

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 12-27-11
Rule ID(s): 5126-5128
File Date: 12/21/2011
Effective Date: 03/20/2012

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:	Environment and Conservation
Division:	Tennessee State Parks
Contact Person:	Wayne Gregory
Address:	11 th Floor, L & C Tower 401 Church Street Nashville, Tennessee
Zip:	37243
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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
0400-01-01	Fees and Charges for Certain Departmental Services
Rule Number	Rule Title
0400-01-01-.03	State Parks Entrance Fees and Parking Fees

Chapter Number	Chapter Title
0400-02-02	Public Use and Recreation
Rule Number	Rule Title
0400-02-02-.05	Camping

Chapter Number	Chapter Title
0400-02-05	Vehicles and Traffic Safety
Rule Number	Rule Title
0400-02-05-.03	Bicycles

(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 0400-01-01
Fees and Charges for Certain Departmental Services

Amendment

Part 4 of subparagraph (b) of paragraph (4) of Rule 0400-01-01-.03 State Parks Entrance Fees and Parking Fees is amended by deleting it in its entirety and replacing it with a new part 4 to read as follows:

4. For an additional fee, not to exceed thirty (30) dollars, as determined by the Commissioner, a Tennessee State Parks Passport that is purchased by a person sixty-five (65) years of age or older shall be valid for the lifetime of that person.

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

Chapter 0400-02-02
Public Use and Recreation

Amendment

Rule 0400-02-02-.05 Camping is amended by adding a new paragraph (9) to read as follows:

- (9) Golf carts are only allowed on the paved roads within the campgrounds. Anyone operating a golf cart in the campgrounds must have a valid driver's license.

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

Chapter 0400-02-05
Vehicles and Traffic Safety

Amendment

Paragraph (3) of Rule 0400-02-05-.03 Bicycles is amended by deleting it in its entirety and replacing it with a new paragraph (3) to read as follows:

- (3) Anyone under the age of 16 is required to wear a helmet while operating or riding bicycles on any state park property.

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

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Commissioner on 11/14/2011 (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: 08/19/10

Rulemaking Hearing(s) Conducted on: (add more dates). 10/12/10

Date: 11-14-11

Signature: *Robert J. Martineau, Jr.*

Name of Officer: Robert J. Martineau, Jr.

Title of Officer: Commissioner



Subscribed and sworn to before me on: November 14, 2011

Notary Public Signature: *Beth B. Smith*

My commission expires on: July 6, 2015

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

12-19-11
Date

Department of State Use Only

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SECRETARY OF STATE
PUBLICATIONS

Filed with the Department of State on: 12/21/11

Effective on: 03/20/2012

Tre Hargett
Tre Hargett
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.

There were no comments received by the Department regarding this rulemaking.

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)

- (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, or directly benefit from the proposed rule.

This rulemaking will not affect any small businesses.

- (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.

There are not costs to small business resulting from this rulemaking.

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

There are not impacts on small businesses and consumers resulting from this rulemaking.

- (4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small business.

This rulemaking will not affect any small businesses.

- (5) A comparison of the proposed rule with any federal or state counterparts.

The Department is not aware of any.

- (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.

This rulemaking will not affect any small businesses.

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)

(Insert statement here)

The Department does not anticipate that these amended rules will have a financial 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 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;

Rule 0400-01-01-.03(4)(b)4 is amended at the request of the Government Operations Committees in a prior rule review meeting to limit the cost of a lifetime Tennessee State Park Passport to \$30 for senior citizens. Rule 0400-02-02-.05(9) is being added to limit the use of golf carts within State Parks to paved surfaces and to persons possessing a valid driver's license. Rule 0400-02-05-.03(3) is amended to only require bicycle riders under the age of 16 to wear a helmet while riding a bicycle in State Parks.

- (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;

The rule changes are authorized by T.C.A § 11-1-101.

- (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;

Senior citizens desiring to purchase a life time Tennessee State Park Passport, operators of golf care within State Parks, and riders of bicycles on park property will be affected by these amendments. These persons did not comment on the amendments.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

The Department is not aware of any.

- (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 increase in revenues resulting from these rule changes are expected to be less than two percent of the Department's annual budget and less than \$500,000.

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

Wayne Gregory
Office of General Counsel
11th Floor, L&C Tower, 401 Church Street
Nashville, Tennessee 37243
Phone: 615-253-5420
E-Mail: Wayne.Gregory@tn.gov

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

Alan M. Leiserson
Legal Services Director, Office of General Counsel
Tennessee Department of Environment and Conservation

- (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

Office of General Counsel
Tennessee Department of Environment and Conservation
20th Floor, L&C Tower
Nashville, Tennessee 37243-1548
Phone: 615-532-0131
Alan.Leiserson@tn.gov

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

The Department is not aware of any.

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Chapter 0400-01-01
Fees and Charges for Certain Departmental Services

Amendment

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Amendment

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- (9) **Golf carts are only allowed on the paved roads within the campgrounds. Anyone operating a golf cart in the campgrounds must have a valid driver's license.**

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

Chapter 0400-02-05
Vehicles and Traffic Safety

Amendment

Paragraph (3) of Rule 0400-02-05-.03 Bicycles is amended by deleting it in its entirety and replacing it with a new paragraph (3) to read as follows:

- (3) **~~Helmetts are required by all riders~~ Anyone under the age of 16 is required to wear a helmet** while operating or riding bicycles on any state park property.

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