and,~~

~~_____ (f) Such other fees or charges as the Doe Mountain Recreation Authority Board of Directors deems appropriate to accomplish the purposes of the Doe Mountain Recreation Act of 2012.~~

(3) Fees – The following specific fees will be charged per user/visitor:

(a) Off Highway Vehicle Drivers

1. Annual Pass \$60
2. Daily Pass \$18

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(4) Complementary passes and fee waivers: The Doe Mountain Recreation Authority Board of Directors may allow for complementary passes, as appropriate, for specific categories of users. The Board of Directors may also authorize reduced fees or waive fees for appropriate purposes, such as for promotions, for access by persons conducting scientific research, etc., if the Board of

Directors determines that waiver is in the interest of the Doe Mountain Recreation Authority. The authority to reduce fees or waive fees on a case-by-case basis may be exercised by the Chair of the Board of Directors of the Doe Mountain Recreation Authority. The authority to reduce fees or waive fees on a case-by-case basis may also be delegated by the Board of Directors to the Doe Mountain Recreation Authority Manager or to such other person as the Board of Directors designates.

Authority: T.C.A. §§ 11-25-107 to 11-25-108. Administrative History: Original rule filed August 6, 2013; effective November 4, 2013.

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