

TAAAR



July 15, 2003
Volume 29, Number 7

RILEY C. DARNELL
Secretary of State

Division of Publications
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Department of State, Authorization No. 305197, 360 copies, July 2003. This public document was promulgated at a cost of \$ 6.67 per copy.

PREFACE

The Tennessee Administrative Register (T.A.R) is an official publication of the Tennessee Department of State. The *T.A.R.* is compiled and published monthly by the Department of State pursuant to *Tennessee Code Annotated, Title 4, Chapter 5*. The *T.A.R.* contains in their entirety or in summary form the following: (1) various announcements (e.g. the maximum effective rate of interest on home loans as set by the Department of Commerce and Insurance, formula rate of interest and notices of review cycles); (2) emergency rules; (3) proposed rules; (4) public necessity rules; (5) notices of rulemaking hearings and (6) proclamations of the Wildlife Resources Commission.

Emergency Rules are rules promulgated due to an immediate danger to the public health, safety or welfare. These rules are effective immediately on the date of filing and remain in effect thereafter for up to 165 days. Unless the rule is promulgated in some permanent form, it will expire after the 165-day period. The text or a summary of the emergency rule will be published in the next issue of the *T.A.R.* after the rule is filed. Thereafter, a list of emergency rules currently in effect will be published.

Proposed Rules are those rules the agency is promulgating in permanent form in the absence of a rulemaking hearing. Unless a rulemaking hearing is requested within 30 days of the date the proposed rule is published in the *T.A.R.*, the rule will become effective 105 days after said publication date. All rules filed in one month will be published in the *T.A.R.* of the following month.

Public Necessity Rules are promulgated to delay the effective date of another rule that is not yet effective, to satisfy constitutional requirements or court orders, or to avoid loss of federal programs or funds. Upon filing, these rules are effective for a period of 165 days. The text or summary of the public necessity rule will be published in the next issue of the *T.A.R.* Thereafter, a list of public necessity rules currently in effect will be published.

Once a rule becomes effective, it is published in its entirety in the *official compilation-Rules and Regulations of the State of Tennessee*. Replacement pages for the compilation are published on a monthly basis as new rules or changes in existing rules become effective.

Wildlife Proclamations contain seasons, creel, size and bag limits, and areas open to hunting and/or fishing. They also establish wildlife and/or public hunting areas and declare the manner and means of taking. Since Wildlife Proclamations are published in their entirety in the *T.A.R.*, they are not published in the *official compilation-Rules and Regulations of the State of Tennessee*.

Subscription Orders - The subscription rate, payable in advance, is \$ 50 per year. An order form may be found in the back of each issue of the *Tennessee Administrative Register*.

Back Issues - Some back issues of the *Tennessee Administrative Register* are available. Please send \$ 1.50 per issue along with the volume, number and date you wish to order to the address in the back of this issue.

Copies of Rules from Back Issues of the *Tennessee Administrative Register* may be ordered from the Division of Publications for 25 cents per page with \$ 1.00 minimum. Back issues presently available start with the August, 1975 edition. The mailing address of the Division of Publications is shown on the order form in the back of each issue.

Reproduction - There are no restrictions on the reproduction of official documents appearing in the Tennessee Administrative Register.

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ANNOUNCEMENTS

TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE - 0780 TENNCARE OVERSIGHT DIVISION

PETITION FOR DECLARATORY ORDER NOTICE OF HEARING AND NOTICE TO POTENTIALLY INTERESTED PERSONS

1. Petitioner's Name: Better Health Plans, Inc.
1000 Ridgeway Loop Road, Suite 203
Memphis, Tennessee 38120

Docket Number: 12.01-045020J
2. Petitioner's Attorney: Michelle H. Joss
Harris, Shelton, Dunlap, Cobb & Ryder, PLLC

Address: One Commerce Square, Suite 2700
Memphis, Tennessee 38103-2555

Telephone Number: (901) 525-1455
3. Organization, if any, that the Petitioner represents:

Better Health Plans, Inc. ("BHP")
4. Provide a statement of the facts which led to the filing of this petition.
 - a. BHP holds a certificate of authority as a health maintenance organization that was issued by the Commissioner in June 2001, pursuant to Tennessee Code Annotated, Title 56, Chapter 32.
 - b. BHP entered into a Contractor Risk Agreement ("CRA"), as amended, with the State of Tennessee, TennCare Bureau, and began participating in the TennCare program on or around July 1, 2001.
 - c. From July 1, 2001, through June 30, 2002, BHP was paid a monthly capitation payment by the State of Tennessee, TennCare Bureau, for the provision of medical care to TennCare enrollees on an at-risk basis.

- d. BHP acknowledges that the capitation payments are considered “premium revenue” within the meaning of Tenn. Code Ann. § 56-32-212.
 - e. Effective July 1, 2002, the TennCare Bureau modified the CRA with BHP and entered into the stabilization period so that the State of Tennessee assumed the risk for the costs of medical care for TennCare enrollees.
 - f. On March 24, 2003, the TennCare Division notified BHP that pursuant to Tenn. Code Ann. § 56-32-212, it was required to increase its statutory deposit from \$1.1 million to \$1.4 million by May 1, 2003, due to an increase in premium revenue.
 - g. On April 30, 2003, BHP submitted its request for a declaratory order that the amounts paid to its administrative services account do not constitute “premium revenue” under Tenn. Code Ann. § 56-32-212.
5. Provide a summary of the relief that the Petitioner has requested including the specific nature of the requested order and the conclusions that the Petitioner would request that the agency reach at the conclusion of the declaratory process.
- a. The Petitioner has requested that the Commissioner of Commerce and Insurance issue a declaratory order stating that amounts transferred to the Better Health Plans, Inc., Administrative Services Only Account used to pay medical expenses incurred by the State of Tennessee do not constitute “premium revenue” under Tenn. Code Ann. § 56-32-212(a)(2)(B).
 - b. Also, the Petitioner has requested that the Commissioner of Commerce and Insurance issue a declaratory order stating that amounts transferred to the Better Health Plans, Inc., Administrative Services Only Account used to pay medical expenses incurred by the State of Tennessee are not considered “premium revenue” under Tenn. Code Ann. § 56-32-212(b).
 - c. The TennCare Oversight Division opposes the relief sought by the Petitioner and will request a declaratory order stating that the amounts transferred to Better Health Plans, Inc., Administrative Services Only Account used to pay medical expenses incurred by the State of Tennessee are considered “premium revenue” under Tenn. Code Ann. § 56-32-212.
6. Citation to the statute, rule or order which is the subject of the petition.
- a. Tenn. Code Ann. § 56-32-212(a)(2)(B).
 - b. Tenn. Code Ann. § 56-32-212(b).
7. State how the statute rule and/or order cited above specifically and directly produces an effect or result upon the Petitioner:

- a. See above.

A hearing has been scheduled for this matter for August 27, 2003 at 9:00 a.m. before an Administrative Judge for the Administrative Procedures Division, Office of the Secretary of State, sitting for the Commissioner of Commerce and Insurance, in Room 212 of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee 37243.

If you have any questions, you may contact the Petitioner, Better Health Plans, Inc., at the address and telephone number at the beginning of this notice.

The Notice of Hearing of Petition for Declaratory Order set out herein was properly filed in the office of the Secretary of State, Publications Division, on this the 30th day of June, 2003. (06-41)

Submitted for Publication by:

Susan Geist Wittig (BPR# 020765)
Eric J. Stansell (BPR# 021707)
Staff Attorneys
Department of Commerce and Insurance
Davy Crockett Tower, 5th Floor
500 James Robertson Parkway
Nashville, Tennessee 37243
(615) 741-2199

DEPARTMENT OF FINANCIAL INSTITUTIONS – 0180

ANNOUNCEMENT OF FORMULA RATE OF INTEREST

Pursuant to the provisions of Chapter 464, Public Acts of 1983, the Commissioner of Financial Institutions hereby announces that the formula rate of interest is 8.04%.

This announcement is placed in the Tennessee Administrative Register for the purpose of information only and does not constitute a rule within the meaning of the Uniform Administrative Procedures Act.

DEPARTMENT OF FINANCIAL INSTITUTIONS - 0180**ANNOUNCEMENT OF MAXIMUM EFFECTIVE RATE OF INTEREST**

The Federal National Mortgage Association has discontinued its free market auction system for commitments to purchase conventional home mortgages. Therefore, the Commissioner of Financial Institutions hereby announces that the maximum effective rate of interest per annum for home loans as set by the General Assembly in 1987, Public Chapter 291, for the month of August 2003 is 8.50 per cent per annum.

The rate as set by the said law is an amount equal to four percentage points above the index of market yields of long term government bonds adjusted to a thirty (30) year maturity by the U. S. Department of the Treasury. For the most recent weekly average statistical data available preceding the date of this announcement, the calculated rate is 4.50 per cent.

Persons affected by the maximum effective rate of interest for home loans as set forth in this notice should consult legal counsel as to the effect of the Depository Institutions Deregulation and Monetary Control Act of 1980 (P.L. 96-221 as amended by P.L. 96-399) and regulations pursuant to that Act promulgated by the Federal Home Loan Bank Board. State usury laws as they relate to certain loans made after March 31, 1980, may be preempted by this Act.

GOVERNMENT OPERATIONS COMMITTEES**ANNOUNCEMENT OF PUBLIC HEARINGS**

For the date, time, and, location of this hearing of the Joint Operations committees, call 615-741-3642. The following rules were filed in the Secretary of State's office during the month of June 2003. All persons who wish to testify at the hearings or who wish to submit written statements on information for inclusion in the staff report on the rules should promptly notify Fred Standbrook, Suite G-3, War Memorial Building, Nashville, TN 37243-0059, (615) 741-3074.

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-01	June 2, 2003	0400 Environment and Conservation Division of Superfund	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-1-13 Hazardous Substance Remedial Action</i> 1200-1-13-.13 List of Inactive Hazardous Substance Sites	Robert L. Powell Division of Superfund 4th Fl Annex L & C Bldg Nashville, TN 37243-1538 (615)532-0916	Aug 16, 2003
06-02	June 3, 2003	0880 Medical Examiners	Rulemaking Hearing Rules	New Rules Repeals	<i>Chapter 0880-2 General Rules and Regulations Governing the Practice of Medicine</i> 0880-2-.20 Medical Professional Corporations and Medical Professional Limited Liability Companies 0880-8-1-.01 Purpose - 0880-8-1-.02 Definitions - 0880-8-1-.03 Coverage and Scope of Act - 0880-8-1-.04 Ownership of M.P.C. Shares - 0880-8-1-.05 Requirements as to Form of Corporate Charter - 0880-8-1-.06 Filing of Charter - 0880-8-1-.07 Corporate Practice Limitations - 0880-8-1-.08 Practice Beyond Scope of Charter- 0880-8-1-.09 Prohibition on Physician Combining with Other Professions 0880-8-1-.10 Ethical Prohibition on Physicians' Ownership of a Non-M.P.C. - 0880-8-1-.11 Corporate Name - 0880-8-1-.12 Officers and Directors- 0880-8-1-.13 Requirements as to Form of Stock Certificate - 0880-8-1-.14 Offering of M.P.C. Shares Prohibited- 0880-8-1-.15 Regulation of M.P.C. Shares by the Board - 0880-8-1-.16 Filing of Annual Statement of Qualifications - 0880-8-1-.17 Termination of M.P.C. Status -	Robert J. Kraemer Health OGC 26th Fl TN Twr 312 8th Ave N Nashville, TN 37247-0120 (615) 741-1611	Aug 17, 2003

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-02, cont					0880-8-2-01 Purpose- 0880-8-2-02 Definitions - 0880-8-2-03 Coverage and Scope of Rules- 0880-8-2-04 Membership in MPLLC'S- 0880-8-2-05 Persons Permitted to be Managers or Governors - 0880-8-2-06 Dissolution- 0880-8-2-07 Foreign MPLLC'S - 0880-8-2-08 Delivery of Articles -		
06-10	June 9, 2003	1175 Private Investigation and Polygraph Commission (0780 Commerce and Insurance)	Rulemaking Hearing Rules	New Rules	Chapter 1175-1 Private Investigation Commission 1175-1-17 Retired Licenses 1175-1-18 Exceptions to Applicability 1175-1-03 Finger Printing 1175-1-11 License 1175-1-12 Renewal Fees 1175-2-09 Reactivation of Retired Licenses 1175-4-05 Conflicts of Interests 1175-4-06 Misconduct 0780-5-4-	Christy A. Allen Regulatory Boards Office of Legal Counsel 500 J Robertson Pkwy Davy Crockett Twr 5th Fl Nashville, TN 37243 (615) 741-3072	Sept 23, 2003
06-11	June 10, 2003	1200 Health Bureau of Health Services Administration Communicable and Environmental Disease Services	Emergency Rules	Amendments	Chapter 1200-14-1 Communicable Diseases 1200-14-1-02 Notifiable Diseases	Richard F. Russell General Counsel 26th Fl TN Twr 312 8th Ave N Nashville, TN 37247-0120 (615) 741-1611	June 10, 2003 through Nov 22, 2003
06-12	June 12, 2003	1200 Health Board for Licensing Health Care Facilities Division of Health Care Facilities	Rulemaking Hearing Rules	Amendments	Chapter 1200-8-1 Standards for Hospitals 1200-8-1-07 Optional Hospital Services	Nick Aemisegger OGC 26th Fl TN Twr 212 8th Ave N Nashville, TN 37247-0120 615-532-7173	Aug 26, 2003
06-14	June 13, 2003	0460 Dentistry	Rulemaking Hearing Rules	Amendments	Chapter 0460-1 General Rules 0460-1-02 Fees	Nick Aemisegger OGC 26th Fl TN Twr	Aug 27, 2003

