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Sequence Number: 09-04-15
 Notice ID(s): 2371
 File Date: 9/3/15

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Environment and Conservation
Division:	State Parks
Contact Person:	Cheryl Gracy
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 2nd Floor Nashville, Tennessee 37243
Phone:	(615) 532-0041
Email:	Cheryl.Gracy@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator
Address:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 22nd Floor Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or (615) 532-0200 Hearing impaired callers may use the TN Relay Service at 1-800-848-0298.
Email:	Beverly.Evans@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	3 rd Floor, Conference Room E		
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	10/27/15		
Hearing Time:	10:00 AM	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

This rulemaking has two objectives. First, it amends Rule 0400-02-02-.11, in order to align Tennessee State Park regulations with T.C.A. § 39-17-1311 regarding possession of handguns in state parks.

Second, it amends Rule 0400-02-02-.14, to clarify how alcoholic beverages are to be displayed and consumed within state parks. Tennessee State Parks has sold liquor by the drink, wine, and beer in park food and beverage establishments for several years. Park guests and staff have asked for clarity regarding the "open container" and "public display" components of existing policy. This rule change will accomplish a clear understanding for staff and park guests regarding alcohol policies at State Parks.

The Department prepared an initial set of draft rules for public review and comment. The "Draft" rules may be accessed for review using <http://tnstateparks.com/about/public-participation>.

Draft copies are also available for review at the following address:

Tennessee Department of Environment and Conservation
Division of State Parks
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 2nd Floor
Nashville, Tennessee 37243
(615) 532-0041

Office hours are from 8:00 AM to 4:30 PM, Monday through Friday (excluding holidays).

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to or after the public hearing to: Tennessee Department of Environment and Conservation, Division of State Parks; Attention: Cheryl Gracy, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 2nd Floor, Nashville, Tennessee 37243; telephone 615-532-0041 or fax 615-532-0732. However, such written comments must be received by 4:30 PM CST, October 30, 2015, in order to assure consideration. For further information, please contact Cheryl Gracy at the above address or telephone number or by e-mail at Cheryl.Gracy@tn.gov.

Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0400-02-02	Public Use and Recreation
Rule Number	Rule Title
0400-02-02-.11	Firearms, Traps, and Other Weapons
0400-02-02-.14	Alcoholic Beverages

(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>)

Chapter 0400-02-02
Public Use and Recreation

Amendments

Rule 0400-02-02-.11 Firearms, Trap, and Other Weapons is amended by deleting it in its entirety and substituting instead the following:

0400-02-02-.11 Firearms, Traps, and Other Weapons.

In park, natural, and historical areas the use of traps, seines, handthrown spears, nets (except landing nets), firearms (including air and gas powered pistols and rifles), blow guns, bows and arrows or crossbows, and any other implements designed to discharge missiles in the air or under the water which are capable of destroying animal life are prohibited. The possession of such objects or implements is prohibited unless they are unloaded and adequately cased, or broken down or otherwise packed in such a way as to prevent their use while in the park areas.

- Exception 1: Shooters may use recreational target shooting ranges available for skeet, trap and bow and arrow target shooting within a park area as long as these weapons are properly cased when not on the range.
- Exception 2: Authorized Federal, State, County and City law enforcement officers may carry firearms in the performance of their official duties.
- Exception 3: Persons using park area facilities while participating in authorized open or managed hunts within the park areas or beyond, may use and possess firearms under the specific rules and regulations pertaining to the authorized hunt and only in the authorized hunting zones or compartments.
- Exception 4: Persons that have been issued a handgun carry permit in compliance with T.C.A. § 39-17-1351 may carry handguns.

Authority: T.C.A. §11-1-101 et seq. and 4-5-201 et seq.

Rule 0400-02-02-.14 Alcoholic Beverages is amended by deleting it in its entirety and substituting instead the following:

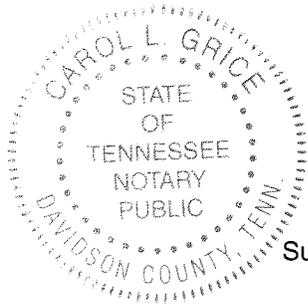
0400-02-02-.14 Alcoholic Beverages.

- (1) Possessing alcoholic beverages in an open container or consuming any alcoholic beverages in any state park area is prohibited, except as specifically allowed in paragraph (2) of this rule.
- (2) Possessing alcoholic beverages in an open container or consuming any alcoholic beverages in any state park area is allowed in the following designated areas and circumstances:
 - (a) In the overnight accommodations set out below:
 - 1. Designated campsites;
 - 2. Cabins;
 - 3. Inn Rooms;

4. Group Camps; and
 5. Other accommodations designated by the Division of State Parks.
- (b) In any designated group day-use facility by any authorized group which has paid a reservation fee and has obtained a prior authorization from the Park Manager to consume alcohol. A designated group day-use facility includes:
1. Designated picnic area, shelters, or meeting rooms; and
 2. Open-Space venues that have specific boundaries as defined by the Park Manager.
- (c) In any facility that is licensed to sell alcoholic beverages.

Authority: T.C.A. §11-1-101 et seq. and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date: September 3, 2015

Signature: [Handwritten Signature]

Name of Officer: Brock Hill

Title of Officer: Deputy Commissioner

Subscribed and sworn to before me on: September 3, 2015

Notary Public Signature: Carol L. Grice

My commission expires on: June 21, 2016

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Filed with the Department of State on: 9/3/15

[Handwritten Signature]
Tre Hargett
Secretary of State

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