

**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](mailto:register.information@tn.gov)

**For Department of State Use Only**

Sequence Number: 10-06-12  
 Rule ID(s): 5314  
 File Date: 10/5/12  
 Effective Date: 1/3/13

# 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*

|                                 |                                     |
|---------------------------------|-------------------------------------|
| <b>Agency/Board/Commission:</b> | Tennessee Wildlife Resources Agency |
| <b>Division:</b>                | Law Enforcement                     |
| <b>Contact Person:</b>          | Lisa Crawford                       |
| <b>Address:</b>                 | PO Box 40747, Nashville, TN         |
| <b>Zip:</b>                     | 37204                               |
| <b>Phone:</b>                   | 615-781-6606                        |
| <b>Email:</b>                   | 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                                      |
|----------------|--|
| 1660-01-08     | Rules and Regulations of Hunts                     |
| Rule Number    | Rule Title   |
| 1660-01-08-.07 | Special Hunts Provided By Charitable Organizations |

1660-01-08

Rules and Regulations of Hunts

New Rule

1660-01-08-.07 Special Hunts Provided By Charitable Organizations

The Executive Director may allow for hunting devices proclaimed for a specific season to be substituted by a different device in order to accommodate hunters 18 years of age and under who are diagnosed with a life threatening illness and who are being provided with a hunt from a charitable organization. Such organization must be properly incorporated and approved by the internal revenue service as organizations that are exempt from federal income tax under § 501(a) of the Internal Revenue Code, codified in 26 U.S.C. § 501(a), by virtue of being organizations described in § 501(c)(3) of the Internal Revenue Code, codified in 26 U.S.C. § 501(c)(3). Such organizations must make requests to the Executive Director in writing prior to any requested hunt, and the individual in question must be 18 years of age or younger and diagnosed with a medically certified life threatening illness. All other laws, regulations and proclamations pertaining to hunting will remain in effect. The individual will be required to have all requisite licenses and permits. No requests for elk hunts will be allowed pursuant to this part.

Authority: §§70-1-206 and 70-1-304

\* 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 |
|-------------------|-----|----|---------|--------|
| William L. Brown  | ✓   |    |         |        |
| Jim Bledsoe       | ✓   |    |         |        |
| Harold Cannon     | ✓   |    |         |        |
| Jeffrey H. Griggs | ✓   |    |         | ✓      |
| Julius Johnson    |     |    |         | ✓      |
| Robert Martineau  |     |    |         |        |
| Jeff McMillin     | ✓   |    |         |        |
| Mitchell S. Parks | ✓   |    |         |        |
| Julie Schuster    | ✓   |    |         |        |
| Trey Teague       | ✓   |    |         |        |
| 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 06/15/2012 (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: 04/20/2012

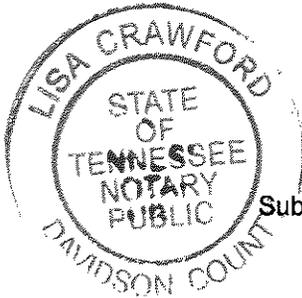
Rulemaking Hearing(s) Conducted on: (add more dates). 06/15/2012

Date: 6-18-12

Signature: Ed Carter

Name of Officer: Ed Carter

Title of Officer: Executive Director



Subscribed and sworn to before me on: 6-18-12

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.

RE Cooper, Jr.  
 Robert E. Cooper, Jr.  
 Attorney General and Reporter  
9-25-12  
 Date

Department of State Use Only

Filed with the Department of State on: 10/5/12

Effective on: 1/3/13

*Tre Hargett*  
Tre Hargett  
Secretary of State

RECEIVED  
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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: 1660-01-08-.07\*

|           |               |
|-----------|---------------|
| New       | <u>  X  </u>  |
| Amendment | <u>      </u> |
| Repeal    | <u>      </u> |

---

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.

(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 minimal 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

There are no state or federal 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 on 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.

Please describe the increase in expenditures or decrease in revenues:

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

**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;

This new rule would allow the Executive Director to substitute a hunting device during a proclaimed specific season for hunters 18 years of age and under who are diagnosed with a life threatening illness and who are being provided with a hunt from a charitable organization.

- (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;

There is no mandate in state or federal law to establish this rule.

- (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;

Children diagnosed with life threatening illnesses and 501(c)(3) corporations will most directly be affected by this rule. Organizations must be properly incorporated and approved by the internal revenue service as organizations that are exempt from federal income tax under § 501(a) of the Internal Revenue Code, codified in 26 U.S.C. § 501(a), by virtue of being organizations described in § 501(c)(3) of the Internal Revenue Code, codified in 26 U.S.C. § 501(c)(3). Organizations 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;

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;

No increase or decrease in state expenditures is expected as a result of this rule.

- (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, TWRA [Darren.Rider@tn.gov](mailto:Darren.Rider@tn.gov)

- (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](mailto:Nat.Johnson@tn.gov)

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

All other laws, regulations and proclamations pertaining to hunting will remain in effect. The individual will be required to have all requisite licenses and permits. No requests for elk hunts will be allowed pursuant to this part due to herd size at this time.

Red Line Copy

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Sequence Number: \_\_\_\_\_  
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Effective Date: \_\_\_\_\_

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| <b>Contact Person:</b>          | Lisa Crawford                       |
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| <b>Phone:</b>                   | 615-781-6606                        |
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- Amendment
- New
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1660-01-08

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| Board Member      | Aye | No | Abstain | Absent |
|-------------------|-----|----|---------|--------|
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| Jeff McMillin     |     |    |         |        |
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| Julie Schuster    |     |    |         |        |
| Trey Teague       |     |    |         |        |
| Eric Wright       |     |    |         |        |
| Danya Welch       |     |    |         |        |

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I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 04/20/2012

Rulemaking Hearing(s) Conducted on: (add more dates). 06/15/2012

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

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

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|           |               |
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| New       | <u>  X  </u>  |
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There are no state or federal counterparts to this rule.

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