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-14, cont.					0460-1-.05 Continuing Education 0460-1-.08 Dental Professional Corporations (D.P.C.) 0460-1-.09 Dental Professional Limited Liability Companies (D.P.L.L.C.) 0460-1-.11 Infection Control 0460-1-.16 Patient Rights	212 8th Ave N Nashville, TN 37247-0120 615-532-7173	
06-15	June 16, 2003	1660 Wildlife Resources Agency	Rulemaking Hearing Rules	New Rule	<i>Chapter 1660-1-20 Rules And Regulations Governing The Deer Management Assistance Program (Dmap)</i> 1660-1-20-.01 General Provisions	Sheryl Holtam, Attorney TWRA P.O. Box 40747 Nashville, TN 37204 615-781-6606	Aug 30, 2003
06-16	June 16, 2003	1200 Health Board for Licensing Health Care Facilities	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-8-10 Standards for Ambulatory Surgical Treatment Centers</i> 1200-8-10-.01 Definitions 1200-8-10-.02 Licensing Procedures 1200-8-10-.04 Administration 1200-8-10-.05 Admissions, Discharges, and Transfers 1200-8-10-.06 Basic Services 1200-8-10-.08 Building Standards 1200-8-10-.09 Life Safety 1200-8-10-.10 Infectious and Hazardous Waste 1200-8-10-.14 Disaster Preparedness	John W. Dalton 26th Fl TN Twr 212 8th Ave N Nashville, TN 37247-0120 615-532-7179	Aug 30, 2003
06-19	June 18, 2003	1200 Health Board of Alcohol and Drug Abuse Counselors	Rulemaking Hearing Rules	Amendments	<i>Chapter 1200-30-1 Rules Governing Licensure of Alcohol and Drug Abuse Counselors</i> 1200-30-1-.04 Qualifications for Licensure 1200-30-1-.05 Licensure Process 1200-30-1-.08 Examinations	Nicole Armstrong Office of General Counsel, 26th Fl TN Twr 312 8th Ave N Nashville, TN 37243 615-741-1611	Sept 1, 2003
06-20	June 18, 2003	1500 Human Rights Commission	Public Necessity Rules	Amendments	<i>Chapter 1500-1 Rules for Acting on Complaints of Discrimination</i> 1500-1-.02 Practice and Procedure	Scott J. Mayer General Counsel Human Rights Commission 530 Church St., Suite 400 Nashville, TN 37219 (615) 741-5825	June 18, 2003 through Nov 30, 2003

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-21	June 18, 2003	1500 Human Rights Commission	Proposed Rules	Amendments	Chapter 1500-1 Rules for Acting Upon Complaints of Discrimination 1500-1-.02 Practice and Procedure 1500-1-.03 Filing of Reports and Preservation of Records 1500-1-.06 Commissioner's Orders	Scott J. Mayer General Counsel Human Rights Commission 530 Church St., Suite 400 Nashville, TN 37219 (615) 741-5825	Oct 28, 2003
06-22	June 18, 2003	1500 Human Rights Commission	Proposed Rules	Amendments	Chapter 1500-1 Rules for Acting Upon Complaints of Discrimination 1500-1-.02 Practice and Procedure	Scott J. Mayer General Counsel Human Rights Commission 530 Church St., Suite 400 Nashville, TN 37219 (615) 741-5825	Oct 28, 2003
06-23	June 18, 2003	1500 Human Rights Commission	Proposed Rules	Amendments	Chapter 1500-1 Rules for Acting Upon Complaints of Discrimination 1500-1-.01 Purpose	Scott J. Mayer General Counsel Human Rights Commission 530 Church St., Suite 400 Nashville, TN 37219 (615) 741-5825	Oct 28, 2003
06-24	June 18, 2003	0460 Dentistry	Rulemaking Hearing Rules	Amendments	Chapter 0460-1 General Rules 0460-1-.05 Continuing Education and C.P.R. Chapter 0460-4 Rules Governing the Practice of Dental Assistants 0460-4-.04 Coronal Polishing Certification	Ernest Sykes, Jr Health OGC 26th Fl TN Twr 312 8th Ave N Nashville TN 37247-0120 615-741-1611	Sept 1, 2003
06-25	June 25, 2003	1730 Veterinary Medical Examiners	Rulemaking Hearing Rules	Amendments	Chapter 1730-1 General Rules Governing Veterinarians 1730-1-.01 Definitions 1730-1-.09 Renewal of License 1730-1-.12 Continuing Education 1730-1-.15 Disciplinary Actions, Civil Penalties, and Assessment of Costs 1730-1-.22 Recordkeeping Chapter 1730-2	Nicole Armstrong Health OGC 26th Fl TN Twr 312 8th Ave N Nashville TN 37247-0120 615-741-1611	Sept 8, 2003

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-25, cont.					<p><i>General Rules Governing Veterinary Facilities</i> 1730-2-.01 Definitions 1730-2-.04 Recordkeeping 1730-2-.12 Renewal of Premises Permit/Reinstatement of Expired Premises Permit Examination and Treatment Areas 1730-2-.14 Disciplinary Actions, Civil Penalties, and Assessment of Costs 1730-2-.15</p> <p><i>Chapter 1730-3 General Rules Governing Veterinary Medical Technicians</i> 1730-3-.01 Definitions 1730-3-.09 Renewal of License 1730-3-.12 Continuing Education 1730-3-.15 Disciplinary Actions, Civil Penalties, and Assessment of Costs</p> <p><i>Chapter 1730-4 General Rules Governing Certified Animal Control Agencies</i> 1730-4-.01 Definitions 1730-4-.08 Renewal Application/Reinstatement of Administratively Revoked Certificate 1730-4-.12 Disciplinary Actions, Civil Penalties, and Assessment of Costs</p> <p><i>Chapter 1730-5 General Rules Governing Certified Animal Euthanasia Technicians</i> 1730-5-.01 Definitions 1730-5-.08 Renewal Application/Reinstatement of Administratively Revoked Certificate 1730-5-.12 Disciplinary Actions, Civil Penalties, and Assessment of Costs</p>		

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-27	June 25, 2003	0680 Licensing Contractors	Rulemaking Hearing Rules	New Rule	1730-2-17 Penalties, and Assessment of Costs Provisions for Non-Provided Services	E. Ross White Commerce and Insurance Office of Legal Counsel 312 8th Ave N TN Twr, 25th Fl Nashville TN 37243-0569 (615) 741-3072	Sept 8, 2003
06-28	June 26, 2003	0880 Medical Examiners Committee on Physician Assistants	Rulemaking Hearing Rules	Amendment	Chapter 0880-3 <i>General Rules and Regulations Governing the Practice of a Physician Assistant</i> 0880-3-21 Prescription Writing	Robert J. Kraemer Health OGC 26th Fl TN Twr 312 8th Ave N Nashville TN 37247-0120 (615) 741-1611	Sept 9, 2003
06-43	June 30, 2003 No Disk	0800 Labor and Workforce Development Occupational Safety and Health	Proposed Rules	Amendments	Chapter 0800-1-3 <i>Occupational Safety and Health Record-Keeping and Reporting</i> 0800-1-3-02 Scope 0800-1-3-03 Recordkeeping Forms and Recording Criteria	Michael M. Maenza Labor and Workforce Development Occupational Safety and Health 3rd Fl A Johnson Twr 710 J Robertson Pkwy Nashville, TN 37243-0659 (615) 741-7036	Oct 28, 2003
06-44	June 30, 2003	0520 Education	Proposed Rule	Amendment	Chapter 0520-1-3 <i>Minimum Requirements for the Approval of Public Schools</i> 0520-1-3-03 Administration of Schools, Requirement B	Karen Weeks Education 9th Fl A Johnson Twr 710 J Robertson Pkwy Nashville, TN 37243-1050 (615) 532-3528	Oct 28, 2003
06-45	June 30, 2003	0520 Education	Proposed Rule	Amendment	Chapter 0520-1-3 <i>Minimum Requirements for the Approval of Public Schools</i> 0520-1-3-05 State Curriculum Requirement D	Karen Weeks Education 9th Fl A Johnson Twr 710 J Robertson Pkwy Nashville, TN 37243-1050 (615) 532-3528	Oct 28, 2003
06-46	June 30,	0520 Education	Proposed Rule	Amendment	Chapter 0520-1-3 <i>Minimum Requirements for the Approval of</i>	Karen Weeks Education	Oct 28, 2003

SEQ NO	FILE DATE	DEPARTMENT & DIVISION	TYPE OF FILING	DESCRIPTION	RULE NUMBER AND RULE TITLE	LEGAL CONTACT	EFFECTIVE DATE
06-46, cont.	2003				<i>Public Schools</i> 0520-1-3-.06 Graduation, Requirement E	9th Fl A Johnson Twr 710 J Robertson Pkwy Nashville, TN 37243-1050 (615) 532-3528	
06-47	June 30, 2003	0520 Education	Proposed Rule	Amendment	<i>Chapter 0520-1-10</i> <i>Tennessee's Early Intervention System</i> 0520-1-10-.04 Resolution of Individual Child Complaints 0520-1-10-.05 State Administration 0520-1-10-.08 TEIS Interagency Coordinating Council (ICC)	Karen Weeks Education 9th Fl A Johnson Twr 710 J Robertson Pkwy Nashville, TN 37243-1050 (615) 532-3528	Oct 28, 2003
06-48	June 30, 2003	0520 Education	Proposed Rule	Amendment	<i>Chapter 0520-2-3</i> <i>Teacher Education and Licensure</i> 0520-2-3-.01 Licensure, General Requirements	Karen Weeks Education 9th Fl A Johnson Twr 710 J Robertson Pkwy Nashville, TN 37243-1050 (615) 532-3528	Oct 28, 2003
06-49	June 30, 2003	0520 Education	Proposed Rule	Amendment	<i>Chapter 0520-2-3</i> <i>Teacher Education and Licensure</i> 0520-2-3-.21 Effective Dates	Karen Weeks Education 9th Fl A Johnson Twr 710 J Robertson Pkwy Nashville, TN 37243-1050 (615) 532-3528	Oct 28, 2003

HEALTH SERVICES AND DEVELOPMENT AGENCY - 0720**NOTICE OF BEGINNING OF REVIEW CYCLE**

Applications will be heard at the August 27, 2003 Health Services and Development Agency Meeting except as otherwise noted.

**Denotes applications being placed on the Consent Calendar.
+Denotes applications under simultaneous review.*

This is to provide official notification that the Certificate of Need applications listed below have begun the review cycle effective June 1, 2003. The review cycle includes a 60-day period of review by the Tennessee Department of Health or the Department of Mental Health and Developmental Disabilities. Upon written request by interested parties the staff of The Health Services and Development Agency shall conduct a public hearing. Certain unopposed applications may be placed on a "consent calendar." Such applications are subject to a review less than 60 days including a 30-day period of review by the Department of Health or Department of Mental Health and Developmental Disabilities. Applications intended to be considered on the consent calendar, if any, are denoted by an asterisk.

Pursuant to T.C.A., Section 68-11-1609(g)(1) effective May 2002, any health care institution wishing to oppose a Certificate of Need must file a written objection with the Health Services and Development Agency and serve a copy on the contact person no later than fifteen (15) days before the agency meeting at which the application is originally scheduled.

For more information concerning each application you may contact the Health Services and Development Agency (615/741-2364).

