

**Department of State
Division of Publications**

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Nashville, TN 37243
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For Department of State Use Only

Sequence Number: 09-29-16
Rule ID(s): 6311
File Date: 9/21/16
Effective Date: 12/20/16

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

| | |
|---------------------------------|-------------------------------------|
| Agency/Board/Commission: | Tennessee Wildlife Resources Agency |
| Division: | Director's Office |
| Contact Person: | Lisa Crawford |
| Address: | PO Box 40747, Nashville, TN |
| Zip: | 37204 |
| Phone: | 615-781-6606 |
| Email: | 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 |
|----------------|---|
| 1660-01-04 | Rules and Regulations For Field Trials and Dog Training |
| Rule Number | Rule Title |
| 1660-01-04-.04 | Release and Recapture Pens |

Amendment

1660-01-04-.04, Release and Recapture Pens, is amended by deleting the rule in its entirety and replacing it with the following:

- (1) Pen-reared Bobwhite quail may be released and recaptured for the purpose of training bird dogs on a year-round basis.
- (2) All bobwhite quail released shall bear a leg band approved by the Wildlife Resources Agency.
- (3) Shooting of released quail is allowed only during the open statewide quail season or during the shooting preserve season if released on a licensed shooting preserve.

- (4) Each release and recapture pen must be identified with the name and address of the person attempting to release or recapture pen-reared quail.
- (5) Release and recapture pens may be used only with landowner approval.
- (6) The dog trainer must show the location of all release and recapture pens to the wildlife officer on request.
- (7) All species of wildlife other than the banded quail which may be trapped in the pens must be released unharmed immediately.
- (8) All release and recapture pens must be checked daily to insure proper maintenance.

Authority: T.C.A. §70-1-206. Administrative History: Original rule certified May 8, 1974. Amendment filed August 2, 1982, effective August 31, 1982. Amendment filed August 9, 1993, effective October 23, 1993.

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

| Board Member | Aye | No | Abstain | Absent | Signature (if required) |
|---------------|-----|----|---------|--------|-------------------------|
| Chad Baker | ✓ | | | | |
| Jim Bledsoe | ✓ | | | | |
| Harold Cannon | ✓ | | | | |
| Jeff Cook | ✓ | | | | |
| Bill Cox | ✓ | | | | |
| Kurt Holbert | ✓ | | | | |
| Connie King | ✓ | | | | |
| Jeff McMillan | ✓ | | | | |
| Jim Ripley | ✓ | | | | |
| Bill Swan | ✓ | | | | |
| Trey Teague | ✓ | | | | |
| David Watson | ✓ | | | | |
| Jamie Woodson | ✓ | | | | |

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish & Wildlife Commission on 08/19/2016 (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: 06/22/2016

Rulemaking Hearing(s) Conducted on: (add more dates). 08/19/2016



Date: 8-29-16

Signature: [Handwritten Signature]

Name of Officer: Ed Carter

Title of Officer: Executive Director

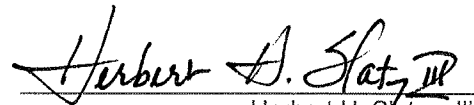
Subscribed and sworn to before me on: 8.29.16

Notary Public Signature: [Handwritten Signature]

Tennessee Wildlife Resources Agency
Rule 1660-01-04-.04
Rules for Field Trials and Dog Training
Release and Recapture Pens

My commission expires on: 03/10/2019

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.



Herbert H. Slatery III
Attorney General and Reporter

9/13/2016

Date

Department of State Use Only

Filed with the Department of State on: 9/21/16

Effective on: 12/20/16



Tre Hargett
Secretary of State

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SECRETARY OF STATE
PETITIONS

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: 1660-01-04

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

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;

There are no businesses, small or otherwise, that would bear the cost of or directly benefit from the proposed rule.

(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;

All recordkeeping and administrative costs are estimated to be minimal and would be borne by the Agency through existing staff.

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

The rule as proposed would have no effect on businesses or consumers.

(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 rule puts forth necessary due process protections to fully implement previously passed legislation.

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

The rule is fairly similar to those that have been passed in participating compact states.

(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.

Businesses, small or otherwise, will not be impacted as there are no requirements placed on business.

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 Agency does not believe that the rule will have any impact on local governments.

Please describe the increase in expenditures or decrease in revenues:

The rule will neither increase expenditures, nor decrease revenues.

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;

As a result of legislative changes to state law, legal possession of firearms has been expanded and this rule still had prohibitions on possession in certain instances that were in conflict with the changes in the law.

- (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;

These rules are being amended in order to accurately reflect changes in Tennessee state law. These amendments will remove the conflicting language, bringing the rules in line with the law.

- (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;

Individuals possessing firearms on TWRA owned lands. There is no opposition or support for these changes.

- (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;

None

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

Chris Richardson, chris.richardson@tn.gov, 615-428-3728

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

Chris Richardson, TWRA Special Assistant to the Director/Policy and Legislation, 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

Chris Richardson, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, (615) 837-6016, Chris.Richardson@tn.gov

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

Red line Copy

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- Shooting of released quail is allowed only during the open statewide quail season or during the shooting preserve season if released on a licensed shooting preserve. ~~Possession of firearms prohibited at all other times.~~

Tennessee Wildlife Resources Agency
Rule 1660-01-04-.04
Rules for Field Trials and Dog Training
Release and Recapture Pens

My commission expires on: 03/10/2019

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.

Herbert H. Slatery III
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Date

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Filed with the Department of State on: _____

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RULE: 1660-01-04

| | |
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