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Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

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:	
Contact Person:	Lisa Crawford
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Zip:	37204
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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)

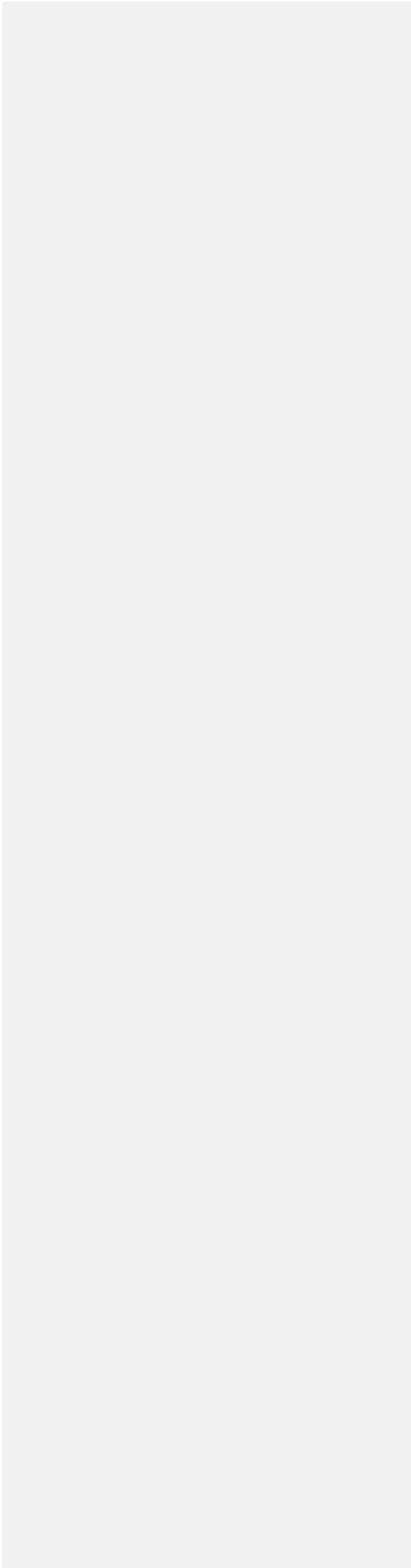
Chapter Number	Chapter Title
1660-01-29	Rules and Regulations Governing the Interstate Wildlife Violators Compact
Rule Number	Rule Title
1660-01-29-.01	Compact Requirements

1660-01-29-.01 Compact Requirements

- (a) The Agency is a member of the Interstate Wildlife Violators Compact, which provides participating states the authority to take reciprocal actions relative to wildlife violations occurring in other member states. The purpose of the requirements set forth below is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.
- (b) "Participating state" means any state which enacts legislation to become a member of the Interstate Wildlife Violators compact.

- (c) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.
- (d) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of Tennessee and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in paragraph (e) if the officer receives the recognizance of such person that he will comply with the terms of the citation.
- (e) Personal recognizance is acceptable (1) if not prohibited by law, agency policy, procedure or regulation, and (2) if the individual provides adequate proof of identification to the wildlife officer.
- (f) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the Boating and Law Enforcement division shall report that information to the Compact.
- (g) Upon receipt of the report of conviction or noncompliance pursuant to paragraph (f), the Boating and Law Enforcement division shall also transmit the information to the licensing authority of the person's home state, if that person is a nonresident.
- (h) "Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.
- (i) Upon receipt of a report from a participating state of a person's failure to comply with the terms of a wildlife citation, the Boating and Law Enforcement division shall notify the person that his/her license privileges are suspended until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the participating state.
- (j) "License" means any license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, proclamation, or administrative rule of a participating state.
- (k) "Conviction" means a conviction, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule, and such conviction shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.
- (l) A resident licensee who has received notice of license suspension may request an informal hearing to appeal the suspension. To appeal this determination, a resident licensee must file a written request with the Executive Director. The request must be received within thirty (30) days of the mailing of the notice of license suspension. If a hearing is not requested within thirty (30) days, the right to a hearing is waived. The request for appeal must contain, specifically: (1) a copy of the notice for which review is sought, and (2) a reply to all allegations set forth in the notice which shall address all the factual allegations set forth in the order. Only the licensure suspension may be appealed. The facts of the original violation for which the citation was issued shall not be considered on appeal under this part.
- (m) The decision of the Executive Director, or his designee, shall be rendered no later than 10 (ten) days from the date of the informal hearing, and that decision shall be provided to the person in writing.
- (n) Upon receipt of a report of conviction from the licensing authority of any participating state, the Boating and Law Enforcement division shall enter such conviction in its records and shall treat such conviction as though it occurred in Tennessee for the purposes of the suspension of license privileges.
- (o) The Boating and Law Enforcement division shall maintain a record of actions taken and shall make reports to issuing states as provided for under the rules of the Compact.

Authority: TCA §§70-1-206, 70-1-302(b), and 70-1-305(12). **Administrative History:** Original rule filed _____; Effective _____.



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

<u>Board Member</u>	<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Chad Baker				
<u>Jim Bledsoe</u>				
<u>Harold Cannon</u>				
Jeff Cook				
<u>Bill Cox</u>				
Kurt Holbert				
<u>Connie King</u>				
Jeff McMillan				
<u>Jim Ripley</u>				
Bill Swan				
<u>Trey Teague</u>				
<u>David Watson</u>				
<u>Jamie Woodson</u>				

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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 _____ (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: _____ (mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). _____ (mm/dd/yy)

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: 3-10-19

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

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

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;

(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;

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

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

(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.

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?](#)

[Please describe the increase in expenditures or decrease in 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;

[Empty text box for item A]

- (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;

[Empty text box for item B]

- (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;

[Empty text box for item C]

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

[Empty text box for item D]

- (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;

[Empty text box for item E]

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

[Empty text box for item F]

Please include your phone number & e-mail address!

- (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.

[Empty text box for item I]