NAME AND ADDRESS	DESCRIPTION
Home Health Care of East Tennessee 1796 Mount Vernon Drive Cleveland (Bradley Co.), TN 37311 E. Graham Baker, Jr. – (615)—383-3332 CN0304-022	The expansion of home health and hospice services into the Tennessee counties of Coffee, Franklin, Morgan, Roane, and Van Buren in addition to the currently licensed counties of Bledsoe, Bradley, Grundy, Hamilton, Loudon, Marion, McMinn, Meigs, Monroe, Polk, Rhea, and Sequatchie. \$ 72,000.00
MedQuest/TCMC Diagnostic Imaging Center, LLC 900 Conference Drive, #6 Goodlettsville (Davidson Co.), TN 37072 E. Graham Baker, Jr. – (615)—383-3332 CN0304-026	The establishment of an outpatient diagnostic center and the initiation of magnetic resonance imaging services to be located at 900 Conference Drive, #6, Goodlettsville, Tennessee. \$ 2,782,425.00
Raleigh Professional Associates d/b/a Jackson Professional Associates 1865 Hwy. 45 By-Pass Jackson (Madison Co.), TN 38305 Barbara Doty – (901)—372-7878 CN0305-028	The relocation of a non-residential methadone treatment facility from 133 Bemis Lane in Jackson, Tennessee to 1865 Highway 45 By-Pass in Jackson, Tennessee. \$ 112,000.00

NAME AND ADDRESS	DESCRIPTION
<p>*The Knoxville Endoscopy Center-West 11440 Parkside Drive Knoxville (Knox Co.), TN 37922 John Wellborn – (615)—665-2022 CN0305-029</p>	<p>The change of site for previously approved Certificate of Need #CN0205-036A from 280 Fort Sanders Boulevard to 11440 Parkside Drive in Knoxville, Tennessee. The Certificate of Need was approved for the establishment of a single specialty ambulatory surgical treatment center (ASTC) to initiate outpatient endoscopy surgery. \$ 2,929,188.00</p>
<p>NFC Surgery Center 345 23rd Avenue North Nashville (Davidson Co.), TN 37203 John Wellborn – (615)—665-2022 CN0305-030</p>	<p>The establishment of a single specialty surgical treatment center (ASTC) and the initiation of ambulatory surgery services at 345 23rd Avenue North in Nashville, Tennessee. \$ 3,264,672.00</p>
<p>Tennessee PET Scan Center, LLC 520 Highland Terrace, Suite D Murfreesboro (Rutherford Co.), TN 37130 William H. West – (615)—726-5561 CN0305-031</p>	<p>The relocation of an outpatient diagnostic center, the initiation of positron emission tomography (PET) services, and the acquisition of a PET Scanner (CN0211-118A) from 2018 Murphy Avenue in Nashville (Davidson County), Tennessee to 520 Highland Terrace, Suite D in Murfreesboro (Rutherford) County, Tennessee. \$ 1,813,428.00</p>
<p>+Chattanooga Bone & Joint Surgeons, P.C. 1809 Gunbarrel Road Chattanooga (Hamilton Co.), TN 37421 William H. West – (615)—726-5561 CN0305-032</p>	<p>The initiation of in-office magnetic resonance imaging (MRI) services and the acquisition of MRI equipment to be located at 1809 Gunbarrel Road in Chattanooga, Tennessee. \$ 2,093,000.00</p>
<p>*Surgery Center of Columbia 725 James Campbell Blvd. Columbia (Maury Co.), TN 38501 Kim Looney – (615)—259-1450 CN0305-033</p>	<p>A change of site and replacement of Surgery Center of Columbia's existing ambulatory surgical treatment center (ASTC) at 1405 Hatcher Lane in Columbia, Tennessee. The ASTC will be located in an existing building at 725 James Campbell Boulevard in Columbia, Tennessee. The existing James Campbell Boulevard building will be purchased by the applicant and subsequently renovated and expanded to accommodate the same number of operating rooms (2) and procedure rooms (3) as the existing, licensed Hatcher Lane ASTC facility. A change in location was approved per CN0210-106A for the construction of a new facility behind the existing Hatcher Lane ASTC in a location that borders Rosewood and Alpine Drives. \$ 2,100,092.00</p>

NAME AND ADDRESS	DESCRIPTION
UT Endoscopy Center West, LLC 11455 Parkside Drive Knoxville (Knox Co.), TN 37922 Jerry W. Taylor – (615)—726-1200 CN0305-034	The establishment of a single specialty ambulatory surgical treatment center (ASTC) limited to endoscopic surgery. The project will include two procedure rooms. The facility will be located at 11455 Parkside Drive in Knoxville, Tennessee. \$ 1,664,214.00
Radiology & Diagnostics, PLC 1102 Dow Street Murfreesboro (Rutherford Co.), TN 37130 Mark W. Winters – (615)—896-3737 CN0305-035	The initiation of magnetic resonance imaging (MRI) services and the acquisition of MRI equipment to be located at 1102 Dow Street in Murfreesboro, Tennessee. \$ 1,577,618.00
+Chattanooga Orthopaedic Group, P.C. 2415 McCallie Avenue Chattanooga (Hamilton Co.), TN 37404 Rebecca Burnett – (423)—493-0620 CN0305-037	The initiation of in-office magnetic resonance imaging (MRI) services and the acquisition of MRI equipment to be located at 2415 McCallie Avenue in Chattanooga, Tennessee. \$ 1,851,458.40

PUBLIC CHAPTER 412

Public Chapter 412 of the 103rd General Assembly amends or repeals certain rules and regulations of the State of Tennessee. Below is the text of Public Chapter 412. This act takes effect July 1, 2003

AN ACT relative to agency rules scheduled to expire pursuant to the provisions of the Uniform Administrative Procedures Act, contained within Tennessee Code Annotated, Title 4, Chapter 5. BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. (a) Except as provided in subsection (c) all permanent rules duly filed in the office of secretary of state between January 1, 2002, and December 31, 2002, which are in effect on the effective date of this act, and which are scheduled for expiration by the provisions of Tennessee Code Annotated, Section 4-5-226, on June 30, 2003, shall not expire on June 30, 2003, but shall remain in effect until repealed or amended by subsequent rule of the appropriate rulemaking agency or until otherwise superseded by force of law.

(b) The provisions of this section shall not be construed to justify the continued effectiveness of any rule included within the provisions of subsection (a) if such rule conflicts with the provisions of any enactment other than Tennessee Code Annotated, Section 4-5-226.

(c) Rule 1200-13-13-.05 – Enrollee Cost Sharing – TennCare Medicaid – of the Official Compilation Rules and Regulations of the State of Tennessee – is amended by deleting such rule in its entirety and by substituting instead the following:

Rule 1200-13-13-.05. – TennCare Medicaid enrollees do not have cost sharing responsibilities for TennCare coverage and covered services.

Rule 1200-13-13-.08(9) – Enrollee Cost Sharing – TennCare Medicaid – of the Official Compilation Rules and Regulations of the State of Tennessee – is amended by deleting the language “TennCare Medicaid or”.

Rule 1240-4-3-.10 – Transportation – Department of Human Services – of the Official Compilation of Rules and Regulations of the State of Tennessee – is amended by deleting subparts (ii) and (iii) of part 2 of subparagraph (c) of paragraph (1), in their entirety.

Rule 1240-4-6-.10 – Transportation – Department of Human Services – of the Official Compilation of Rules and Regulations of the State of Tennessee – is amended by deleting subparts (ii) and (iii) of part 2 of subparagraph (c) of paragraph (1), in their entirety.

Rule 1240-4-3-.10 – Transportation – Department of Human Services – of the Official Compilation of Rules and Regulations of the State of Tennessee – is amended by deleting subparagraph (f) of paragraph (4), in its entirety.

Rule 1240-4-6-.10 – Transportation – Department of Human Services – of the Official Compilation of Rules and Regulations of the State of Tennessee – is amended by deleting subparagraph (f) of paragraph (4), in its entirety.

Rule 1240-4-1-.07 – Transportation – Department of Human Services – of the Official Compilation of Rules and Regulations of the State of Tennessee – is amended by deleting parts (ii) and (iii) of part 2 of subparagraph (c) of paragraph (1), in their entirety.

Rule 1240-4-4-.07 – Transportation – Department of Human Services – of the Official Compilation of Rules and Regulations of the State of Tennessee – is amended by deleting parts (ii) and (iii) of part 2 of subparagraph (c) of paragraph (1), in their entirety.

Rule 1240-4-1-.07 – Transportation – Department of Human Services – of the Official Compilation of Rules and Regulations of the State of Tennessee – is amended by deleting subparagraph (f) of paragraph (4), in its entirety.

Rule 1240-4-4-.07 – Transportation – Department of Human Services – of the Official Compilation of Rules and Regulations of the State of Tennessee – is amended by deleting subparagraph (f) of paragraph (4), in its entirety.

SECTION 2. The department of human services is directed to promulgate rules and regulations by July 1, 2003, requiring drug screens of drivers providing child care transportation for a licensed or approved child care agency.

SECTION 3. Rule 1200-4, department of human services, transportation rules, in subsection (c) of Section 1 shall be deleted effective July 1, 2003.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 29, 2003

DEPARTMENT OF REVENUE - 1320**NOTICE OF DETERMINATION OF INTEREST RATE**

Pursuant to T.C.A. Section 67-1-801(a)(1) through (3), notice is hereby given that the rate of interest on all taxes collected or administered by the Department of Revenue shall be eight and one quarter percent (8.25%) effective on or after July 1, 2003, through June 30, 2004.

Loren L. Chumley
Commissioner of Revenue

NOTICE OF DETERMINATION OF INTEREST RATE FOR INSTALLMENT PAYMENTS

Pursuant to T.C.A. Section 67-1-801(a)(4)(D), notice is hereby given that the rate of interest on all tax liabilities paid in installments by agreement with the Commissioner of Revenue shall be eleven and one quarter percent (11.25%) effective on or after July 1, 2003.

Loren L. Chumley
Commissioner of Revenue

EMERGENCY RULES

EMERGENCY RULES NOW IN EFFECT

- 1200 - Department of Health - Office of the Commissioner - Emergency rules covering procedures for administering reimbursement of providers of health care services who contract with state agencies, chapter 1200-24-4 Reimbursement of Health Care Provider Costs, 2 T.A.R. (February 2003) - Filed January 2, 2003; effective through June 16, 2003. (01-01)

THE TENNESSEE DEPARTMENT OF HEALTH - 1200 BUREAU OF HEALTH SERVICES ADMINISTRATION COMMUNICABLE AND ENVIRONMENTAL DISEASE SERVICES

CHAPTER 1200-14-1 COMMUNICABLE DISEASES

STATEMENT OF NECESSITY REQUIRING EMERGENCY RULES

Pursuant to Tennessee Code Annotated § 4-5-208, the Department of Health is promulgating emergency rules covering reporting of diseases to public health authorities.

For the reasons set forth below, we have made a finding that there is an immediate danger to the public health, safety or welfare, and the nature of this danger is such that the use of any other form of rulemaking would not adequately protect the public.

The first human case of West Nile virus (WNV) infection in Tennessee occurred in 2002. In the first year of its introduction, 56 cases occurred and WNV activity rapidly spread throughout the state. West Nile virus infections can range from severe or fatal encephalitis or meningitis, to mild or asymptomatic infection. This change will improve the reporting of WNV to include all laboratory-confirmed infections. Accurately monitoring the incidence of WNV infections in Tennessee is critical for directing preventive interventions. It is impossible to predict the extent to which WNV will affect Tennessee in future years. Because clinicians, laboratory resources and public health measures are all affected by an accurate measure of the incidence of disease, immediate and complete reporting of all West Nile virus infections in Tennessee is imperative.

Prions are the cause of a number of diseases which have received substantial public attention recently, including “mad cow disease” and the related human infection called “variant CJD” (vCJD). Cases of “mad cow disease” and variant CJD have had devastating medical, social and economic effects in many countries. To date, no cases have been reported in the United States. The CDC, USDA and other national and state organizations have developed aggressive programs to monitor animal and human populations for any signs of vCJD. As part of this important effort to protect the public health, it is critical that public health authorities be notified immediately of any disease which could potentially be classified as vCJD. Because it can be difficult to distinguish Creutzfeldt-Jacob Disease (CJD) from variant CJD, all such cases must be reported and investigated. Detection of a single case of vCJD would lead to a tremendous national and international political and medical response. This measure will ensure that the Department of Health has the authority to gather adequate information and respond immediately and appropriately to this serious emerging infection.

For copies of the entire text of the proposed amendments, contact:

Tracy McCauley, R.N.
 Communicable and Environmental Disease Services
 Fourth Floor, Cordell Hull Building
 425 Fifth Avenue North
 Nashville, Tennessee 37247-3901
 (615) 741-7247

Kenneth S. Robinson, M.D.
 Commissioner
 Tennessee Department of Health

The text of the proposed amendments is as follows:

AMENDMENTS

Rule 1200-14-1-.02, Notifiable Diseases, paragraph (1), subparagraph (n), is amended by deleting part 6. in its entirety.

Authority: *T.C.A. §§4-5-208 and 68-5-104(a).*

Rule 1200-14-1-.02, Notifiable Diseases, paragraph (1), is amended by inserting a new subparagraph (mm) and renumbering the existing subparagraph (mm), Psittacosis, as (nn) and further renumbering subsequent subparagraphs accordingly. New subparagraph (mm) shall read as follows:

(mm) Prion disease (Creutzfeldt Jakob Disease, variant CJD, other)

Authority: *T.C.A. §§4-5-208 and 68-5-104(a).*

Rule 1200-14-1-.02, Notifiable Diseases, paragraph (1), is amended by inserting a new, appropriately numbered subparagraph () and renumbering the remaining subparagraphs accordingly. The new, appropriately numbered subparagraph shall read as follows:

() West Nile virus infections*

Authority: *T.C.A. §§4-5-208 and 68-5-104(a).*

The emergency rules set out herein were properly filed in the Department of State on the 10th day of June, 2003, and will be effective from the date of filing for a period of 165 days. These emergency rules will remain in effect through the 22nd day of November, 2003.

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PROPOSED RULES

STATE BOARD OF EDUCATION - 0520

CHAPTER 0520-1-3 MINIMUM REQUIREMENTS FOR THE APPROVAL OF PUBLIC SCHOOLS

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, 8th Floor – William Snodgrass Building, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the amendment, or submitted by a municipality which will be affected by the amendment, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed amendment, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed amendment is as follows:

AMENDMENT

Paragraph (9) of Rule 0520-1-3-.03 Administration of Schools, Requirement B is amended by deleting the paragraph in its entirety and substituting instead the following language so that as amended the paragraph shall read:

- (9) Student Evaluation in Grades Kindergarten through grade 8.
 - (a) The student evaluation program for grades kindergarten through grade 8 shall consist of the following:
 1. A norm referenced test in grades 3 through 8 in reading, language, mathematics, science, and social studies.
 2. A criterion referenced test in grades 3, 5 and 8 in reading, language, and mathematics in 2003. In subsequent years, the criterion referenced test will be administered in subjects and grade levels in accordance with policy of the State Board of Education.
 3. An assessment of writing in grades 5 and 8.

- (b) Each student's test data and the student's answer documents, including the test booklets for students using the large-print or Braille editions, will be maintained for a period of one year following test administration. Following this one-year period, individual student test data will then be preserved on storage media.
- (c) State mandated student testing programs shall be undertaken in accordance with procedures published by the Department of Education. Local school systems shall develop local policies regarding security of test administration, consistent with Department of Education guidelines.

Authority: T.C.A. § 49-1-302.

The proposed amendments set out herein were properly filed in the Department of State on the 30th day of June , 2003, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2003. (06-44)

STATE BOARD OF EDUCATION - 0520

CHAPTER 0520-1-3

MINIMUM REQUIREMENTS FOR THE APPROVAL OF PUBLIC SCHOOLS

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, 8th Floor – William Snodgrass Building, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the amendment, or submitted by a municipality which will be affected by the amendment, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed amendment, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed amendment is as follows:

AMENDMENT

Paragraph (1) of Rule 0520-1-3-.05 State Curriculum Requirement D is amended by deleting the paragraph in its entirety and substituting instead the following language so that as amended the paragraph shall read:

- (1) Curriculum Standards.
 - (a) The State Board of Education shall adopt curriculum standards for each subject area, grades K-12. The standards shall specify learning expectations and include performance indicators. The approved standards shall be the basis for planning instructional programs in each local school system.

- (b) Adopted textbooks shall be aligned with state curriculum standards.
- (c) Instruction in grades K-12 in issues of current concern such as character education, environmental education, economic education, career education, family life education, substance use and abuse, AIDS education, sexual abuse prevention, cardiopulmonary resuscitation, and safety shall be incorporated in appropriate subject areas and grade levels.

Authority: T.C.A. § 49-1-302.

The proposed amendments set out herein were properly filed in the Department of State on the 30th day of June , 2003, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2003. (06-45)

STATE BOARD OF EDUCATION - 0520

CHAPTER 0520-1-3

MINIMUM REQUIREMENTS FOR THE APPROVAL OF PUBLIC SCHOOLS

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, 8th Floor – William Snodgrass Building, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the amendment, or submitted by a municipality which will be affected by the amendment, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed amendment, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed amendment is as follows:

AMENDMENT

Part 11 of subparagraph (e) of paragraph (1) of Rule 0520-1-3-.06 Graduation, Requirement E is amended by deleting the part in its entirety and substituting instead the following language so that as amended the part shall read:

- 11. Social Studies
 - (i) United States History
 - (ii) Economics*
 - (iii) United States Government**
 - (iv) Sociology

- (v) Psychology
 - (vi) World Geography
 - (vii) World History
 - (viii) Contemporary Issues
 - (ix) Modern History
 - (x) Ancient History
 - (xi) African-American History
 - (xii) Advanced Placement United States History
 - (xiii) Advanced Placement European History
 - (xiv) Advanced Placement World History
 - (xv) Advanced Placement Economics
 - (xvi) Advanced Placement Government and Politics
 - (xvii) Advanced Placement Human Geography
- * The economics requirement for graduation may be satisfied by business economics, international business/marketing, one-half credit in marketing education, or out-of-school experiences through Junior Achievement.
- ** The United States government requirement for graduation may be satisfied by one semester of American business/legal systems or by three years of JROTC.

Authority: T.C.A. § 49-1-302.

The proposed amendments set out herein were properly filed in the Department of State on the 30th day of June , 2003, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2003. (06-46)

**CHAPTER 0520-1-10
TENNESSEE'S EARLY INTERVENTION SYSTEM**

Presented herein are the proposed amendments of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate these amendments without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, 8th Floor – William Snodgrass Building, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of the proposed amendments, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed amendments are as follows:

AMENDMENTS

Rule 0520-1-10-.04 Resolution of Individual Child Complaints is amended by deleting the rule in its entirety and substituting instead the following language so that as amended the rule shall read:

0520-1-10-.04 RESOLUTION OF INDIVIDUAL CHILD COMPLAINTS

- (1) The lead agency and the Division of Special Education shall provide for impartial resolution of individual child complaints by parents.
 - (a) A parent may file a written complaint when an early intervention agency or service provider proposes or refuses to initiate or change the:
 1. identification, evaluation, eligibility determination or assessment of an eligible child;
 2. development of an individualized family service plan;
 3. provision of appropriate early intervention services to the child or the child's family; or
 4. use of third party payment for early intervention services.
 - (b) A written complaint shall:
 1. be signed by the parent(s) or surrogate parent(s);
 2. contain a written description of the complaint; and
 3. be filed with the lead agency through the TEIS district office.
 - (c) The lead agency shall confirm receipt of the complaint in writing with the parent and all other

parties involved in the complaint.

- (d) Within sixty (60) calendar days after a complaint is filed, the lead agency must:
1. carry out an independent on-site investigation, if it is determined that such an investigation is necessary;
 2. ensure that involved parties will have the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
 3. review all relevant information and make an independent determination as to whether the public agency is violating a requirement of the law;
 4. issue a written decision that addresses each allegation and contains the following:
 - (i) findings of fact and conclusions and
 - (ii) the reasons for the final decision; and
 5. provide procedures for effective implementation of the final decision and, if needed, assist with technical assistance activities, negotiations, and corrective actions needed to achieve compliance.
- (e) If a written complaint is received that is also the subject of a due process hearing, or contains multiple issues, of which one or more are part of that hearing, the State must set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of a hearing. However, any issue in the complaint that is not a part of the due process action must be resolved within the sixty-calendar-day timeline using the complaint procedures set forth in this rule.
- (f) If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties:
1. the hearing decision is binding; and
 2. the lead agency must inform the complainant to that effect.
- (g) The lead agency must resolve a complaint alleging a public agency's or a private service provider's failure to implement a due process decision.

(2) Mediation

The lead agency shall ensure that procedures and resources for participation in mediation is available to allow parties to seek resolution of disputes regarding any issue regarding service delivery under IDEA, Part C. The option to participate in a mediation process shall, at a minimum, be available whenever a due process hearing is requested. Parent(s) and early intervention providers may participate in mediation to resolve disputes regarding the provision of appropriate early intervention services to an eligible child or a child suspected of being eligible. Mediation shall be voluntary and must be mutually agreed upon by the parent(s) and early intervention service providers.

- (a) Mediation may be requested by parents or an early intervention service provider when:
1. a conflict regarding early intervention services of an eligible child or a child suspected of

- being eligible cannot be resolved without third party assistance; or
2. either involved party is requesting a due process hearing.
- (b) When the parents and early intervention service provider agree to mediate a conflict, a “Request for Mediation” form shall be completed and signed by both parties and forwarded to the lead agency through the TEIS district office.
 - (c) The lead agency shall maintain a list of individuals who are qualified mediators and knowledgeable in federal and state laws and regulations relating to the provision of early intervention services in accordance with IDEA Part C.
 - (d) Qualified and impartial third party mediators trained in effective mediation techniques and assigned through the Division of Special Education shall conduct all mediation sessions. All mediators shall receive training in the following areas:
 1. state and federal early intervention laws and regulations;
 2. procedures for conducting mediation sessions in an orderly and controlled manner;
 3. group process skills essential to achieving consensus agreement;
 4. phases of mediation;
 5. procedures for writing a consensus agreement; and
 6. procedures for debriefing the parties;
 - (e) If a mediator is not selected on a random (e.g., a rotation) basis from the list described in section 0520-1-10-04(2)(c) of this rule, both parties must be involved in selecting the mediator and agree with the selection of the individual who will mediate.
 - (f) Mediators shall not be assigned to cases under the following conditions:
 1. the mediator is employed by other organizations or agencies involved in the provision of early intervention services to the child and/or family whose program is in dispute; or
 2. if that person has a personal or professional interest that would conflict with his/her objectivity.
 - (g) The mediation session(s) must be scheduled in a timely manner and shall occur at a mutually agreed upon time and date but may not delay or deny either party’s rights to a due process hearing or obviate the need for adherence to the prescribed timelines if a due process hearing has been requested.
 - (h) Any agreement reached by the parties to the dispute in the mediation process must be set forth in a written mediation agreement. Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings, and the parties to the mediation may be required to sign a confidentiality pledge prior to the commencement of the process.
 - (i) Records, notes or summaries of mediation proceedings may not be entered into evidence in a

due process hearing. Neither the mediator, nor any participant in the mediation proceeding, shall be subpoenaed as a witness in a due process hearing for a child for whom he/she participated.

- (j) The Division of Special Education shall be responsible for ensuring or providing appropriate meeting space and shall bear the administrative costs of arrangements for the mediation. No parent shall, in any case, be responsible for any administrative cost related to the mediation activity.
- (k) If a parent is not satisfied with the findings and decision of the mediation procedure, the parent may request in writing a due process hearing by:
 1. filing a written request with the lead agency through the TEIS district office; and
 2. following the due process procedure outlined in Federal Regulations.

(3) Due Process

Parents have the right to an impartial due process hearing in order to settle disputes regarding the provision of appropriate early intervention services to an eligible child or a child alleged to be eligible. The lead agency shall provide a model form to assist parents in filing a request for due process that provides for the inclusion of all required information. However, a public agency may not deny or delay a parent's right to a due process hearing for failure to provide notice.

- (a) The parent of a child with a disability or the attorney representing the child is required to provide notice (which must remain confidential) to the lead agency of the request for a hearing. This notice must include:
 1. the name of the child;
 2. the address of the residence of the child;
 3. the name of the early intervention program in which the child is participating;
 4. a description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
 5. a proposed resolution of the problem to the extent known and available to the parents at the time.
- (b) A request for a hearing by a parent shall be made in writing, giving a brief statement of facts supporting the grounds to the lead agency through the TEIS district office, if the child has been or is about to be:
 1. denied identification, evaluation, entry, or continuance in appropriate services;
 2. provided early intervention services which are inappropriate to his conditions and needs;
 3. denied his rights by having data collected, maintained or used which the parent believes to be inaccurate, misleading or otherwise in violation of the privacy rights of the child;
 4. improperly identified as eligible for early intervention services.

- (c) When the parent requests a hearing, the TEIS district office shall contact the parent for the purpose of establishing the following:
 - 1. suitable time (morning, afternoon, or evening);
 - 2. two possible dates for the hearing to be held; and
 - 3. whether the hearing will be closed or open.
- (d) The TEIS district office, upon receiving the request for a hearing, shall inform the parents of low-cost or free legal and other relevant services available to them and shall document the information given.
- (e) Parents involved in hearings shall have the right to:
 - 1. have the child who is the subject of the hearing present and
 - 2. open the hearing to the public.
- (f) At least five business days prior to a hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. A hearing officer may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.
- (g) In the event that a parent refuses to consent to an initial evaluation, a request for a hearing can be made in writing to the Division of Special Education, giving a brief statement of facts supporting the grounds for the hearing.
- (h) The hearing shall occur no less than fifteen (15) days and no more than thirty (30) days from the receipt of a request for a hearing from the parent. A final decision must be reached in the hearing no later than forty-five (45) days after the receipt of a request for a hearing unless an extension is requested by either party and approved by the hearing officer.
 - 1. Extensions of the time frames established in this section shall only be permitted if exceptional circumstances exist with respect to a particular complaint. An extension shall not result in a decision later than ninety (90) days from receipt of the request for the hearing.
- (i) The lead agency shall maintain a list of the persons who serve as hearing officers. The list shall include a statement of the qualifications of each of those persons. An impartial hearing officer assigned by the Division of Special Education shall conduct the hearing. All hearing officers shall be trained in the following areas:
 - 1. state and federal special education and early intervention laws and regulations;
 - 2. the Uniform Administrative Procedures Act;
 - 3. clear writing and proper grammatical form;
 - 4. conducting hearings in an orderly and controlled manner;

5. rendering decisions in an impartial manner, extracting pertinent data from a variety of sources, and arriving at an appropriate decision;
 6. the nature of developmental delays in infants and toddlers and early intervention programming;
 7. evaluation and assessment instruments and procedures;
 8. and a professional demeanor and objectivity.
- (j) No hearing officer shall be an officer or employee of an early intervention program.
- (k) No hearing officer shall have a personal or professional interest that would conflict with his/her objectivity.
- (l) The TEIS district office shall be responsible for providing an appropriate meeting place, a stenographic record of the hearing and a typed transcript of the hearing proceedings, and shall bear the administrative costs of the hearing, with the exception of the services of the hearing officer. Expenses for the services of a court reporter, the original copy of the transcript and one copy for the parent will be reimbursed on submissions of appropriate documentation to the Division of Special Education. Court reporter fees will not, however, be reimbursed when transcripts are not released within ten (10) days after the date of the hearing, except in extraordinary circumstances, as determined by the hearing officer.
- (m) During the pendency of any proceeding involving an individual child complaint, unless the early intervention provider involved in the disputed service and the parents agree otherwise, the child must continue to receive the early intervention services listed in the IFSP.
1. If the complaint involves initial eligibility for early intervention services, the child, with the consent of the parents, must be provided early intervention services until the completion of all the proceedings.
- (n) Any party to a due process hearing has the right to:
1. be accompanied and advised and/or represented by counsel and by individuals with special knowledge or training with respect to the problems of eligible children;
 2. present evidence and confront, cross-examine, and compel the attendance of witnesses;
 3. receive a written decision including findings of fact and conclusions of law, based upon evidence presented at the hearing; and
 4. prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) days before the hearing.
- (o) Requests for the attendance of witnesses shall be made to the lead agency who shall inform the hearing officer of the request. Subpoenas to compel the attendance of witnesses and the production of documentary evidence shall be issued by the hearing officer. The lead agency shall ensure the availability of appropriate employees called as witnesses.

- (p) The lead agency shall provide a typed transcript of the proceedings to the following:
 1. the parent; and
 2. the hearing officer (original copy).
- (q) A final decision will be reached in the hearing and a copy of the decision will be mailed to the following:
 1. the parent(s);
 2. the appropriate early intervention service providers; and
 3. the Division of Special Education.
- (r) Unless a decision is rendered within forty-five (45) days after the receipt of a request for hearing, the hearing officer will not be reimbursed, except in extraordinary circumstances as determined by the Commissioner or a continuance is granted by the hearing officer. In addition, if no decision has been rendered within forty-five (45) days after the receipt of a request for hearing, the party requesting the hearing may request that a different hearing officer to be appointed to review the existing transcript and evidence and render a decision on the record.
- (s) A decision by a hearing officer, as a result of a hearing, is final unless a party appeals the decision to state court in accordance with T.C.A. 4-5-322 and 49-10-601. Nothing in this section, however, shall prevent either party from bringing an action in the cognizant federal district court, as otherwise authorized by law. No party can file petitions for reconsideration to the hearing officer.
- (t) The district courts of the United States have jurisdiction of actions brought under section 615 of the IDEA without regard to the amount in controversy. Any party aggrieved by the findings and decision regarding an individual child complaint has the right to bring a civil action in state or federal court. In any such action brought in civil court, the court shall:
 1. receive the records of the administrative proceedings;
 2. hear additional evidence at the request of a party; and
 3. basing its decision on the preponderance of the evidence, grant the relief that the court determines to be appropriate.
- (u) The lead agency shall, after removing personally identifiable information, transmit to the ICC the *decision and make the due process hearing decisions available to the public, in a manner consistent with State and Federal confidentiality requirements.

Authority: T.C.A. §49-1-302, 49-10-601, and 49-10-702.

Rule 0520-1-10-.05 State Administration is amended by deleting the rule in its entirety and substituting instead the following language so that as amended the rule shall read:

0520-1-10-.05 STATE ADMINISTRATION

- (1) The Tennessee Department of Education is designated by the Governor as lead agency for TEIS and is responsible for the administration of the State's early intervention system.
- (2) The Tennessee Department of Education, in accordance with IDEA Part C and state interagency agreements, shall be responsible for:
 - (a) the general administration and supervision of programs that receive funding under IDEA Part C to provide services to eligible infants and toddlers and their families; and
 - (b) assigning financial responsibility among appropriate agencies for early intervention services.
- (3) The Tennessee Department of Education shall be responsible for the supervision and monitoring of programs including:
 - (a) supervising and monitoring programs and activities that comprise the early intervention system, including agencies, institutions, and organizations which provide early intervention services to children eligible under Part C and their families, for compliance with IDEA Part C and the provisions of federal and state regulations, policies and procedures, whether or not the programs or activities receive financial assistance under Part C of IDEA;
 - (b) providing, or facilitating the provision of, technical assistance to those agencies, institutions, and organizations including self-evaluation, program planning and implementation;
 - (c) enforcing obligations imposed on those agencies, institutions and organizations as required under these regulations; and
 - (d) directing that deficiencies identified through monitoring be corrected.
- (4) Each agency receiving assistance under IDEA Part C shall:
 - (a) submit financial and other written reports at the time and manner specified by TEIS; and
 - (b) participate in periodic on-site monitoring visits conducted by TEIS.
- (5) Tennessee Department of Education procedures for receiving and resolving early intervention systems complaints shall include:
 - (a) widely disseminating information regarding the requirements and procedures for filing such a complaint to parents and other interested individuals, including parent training centers, protection and advocacy agencies, independent living centers and other appropriate entities;
 - (b) receiving and resolving any early intervention systems complaint alleging that one or more requirements under Part C are not met; and
 - (c) conducting an independent on-site investigation of an early intervention system complaint if determined necessary.
 1. The early intervention system complaint may concern violations by:
 - (i) any public agency in the State that receives funding under Part C of IDEA;

- (ii) other public agencies that are identified as being part of the State's early intervention system; or
 - (iii) private service providers under public supervision.
- 2. Any individual or organization, including an organization or individual from another state, may file a written, signed early intervention system complaint with the lead agency that any public agency or private service provider is violating a requirement of Part C of IDEA or this Rule. The complaint shall include:
 - (i) a statement that the state has violated a requirement of Part C of the Individuals with Disabilities Education Act (IDEA) or its regulations; and
 - (ii) the facts on which the early intervention system complaint is based.
- 3. The alleged violation must have occurred not more than one (1) year before the date that the complaint is received by the public agency unless a longer period is reasonable because:
 - (i) the alleged violation continues for the child or other children; or
 - (ii) the complaint is requesting reimbursement or corrective action for a violation that occurred not more than three (3) years before the date on which the complaint is received by the public agency.
- 4. Within sixty (60) days of the receipt of an early intervention systems complaint, the lead agency shall:
 - (i) carry out an independent on-site investigation, if determined necessary by the lead agency;
 - (ii) provide opportunity for the complainant to submit additional information, either orally or in writing, about the allegations in the complaint;
 - (iii) resolve the early intervention system complaint; and
 - (iv) issue a written report of the findings, recommendations, the reason for the decision, and required actions to the individual or organization filing the complaint and all other parties involved in the complaint.
- (d) An extension of the time limit shall be granted only if the lead agency determines that exceptional circumstances exist with respect to a particular early intervention system complaint.
- (e) In resolving a complaint in which it finds a failure to provide appropriate services, the lead agency, pursuant to its general supervisory authority under Part C of the IDEA shall address:
 - 1. how to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and the child's family; and

2. appropriate future provision of services for all infant and toddlers with disabilities and their families.
- (f) Information regarding procedures for filing a complaint will be included in the Rights of Infants and Toddlers document published by the lead agency and will be made available to parents and other interested individuals.
- (g) The lead agency shall, after removal of all personally identifiable information, transmit to the State Interagency Coordinating Council the decisions regarding early intervention system complaints, and also make decisions available to the public, in a manner consistent with state and federal confidentiality requirements.
- (6) The Tennessee Department of Education shall utilize funds provided under IDEA Part C that are reasonable and necessary for administering the state early intervention system.
- (7) TEIS shall ensure that traditionally underserved groups, including minority, low-income, and rural families, are meaningfully involved in the planning and implementation of all components of the early intervention system and that these families have access to culturally competent services within their local geographical areas.
- (8) The lead agency shall utilize contractual arrangements as a method of securing required early intervention services for children and families. Each contractor will be required by the terms of their contract to adhere to all applicable state and federal requirements for the provision of services to Part C eligible children and their families.
 - (a) All early intervention services provided for eligible children and their families shall meet the definition of early intervention services and shall be provided in a manner that is consistent with state and federal standards for services under IDEA Part C.
 - (b) Procurement of early intervention services by service providers shall conform to the applicable agency procurement policies.
 - (c) Individuals or organizations seeking to provide early intervention services shall meet the requirements and standard established by the lead agency.

Authority: T.C.A. §§49-1-302, 49-10-601, and 49-10-702.

Rule 0520-1-10-.08 Interagency Coordinating Council (ICC) is amended by deleting the rule in its entirety and substituting instead the following language so that as amended the rule shall read:

0520-1-10-.08 TEIS INTERAGENCY COORDINATING COUNCIL (ICC)

(1) General

Tennessee's early intervention system shall maintain an Interagency Coordinating Council which:

- (a) is appointed by the Governor in accordance with IDEA Part C;
- (b) consists of a membership representative of the population of the state, and is composed as follows:
 1. at least twenty (20) percent of the members shall be parents, including minority parents, of

infants or toddlers with disabilities or children with disabilities aged twelve (12) or younger with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be the parent of an infant or toddler with a disability or a child with a disability aged six (6) or younger;

2. at least twenty (20) percent of the members shall be public or private providers of early intervention services;
 3. at least one (1) member shall be from the state legislature;
 4. at least one (1) member shall be involved in personnel preparation;
 5. at least one (1) member shall be from each of the state agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of such agencies;
 6. at least one (1) member shall be from the state educational agency responsible for preschool services to children with disabilities and shall have sufficient authority to engage in policy planning and implementation on behalf of such agency;
 7. at least one (1) member shall be from the agency responsible for the state governance of health insurance;
 8. at least one (1) member shall be from a Head Start agency or program in the state;
 9. at least one (1) member must be from a state agency responsible for child care; and
 10. others appointed as deemed appropriate and selected by the Governor.
- (2) The Governor shall designate a member of the council to serve as chairperson or shall require the council to so designate such a member. No member who is a representative of the Tennessee Department of Education shall be able to serve as the council chairperson.
- (3) The ICC shall advise and assist the lead agency in the development and implementation of the policies that constitute the statewide system including, but not limited to:
- (a) achieving the full participation, coordination and cooperation of all appropriate public agencies in the state;
 - (b) the effective implementation of the statewide system, by establishing a process that includes:
 1. seeking information from service providers, service coordinators, parents, and others about any federal, state, or local policies that impede timely service delivery; and
 2. taking steps to ensure that any policy problems identified under this section are resolved.
 - (c) the resolution of disputes, as appropriate;
 - (d) the provision of appropriate services for children from birth through age five (5) years of age.
 - (e) the integration of services for infants and toddlers with disabilities and at-risk infants and tod-

- dlers and their families, regardless of whether or not “at-risk” is a recognized eligibility for early intervention services;
- (f) the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of interagency agreements;
 - (g) the preparation of applications and the amendments thereto; or
 - (h) the transition of toddlers with disabilities to preschool and other appropriate services.
- (4) The ICC shall prepare and submit an annual report to the Governor and to the Secretary of Education on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the state in keeping with the date and format established by the Secretary of Education.
- (5) The ICC shall meet at least quarterly. Meetings shall be:
- (a) announced to the public, no later than ten (10) business days, prior to the scheduled meeting; and
 - (b) to the extent appropriate, open and accessible to the general public.
- (6) The ICC may, subject to approval of the Governor, prepare and approve a budget using funds under IDEA Part C to:
- (a) conduct hearings and forums;
 - (b) reimburse members of the ICC for reasonable and necessary expenses for participating in council meetings and performing council duties;
 - (c) pay compensation to a member of the council if the member is not employed or must forfeit wages from other employment when performing official council business;
 - (d) hire staff;
 - (e) obtain the services for such professional, technical, and clerical personnel as may be necessary to carry out its functions under this part; and
 - (f) provide interpreting services for persons who are deaf and other necessary services, both for council members and participants.
- (7) Except as provided in this section, council members shall serve without compensation from Part C funds.
- (8) No member of the ICC shall cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under Tennessee law.

Authority: T.C.A. §§49-1-302, 49-10-601, and 49-10-702.

The proposed amendments set out herein were properly filed in the Department of State on the 30th day of June , 2003, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2003. (06-47)

STATE BOARD OF EDUCATION - 0520

CHAPTER 0520-2-3 TEACHER EDUCATION AND LICENSURE

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, 8th Floor – William Snodgrass Building, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the amendment, or submitted by a municipality which will be affected by the amendment, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed amendment, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed amendment is as follows:

AMENDMENT

Paragraph (9) of Rule 0520-2-3-.01 Licensure, General Requirements is amended by deleting the paragraph in its entirety and substituting instead the following language so that as amended the paragraph shall read:

- (9) Teacher candidates seeking to add endorsements to a teacher license shall complete a teacher education program for additional endorsement. Institutions which offer programs for additional endorsement shall submit to the State Department of Education a list of specialty areas in which additional endorsements are offered. Institutions of higher education will verify completion of the appropriate course requirements to the Department of Education. Teachers who are licensed in Tennessee and who complete programs of study for additional endorsements at institutions in other states may be recommended by the out-of-state institution to the State Department of Education for additional endorsements.

Authority: T.C.A. §§49-1-302 and 49-6-2108.

The proposed amendments set out herein were properly filed in the Department of State on the 30th day of June , 2003, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2003. (06-48)

STATE BOARD OF EDUCATION - 0520

CHAPTER 0520-2-3 TEACHER EDUCATION AND LICENSURE

Presented herein is the proposed amendment of the State Board of Education submitted pursuant to T. C. A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the State Board of Education to promulgate this amendment without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendment is published. Such petition to be effective must be filed with the State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, Tennessee 37243-1050, and in the Department of State, 8th Floor – William Snodgrass Building, 312 8th Avenue North, Nashville, Tennessee 37243, and must be signed by twenty-five (25) persons who will be affected by the amendment, or submitted by a municipality which will be affected by the amendment, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed amendment, contact Karen Weeks, State Board of Education, 9th Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN, 37243-1050, (615) 532-3528.

The text of the proposed amendment is as follows:

AMENDMENT

Rule 0520-2-3-.21 Effective Dates is amended by adding the following language as paragraph (17) so that as amended the rule shall read:

- (17) Teacher candidates seeking licensure and endorsement in the following area shall meet the requirements of Rules 0520-2-3-.01(1) through (9) no later than September 1, 2005. This rule will supercede Rule 0520-2-3-.21(3) insofar as it applies to the area of endorsement listed below:

Technology-Engineering Education (Technology Education), 5-12

Authority: T.C.A. §49-1-302.

The proposed amendments set out herein were properly filed in the Department of State on the 30th day of June , 2003, pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2003. (06-49)

TENNESSEE HUMAN RIGHTS COMMISSION - 1500**CHAPTER 1500-1
RULES FOR ACTING UPON COMPLAINTS OF DISCRIMINATION**

Presented herein are proposed rule amendments of the Human Rights Commission submitted pursuant to T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of the Human Rights Commission to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition, to be effective, must be filed in the Human Rights Commission, Cornerstone Square Building, 530 Church Street, Suite 400, Nashville, Tennessee 37219-2331; and in the Department of State, 8th Floor, William R Snodgrass Tower, 312 Eighth Avenue North, Nashville, Tennessee 37243; and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Scott J. Mayer, Tennessee Human Rights Commission, 530 Church Street, Suite 400, Nashville, TN 37219-2331, (615) 741-5825.

SUMMARY OF PROPOSED AMENDMENTS**CHAPTER 1500-1
HUMAN RIGHTS COMMISSION**

These amendments represent the first comprehensive amendment to the Commission's rules in several years. Changes have been made to correct typographical errors, to increase readability, to update procedures, and to address specific areas that the Commission has found to be problematic. Notable specific changes are as follows:

1500-1-.02 PRACTICE & PROCEDURE

Several definitions have been added to paragraph (4). These definitions mirror those found in the Tennessee Human Rights Act (Tennessee Code Annotated 4-21-101 et. seq.) and are reprinted for the convenience of the reader.

Amendments to paragraphs (4), (6), and (10) provide more flexibility to the Commission in accepting complaints of discrimination by allowing complainants to "verify" complaints of discrimination in lieu of notarization. Current Commission rules require complaints to be notarized. This causes difficulty and inconvenience when a complaint is first filed with a federal agency and the complaint is not notarized for state law purposes (federal regulations do not require notarization). Verified complaints could still be notarized, but could also be supported by a declaration in writing under penalty of perjury. "Verified" is defined in the rule. Additionally, these amendments would allow a defective complaint to be perfected after the due date for filing, thereby making it easier for an aggrieved individual to file a complaint with the Commission. The rule changes track comparable federal Equal Employment Opportunity Commission regulations.

Paragraph (9), which sets out the procedures for filing a complaint, now additionally provides that the original copy of a complaint filed by electronic facsimile shall be physically delivered to the Commission within ten (10) business days of electronic transmission.

Paragraph (11) is a new section added to provide procedures, regulations and limitations for substituting parties or naming additional parties to a complaint.

Paragraph (14) now includes lack of jurisdiction and lack of complainant cooperation as causes for dismissal of a complaint.

Paragraph (15)(c) changes the period in which the Commission may reconsider the dismissal of a complaint from within 180 days of the alleged discriminatory act to within 30 days of dismissal to mirror the time in which a complainant can ask for a dismissed complaint to be reconsidered.

Paragraph (16) addresses Commission review of affirmative action plans pursuant to Tennessee Code Annotated 4-21-406. The new provision indicates that the Commission has 90 days to issue written approval of such a plan. Plans not approved would be deemed disapproved. The rule also notes that the Commission will provide guidelines for developing and evaluating such plans. The guidelines are not rules, and they are entirely voluntary. They reflect the current state of the law as it pertains to affirmative action plans, and they are available upon request for the benefit of interested employers. The Commission has previously provided similar guidelines on topics such as discriminatory advertising and permissible job interview questions.

1500-1-.03 FILING OF REPORTS AND PRESERVATION OF RECORDS

Paragraph (3) addresses confidentiality. The rule codifies two Attorney General's opinions pertaining to the confidentiality of Commission case files, and adds a section on how files are to be reviewed and "sanitized" to protect both attorney work product and the privacy of non-parties whose information is often submitted for purposes of comparison.

Paragraph (7) was added to provide that a housing opportunity provider's records must be preserved for six months. It also gives examples of what types of records need to be preserved and defines the date of final disposition of the complaint.

1500-1-.04 INVESTIGATION AND CONCILIATION

Paragraph (2)(b) regarding the production of evidence now includes a provision stating that if a Respondent refuses or fails to produce or permit access to relevant evidence, the Commission may issue a finding of reasonable cause to believe that a discriminatory practice has occurred since by the failure to produce the Respondent leaves the Complainants case unrebutted.

1500-1-.05 COMMISSIONER'S HEARING

Paragraph (14)(b) has been revised to specify that all hearings shall be conducted at the Commission's Nashville office, or at any location the hearing examiner shall designate.

Paragraph (17)(a) makes representation of a complainant by a Commission staff attorney in a hearing before the Commission discretionary rather than mandatory.

Paragraph (28) addresses parties who fail to comply with discovery orders.

1500-1-.06 COMMISSIONER'S ORDERS

Paragraph (2) amends provisions affecting initial orders of the Commission. The Administrative Procedures Act contemplates allowing a state agency, if its rules so permit, to refuse to hear the appeal of an initial order or to otherwise agree to hear some or all of the issues appealed. This is because a party can always appeal a final order, and allowing the appeal of an initial order is duplicative. The Commission's rules currently do not provide for such discretion at the initial order stage. This proposed rule allows for such discretion and would provide the Commission with more flexibility than the current rules allow.

Paragraph (4) adds new procedures and guidelines for awarding damages based upon humiliation or embarrassment pursuant to Tennessee Code Annotated 4-21-306 (a)(7).

1500-1-.10 GUIDELINES FOR ADVERTISEMENT

Former paragraph (4) has been omitted. That paragraph previously stated that the Commission would provide for guidance to affected parties a list of terms which it deemed discriminatory and suggested substitutes. The Commission believes that former paragraph (9) [now designated as paragraph (8)] adequately addresses this issue.

1500-1-.11 INCORPORATION OF FEDERAL GUIDELINES AND REGULATIONS

Paragraphs (1) through (4) have been revised to adopt by reference current corresponding federal regulations as promulgated by the EEOC and Department of Housing and Urban Development on the issues of religious discrimination, sex discrimination, employment testing and housing pursuant to 29 C.F.R. 1605, 29 C.F.R. 1604, 29 C.F.R. 1607 and 24 C.F.R. 100.75 respectively. The prior rule did not address amendments to such regulations.

Paragraph (5) has been added to specify that the Tennessee Human Rights Act or regulations thereunder shall supercede any inconsistent federal guideline or regulation which is incorporated under this part.

For a copy of the entire text of these amendments, contact: Scott J. Mayer, Tennessee Human Rights Commission, Suite 400, 530 Church Street, Nashville, TN 37219-2331, (615) 741-5825.

The proposed rules set out herein were properly filed in the Department of State on the 18th day of June, 2003, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2003. (06-23)

TENNESSEE HUMAN RIGHTS COMMISSION - 1500

CHAPTER 1500-1

RULES FOR ACTING UPON COMPLAINTS OF DISCRIMINATION

Presented herein are proposed rule amendments of the Human Rights Commission submitted pursuant to T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of the Human Rights Commission to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition, to be effective, must be filed in the Human Rights Commission, Cornerstone Square Building, 530 Church Street, Suite 400, Nashville, Tennessee 37219-2331; and in the Department of State, 8th Floor, William R Snodgrass Tower, 312 Eighth Avenue North, Nashville, Tennessee 37243; and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Scott J. Mayer, Tennessee Human Rights Commission, Suite 400, 530 Church Street, Nashville, TN 37219-2331, (615) 741-5825.

The text of the proposed amendments are as follows:

AMENDMENTS

Paragraph (4) of rule 1500-1-.02 Practice and Procedure is amended by adding the following language as a new subparagraph (q) so that, as amended, the new subparagraph shall read:

- (q) “Verified” shall mean sworn to or affirmed before a notary public, designated representative of the Commission, or other person duly authorized by law to administer oaths and take acknowledgements, or supported by a declaration in writing under penalty of perjury.

Authority: T.C.A. §§4-21-202 and 4-21-302.

Paragraph (6) of rule 1500-1-.02 Practice and Procedure is amended by deleting the current introductory paragraph in its entirety and substituting the following language so that as amended, the introductory paragraph of paragraph (6) shall read:

- (6) Complaint Form. The complaint shall be in writing and shall be verified. The Commission shall make available to the public a standardized complaint form upon request. Notary public service shall be furnished without charge by the Commission. The complaint shall contain the following:

Authority: T.C.A. §§4-21-202 and 4-21-302.

Paragraph (10) of rule 1500-1-.02 Practice and Procedure is amended by adding a new subparagraph (c) so that, as amended, the new subparagraph shall read:

- (c) A complaint may be amended to cure technical defects or omissions, including failure to verify the complaint, or to clarify and amplify allegations made therein. Such amendments and amendments alleging additional acts which constitute unlawful employment practices related to or growing out of the subject matter of the original complaint will relate back to the date the complaint was first received.

Authority: T.C.A. §§4-21-202 and 4-21-302.

The proposed rules set out herein were properly filed in the Department of State on the 18th day of June, 2003, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2003. (06-22)

TENNESSEE HUMAN RIGHTS COMMISSION - 1500**CHAPTER 1500-1
RULES FOR ACTING UPON COMPLAINTS OF DISCRIMINATION**

Presented herein are proposed rule amendments of the Human Rights Commission submitted pursuant to T.C.A. §4-5-202 in lieu of a rulemaking hearing. It is the intent of the Human Rights Commission to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition, to be effective, must be filed in the Human Rights Commission, Cornerstone Square Building, 530 Church Street, Suite 400, Nashville, Tennessee 37219-2331; and in the Department of State, 8th Floor, William R Snodgrass Tower, 312 Eighth Avenue North, Nashville, Tennessee 37243; and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of this proposed rule, contact: Scott J. Mayer, Tennessee Human Rights Commission, Suite 400, 530 Church Street, Nashville, TN 37219-2331, (615) 741-5825.

The text of the proposed amendments are as follows:

AMENDMENTS

Paragraph (16) of rule 1500-1-.02 Practice and Procedure is amended by deleting the current language in its entirety and substituting the following language so that as amended, the paragraph shall read:

- (16) Affirmative action plans. An affirmative action plan filed with the Commission pursuant to Tennessee Code Annotated Section 4-21-406(b) and not approved in writing within ninety (90) days of its filing with the Commission shall be deemed to be disapproved by the Commission. The Commission shall publish and shall make available upon request guidelines for evaluating or developing such plans.

Authority: T.C.A. §§4-21-202 and 4-21-406

Paragraph (3) of rule 1500-1-.03 Filing of Reports and Preservation of Records is amended by deleting the current language in its entirety and substituting the following language so that, as amended, the paragraph shall read:

- (3) The provisions respecting confidentiality of information contained in Section 709(e) of the U.S. Civil Rights Act of 1964, T.C.A. Section 10-7-504, T.C.A. Section 4-21-303(d), 29 CFR Parts 1601.22 and 1601.26 shall be observed by all Commissioners and staff of the Tennessee Human Rights Commission.
 - (a) The Commission's complaint files, investigative files, and complaint record-keeping system shall be confidential, except that the Commission shall make the investigative file available to the charging party, the respondent, their attorneys, and any state or federal law enforcement agency seeking to enforce anti-discrimination statutes, upon reasonable request and after review. The identity of individuals interviewed as witnesses shall remain confidential except when the disclosure of their identity becomes necessary at the time of public hearing.

- (b) Review and removal of confidential material from investigative files provided to parties or their attorneys shall be conducted or supervised by a Commission staff attorney and shall be conducted in a manner to protect the privacy of all involved parties and non-parties. Material to be removed shall include, but shall not be limited to, confidential witness information; intra-Commission notes, memoranda or other items which would reveal recommendations, impressions, strategy, or deliberative process relating to the investigation, settlement or litigation; credit reports; arrest and/or conviction records; and all attorney work product. All sensitive medical information and sensitive personnel file information concerning the charging party or others, provided by persons other than the party requesting the file and which is not relevant to the issues raised in the charge, shall be removed. Where such information concerning persons other than the charging party is relevant to the issues raised in the charge, names and other identifying information shall be deleted before disclosure in order to protect the persons' privacy.

Authority: T.C.A. §§4-21-202; 4-21-303; and 10-7-504

Subparagraphs (a) through (d) of paragraph (2) of rule 1500-1-.06 Commissioner's Orders is amended by deleting the current language in its entirety and substituting the following language so that, as amended, the subparagraphs shall read:

- (a) Upon hearing all of the evidence, the hearing examiner(s) shall make a proposed, or initial, order in writing, which shall include findings of fact and conclusions of law.
- (b) Proposed or initial orders shall be served on all parties of record, and each party who would be adversely affected by the proposed or initial decisions may request an opportunity to file exceptions and present argument to the Commission itself. In reviewing a proposed or initial order, the Commission may, in its discretion, determine to review some but not all excepted issues, or may determine not to exercise any review. The Commission may also delegate its authority to review a proposed or initial order to one (1) or more persons or individual Commissioners, subject to further review by the Commission.
- (c) All exceptions shall be filed with the Commission within fifteen (15) days of the issuance of the proposed or initial order. A proposed order not excepted to within fifteen (15) days of its issuance will become a final order of the Commission.
- (d) Where exceptions or arguments are permitted, the Commission shall, before entering a final order on the matter, consider the entire record, or such portion(s) thereof as may be cited by the parties, and shall, within sixty (60) days thereafter, make an order in the form and manner described by T.C.A. 4-5-314 and T.C.A. 4-5-315.

Authority: T.C.A. §§4-5-315; 4-21-202; and 4-21-305.

The proposed rules set out herein were properly filed in the Department of State on the 18th day of June, 2003, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2003. (06-21)

**DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT - 0800
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

**CHAPTER 0800-1-3
OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING**

Presented herein are proposed amendments of the Department of Labor and Workforce Development, Division of Occupational Safety and Health submitted pursuant to T.C.A. § 4-5-202 in lieu of a rulemaking hearing. It is the intent of the Department of Labor and Workforce Development to promulgate these amendments without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in the Legal Services Office of the Department of Labor and Workforce Development, 26th Floor, William R. Snodgrass Building, 312 8th Avenue North, Nashville, TN 37243-0293, and in the Administrative Procedures Division of the Department of State, 8th Floor, William R. Snodgrass Building, 312 8th Avenue North, Nashville, TN 37243-0310, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For a copy of the proposed amendments, contact: Michael M. Maenza, Manager of Standards and Procedures, Tennessee Department of Labor and Workforce Development, Division of Occupational Safety and Health, 3rd Floor, Andrew Johnson Tower, 710 James Robertson Parkway, Nashville, TN 37243-0659, (615) 741-7036.

The text of the proposed amendments is as follows:

AMENDMENTS

The authorities for the rules contained in Chapter 0800-1-3 Occupational Safety and Health Record-Keeping and Reporting are amended by adding the reference T.C.A. § 50-3-201 to each rule contained therein.

Part 1. of subparagraph (a) of paragraph (3) of Rule 0800-1-3-.02 Scope is amended by adding the words “of Rule 0800-1-3-.02(4)” to the first sentence after “Appendix A” so that the amended rule shall read:

1. If your business establishment is classified in a specific low hazard retail, service, finance, insurance or real estate industry listed in Appendix A of Rule 0800-1-3-.02(4), you do not need to keep TOSHA injury and illness records unless the government asks you to keep the records under Rule 0800-1-3-.05(3) or Rule 0800-1-3-.05(4). However, all employers must report to TOSHA any workplace incident that results in a fatality or the hospitalization of three or more employees [see Rule 0800-1-3-.05(1)].

Authority: T.C.A. §§4-3-1411, 50-3-101, 50-3-103, 50-3-201, 50-3-701, and 50-3-917.

Subparagraph (a) of paragraph (3) of Rule 0800-1-3-.03 Recordkeeping Forms and Recording Criteria is amended by replacing the reference to “Rule 0800-1-3-.03(2)(b)2.” in the last sentence with the reference to “Rule 0800-1-3-.03(3)(b)2.” so that the amended rule shall read:

- (a) Basic requirement. You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Rule 0800-1-3-.03(3)(b)2. specifically applies.

Authority: T.C.A. §§4-3-1411, 50-3-201, 50-3-701, 50-3-702, and 50-3-917.

Part 5. of subparagraph (b) of paragraph (3) of Rule 0800-1-3-.03 Recordkeeping Forms and Recording Criteria is amended by replacing the word “ocured” in the last sentence with the word “occurred” so that the amended rule shall read:

5. Which injuries and illnesses are considered pre-existing conditions? An injury or illness is a preexisting condition if it resulted solely from a non-work-related event or exposure that occurred outside the work environment.

Authority: T.C.A. §§4-3-1411, 50-3-201, 50-3-701, 50-3-702, and 50-3-917.

Subpart (xi) of part 4. of subparagraph (b) of paragraph (5) of Rule 0800-1-3-.03 Recordkeeping Forms and Recording Criteria is amended by replacing the reference to “Rule 0800-1-3-.03(4)(b)3.(i)” in the second sentence with a reference to “Rule 0800-1-3-.03(5)(b)3.(i)” so that the amended rule shall read:

- (xi) How do I count days of job transfer or restriction? You count days of job transfer or restriction in the same way you count days away from work, using Rule 0800-1-3-.03(5)(b)3.(i) to (viii), above. The only difference is that, if you permanently assign the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is made permanent. You must count at least one day of restricted work or job transfer for such cases.

Authority: T.C.A. §§4-3-1411, 50-3-201, 50-3-701, 50-3-702, and 50-3-917.

Subparagraph (a) of paragraph (6) Rule 0800-1-3-.03 Recordkeeping Forms and Recording Criteria is amended by adding a period “.” immediately following the reference to “Rule 0800-1-3-.03(27)(b)6” and the reference to “Rule 0800-1-3-.03(27)(b)9” so that the amended rule shall read:

- (a) Basic requirement. You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person’s blood or other potentially infectious material (as defined by 29 CFR 1910.1030 as adopted by Rule 0800-1-1-.06). You must enter the case on the OSHA 300 Log as an injury. To protect the employee’s privacy, you may not enter the employee’s name on the OSHA 300 Log (see the requirements for privacy cases in Rules 0800-1-3-.03(27)(b)6. through Rule 0800-1-3-.03(27)(b)9.).

Authority: T.C.A. §§4-3-1411, 50-3-201, 50-3-701, 50-3-702, and 50-3-917.

The proposed rules set out herein were properly filed in the Department of State on the 30th day of June, 2003, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2003. (06-43)

PUBLIC NECESSITY RULES

TENNESSEE HUMAN RIGHTS COMMISSION - 1500

STATEMENT OF NECESSITY REQUIRING PUBLIC NECESSITY RULES

Presented herein are public necessity rule amendments of the Human Rights Commission submitted pursuant to T.C.A. §4-5-209. The Human Rights Commission (Commission) takes this action to avoid the potential loss of federal funds from the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD) in connection with cooperative agreements regarding the investigation and resolution of discrimination complaints. Under these agreements, EEOC and HUD have contracted with the Commission to provide federal funds to the Commission for each discrimination case it investigates where both the Commission and the respective federal agency have jurisdiction over the subject matter of the complaint.

Current rules of the Commission require that complaints of discrimination be notarized. Neither EEOC nor HUD requires notarization. The current Commission requirement of notarization causes delays in processing complaints and initiating investigations when complaints forwarded to the Commission by EEOC or HUD have not been notarized. The Commission has a statutory duty to cooperate with and accept reimbursement from both EEOC and HUD in discharging its duties. In addition, a memorandum of understanding that implements the Commission's cooperative agreement with HUD requires the Commission to implement a rule that eliminates the current notarization requirement. While the Commission has filed an identical proposed rule, it will not become effective within the time period required by HUD, thereby creating the need for this public necessity rule.

For a copy of this proposed rule, contact: Scott J. Mayer, Tennessee Human Rights Commission, 530 Church Street, Suite 400, Nashville, TN 37219-2331, (615) 741-5825.

Julius Sloss
Executive Director
Tennessee Human Rights Commission

PUBLIC NECESSITY RULES OF THE TENNESSEE HUMAN RIGHTS COMMISSION

CHAPTER 1500-1 RULES FOR ACTING ON COMPLAINTS OF DISCRIMINATION

AMENDMENTS

Paragraph (4) of rule 1500-1-.02 Practice and Procedure is amended by adding the following language as a new subparagraph (q) so that, as amended, the new subparagraph shall read:

- (q) “Verified” shall mean sworn to or affirmed before a notary public, designated representative of the Commission, or other person duly authorized by law to administer oaths and take acknowledgements, or supported by a declaration in writing under penalty of perjury.

Authority: T.C.A. §§4-21-202 and 4-21-302

Paragraph (6) of rule 1500-1-.02 Practice and Procedure is amended by deleting the current introductory paragraph in its entirety and substituting the following language so that as amended, the introductory paragraph of paragraph (6) shall read:

- (6) Complaint Form. The complaint shall be in writing and shall be verified. The Commission shall make available to the public a standardized complaint form upon request. Notary public service shall be furnished without charge by the Commission. The complaint shall contain the following:

Authority: T.C.A. §§4-21-202 and 4-21-302

Paragraph (10) of rule 1500-1-.02 Practice and Procedure is amended by adding a new subparagraph (c) so that, as amended, the new subparagraph shall read:

- (c) A complaint may be amended to cure technical defects or omissions, including failure to verify the complaint, or to clarify and amplify allegations made therein. Such amendments and amendments alleging additional acts which constitute unlawful employment practices related to or growing out of the subject matter of the original complaint will relate back to the date the complaint was first received.

Authority: T.C.A. §§4-21-202 and 4-21-302

The public necessity rules set out herein were properly filed in the Department of State on the 18th day of June, 2003, and will be effective from the date of filing for a period of 165 days. These public necessity rules will remain in effect through the 30th day of November, 2003. (06-20)

RULEMAKING HEARINGS

ALARM SYSTEMS CONTRACTORS BOARD - 0090

There will be a hearing before the Tennessee Alarm Systems Contractors Board to consider the promulgation of rules pursuant to Tenn. Code Ann. §§62-32-307, 62-32-318 and 62-32-308(g). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. §4-5-204 and will take place in Room 160 of the Davy Crockett Tower located at 500 James Robertson Parkway, Nashville, Tennessee 37243 at 9:00AM on the 4th day of September, 2003.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids of services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Department of Commerce and Insurance to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Commerce and Insurance's ADA Coordinator, Verna Norris, at Davy Crockett Tower, 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243 and (615) 741-0481.

For a copy of this notice of rulemaking hearing, contact the Tennessee Alarm Systems Contractors Board, attention Donna Hancock, 500 James Robertson Parkway, Davy Crockett Tower, Second Floor, Nashville, Tennessee 37243 at (615) 741-9771.

SUBSTANCE OF PROPOSED RULES

CHAPTER 0090-1 GENERAL PROVISIONS

NEW RULES

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0090-1-.12 Fingerprinting

0090-1-.13 Adding Classifications

0090-1-.12 FINGERPRINTING.

- (1) All applicants for employee registration or qualifying agent license shall be subject to a Federal Bureau of Investigations(FBI)/Tennessee Bureau of Investigations (TBI) background investigation pursuant to Tenn. Code Ann. §§ 62-32-312(e) and 62-32-313(b).
- (2) In order to expedite the application process, an applicant may obtain electronically scanned fingerprints on standard FBI/TBI cards through any company that has contracted with the State of Tennessee to provide an electronic fingerprinting service. The applicant shall be deemed to have provided the Board with

sets of classifiable prints if he or she causes a private company contracted by the State to electronically transmit the applicant's classifiable prints directly to the FBI and TBI and to forward a classifiable hard copy of the applicant's fingerprints to the Board on standard FBI/TBI applicant cards. The Board shall notify each applicant in writing of the name, address, and telephone number of any company contracted by the State to provide such service. All qualifying agent and registered employee applicants shall comply with the following requirements regarding payment for the fingerprinting service:

- (a) If the applicant chooses to use the services of a company that has contracted with the State to provide an electronic fingerprinting service, then the applicant shall make the arrangements for the processing of his or her fingerprints with the company directly and shall be responsible for payment of any fees associated with the processing of fingerprints to the respective agency.
 - (b) If the applicant chooses to request that the Board process the fingerprint cards, then the applicant shall submit three (3) sets of classifiable fingerprint cards, on cards provided by the Board, with his or her application for processing through the FBI and TBI. The applicant shall pay to the Board all processing fees established by the TBI and FBI.
 - (c) In the event that the contracting company no longer contracts with the State to provide an electronic fingerprinting service, then the applicant shall submit three (3) classifiable fingerprint FBI/TBI cards with his or her application and shall pay to the Board all processing fees established by the TBI and FBI.
- (3) In the event that a qualifying agent or employee registration applicant furnishes unclassifiable fingerprints or fingerprints that are unclassifiable in nature to the Board, the Board may refuse to issue the requested license or registration. For the purposes of this rule, "unclassifiable fingerprints" means that the electronic scan or the print of the person's fingerprints cannot be read and therefore, cannot be used to identify the person.

Authority: T.C.A.. §§ 62-32-307(a), (d) and (g), 62-32-312(d)(1) and (e) and 62-32-313(b).

0090-1-.13 ADDING CLASSIFICATIONS.

(1) Qualifying Agent License

If a licensed qualifying agent wishes to add an alarm systems contractor classification to his or her license, then he or she shall make written application to the Board on such forms as are prescribed by the Board. The application shall be accompanied by an application fee as set by the Board. An applicant shall receive a license if the requirements of Tenn. Code Ann. § 62-32-313(c) and (d) as described in these rules have been met and all requisite fees have been paid. Submission of fingerprint cards shall not be required to add a classification to an "active" qualifying agent license. If the licensee is qualified based on Tenn. Code Ann. § 62-32-313(c) (1) or (2), the requirements of rule 0090-5-.01(4) must be satisfied prior to the first renewal after adding the "fire" classification.

(2) Company Certification

If a certified alarm company wishes to add an alarm systems contractor classification to its certification, then the certified company shall make written application to the Board on such forms as are prescribed by the Board. The application shall be accompanied by an application fee as set by the Board. The requested

classification will be added to the company certification if the requirements of Tenn. Code Ann. § 62-32-314(a)(4), have been met, the designated qualifying agent has applied for and been issued a license with the requested classification(s), and all requisite fees have been paid. Submission of additional city or county business tax licenses or insurance certificates will not be required to add a classification to an “active” company certification.

- (3) Adding a classification will not change the expiration date of the qualifying agent license or company certification.

Authority: T.C.A. §§62-32-313(c), (d) and (e), 62-32-314(a)(4), (c) and (d) and 62-32-316(b).

CHAPTER 0090-1 GENERAL PROVISIONS

AMENDMENTS

Rule 0090-1-.05 Employee Registration Requirements is amended by adding the following language as new paragraph (2) immediately following paragraph (1) and renumbering the subsequent paragraphs accordingly:

- (2) An employee registration applicant shall either obtain electronically scanned fingerprints placed on standard FBI/TBI applicant cards through a company that has contracted with the State of Tennessee to provide a fingerprinting service or the applicant shall provide the Board with three (3) sets of classifiable fingerprints on standard FBI/TBI applicant cards for processing by the TBI/FBI.

Authority: T.C.A.. §§ 62-32-312(d) and 62-32-307(a).

Rule 0090-1-.05 Employee Registration Requirements is amended by deleting the text of the rule in its entirety and substituting the following language, so that as amended, the rule shall read:

0090-1-.06 QUALIFYING AGENT REQUIREMENTS.

- (1) Any person desiring to be licensed as a qualifying agent shall make written application to the Board on such forms as are prescribed by the Board. The application shall be accompanied by an application fee as set by the Board. An applicant shall receive a license if the requirements of Tenn. Code Ann. § 62-32-313(a), (b), (c) and (d) as described in these rules have been met and all requisite fees have been paid.
- (2) A qualifying agent applicant shall either obtain electronically scanned fingerprints through a company that has contracted with the State of Tennessee to provide a fingerprinting service or the applicant shall provide the Board with three (3) sets of classifiable fingerprint cards for processing by the TBI/FBI.
- (3) The classifications for qualifying agents are as follows:
 - (a) fire alarm system;
 - (b) burglar alarm system;
 - (c) monitoring; and

- (d) closed circuit television.
- (4) An applicant for a qualifying agent's license shall apply for each classification in which the applicant will be serving as a qualifying agent for an alarm systems contractor.
- (5) An applicant for a qualifying agent license will be deemed to have met the criteria for a classification if the applicant has indicated on the application form the classification(s) for which application is made and has met all applicable requirements contained in Tenn. Code Ann. §§ 62-32-307(d), 62-32-312(d), (e) and 62-32-313.
- (6) An applicant for a qualifying agent license shall respond promptly to all requests by the Board for further information. Failure to provide requested information within thirty (30) days of a request from the Board shall be a basis for the denial of an application.
- (7) A qualifying agent may have his or her license revoked or suspended or civil penalties imposed upon him or her for any violation of these rules or Tenn. Code Ann., Title 62, Chapter 32, Part 3.
- (8) A qualifying agent must file a termination/transfer form with the Board within thirty (30) days if the qualifying agent leaves the employment of the alarm systems contractor by which he is employed.
- (9) A designated qualifying agent must perform the following:
 - (a) A designated qualifying agent shall be in responsible charge of the alarm systems contractor by which he or she is employed.
 - (b) A designated qualifying agent shall be a full-time employee of the alarm systems contractor for whom he or she works.
 - (c) A designated qualifying agent shall submit an affidavit to the Board stating that he or she is an employee of an alarm systems contractor within thirty (30) days of beginning his or her employment.
 - (d) A designated qualifying agent shall reside within a sixty (60) mile radius from the alarm systems contractor with whom he or she is employed as a designated qualifying agent.
 - (e) Before the designated qualifying agent begins to work as an employee of an alarm systems contractor, he or she shall notify his previous employer in writing that he or she is no longer the designated qualifying agent.
 - (f) A designated qualifying agent shall determine which employees of the alarm systems contractor will have access to records, diagrams, plans, or other sensitive information pertaining to monitored, installed or proposed alarm systems.
 - (g) A designated qualifying agent shall be responsible for ensuring that any person required to be registered has submitted an application to the Board and for providing the Board with all materials and information required by Tenn. Code Ann. §62-32-312(d).
 - (h) A designated qualifying agent shall review a registered employee's application to ensure that the information submitted on the application is accurate.

- (i) A designated qualifying agent shall notify the Board within thirty (30) days after any change in business address for him or herself, the alarm systems contractor who employs the designated qualifying agent or the registered employees or qualifying agents who are employed by the alarm systems contractor.
- (j) A designated qualifying agent shall be responsible for ensuring that an accurate application for the renewal of registrants employed by the alarm systems contractor has been submitted in accordance with rule 0090-1-.05 Employee Registration Requirements.
- (k) A designated qualifying agent shall notify the Board within thirty (30) days after a registrant’s, applicant’s or qualifying agent’s conviction, that is known or should be known to the designated qualifying agent. The designated qualifying agent shall provide this notification for persons who are registered or required to be registered under the alarm systems contractor that employs the designated qualifying agent. The designated qualifying agent shall provide notification if the registrant, applicant or qualifying agent was convicted in any city, county, state, federal or military court of any crimes listed in Tenn. Code Ann. §62-32-303(8). For the purposes of these rules, “conviction” means the entry of a guilty plea, no contest plea or a verdict or decision rendered by a judge or jury.
- (l) A designated qualifying agent shall notify the Board within ten (10) days after the designated qualifying agent has knowledge that the alarm systems contractor, a registrant, an applicant or a qualifying agent has violated any provision of Tenn. Code Ann. Title 62, Chapter 32, Part 3 or any of the Board’s rules.

Authority: T.C.A. §§62-32-303, 62-32-304(b), 62-32-307(a), (c), (d), (g), (i), 62-32-313, 62-32-316(b).

Rule 0090-1-.09 Fees is amended by deleting the text of the rule in its entirety and substituting instead the following language, so that, as amended, the rule shall read:

0090-1-.09 FEES.

- (1) Application Fees. An alarm systems contractor, qualifying agent (including designated qualifying agent) or registered employee of the alarm systems contractor shall pay the following non-refundable application fees:
 - (a) Company Certification application fee.....\$200.00
 - (b) Qualifying Agent application fee.....\$100.00
 - (c) Employee Registration application fee.....\$ 80.00
- (2) Certification/License/Registration Fees. An alarm systems contractor, qualifying agent (including designated qualifying agent) shall pay the following certification/ license fees when the alarm systems contractor or qualifying agent has been notified that his or her application has been approved:
 - (a) Company certification fee for each classification\$50.00
 - (b) Qualify agent or designated qualifying agent license fee for each classification.....\$50.00

- (3) Transfer Fee.....\$50.00
A qualifying agent, designated qualifying agent and registered employee shall submit a transfer form supplied by the Board with two (2) color passport-style photographs for a new identification card.
- (4) Duplicate Identification Card Fee.....\$25.00
A certified company, qualifying agent, designated qualifying agent and registered employee shall submit a request for a duplicate identification card with two (2) color passport-style photographs.
- (5) Fees to Add Classifications
- (a) Company Certification (per classification).....\$100.00
- (b) Qualifying Agent License (per classification).....\$100.00
- (6) Renewal Fees. An alarm systems contractor, qualifying agent (including a designated qualifying agent), or registered employee shall pay the following renewal fees:
- (a) 1. Single classification company certification
Renewal fee per year.....\$80.00
(per location)
2. Multiple classification company certification
Renewal fee per year.....\$100.00
(per location)
- (b) 1. Single classification qualifying agent license
Renewal fee per year.....\$40.00
2. Multiple classification qualifying agent license
Renewal fee per year..... \$100.00
- (c) Employee Registration
Renewal fee per year.....\$25.00 (per employee).
- (7) Late Renewal Fee. An alarm systems contractor and/or a qualifying agent (including a designated qualifying agent) shall pay a late renewal fee of an additional ten percent (10%) of the original renewal fee for each month or each fraction of a month that payment for renewal is late, provided that the maximum fee for late renewal shall not exceed twice the original renewal fee. The alarm systems contractor and/or the qualifying agent (including the designated qualifying agent) shall pay the late renewal fee within sixty (60) days after the contractor's or agent's renewal date. In the event that the contractor and/or agent does not renew his or her license or registration and pay the late renewal fee within the sixty (60) day time period, then the contractor and/or agent shall reapply for his or her license or registration.

Authority: T.C.A. §§62-32-307(b), 62-32-313(i) and 62-32-318.

Rule 0090-1-.08 Insurance Requirements is amended by deleting the text of the rule in its entirety and substituting instead the following language, so that, as amended, the rule shall read:

0090-1-.08 INSURANCE REQUIREMENTS.

No certification can be issued under this part until the applicant files with the Board, on a form approved by the Board, evidence of insurance that meets all of the requirements as set forth in Tenn. Code Ann. §62-32-315.

Authority: T.C.A.. §§62-32-307(a) and 62-32-315.

Paragraph (8) of Rule 0090-1-.10(8) Renewal of Certification and License is amended by deleting the paragraph in its entirety and renumbering the subsequent paragraph accordingly.

Authority: T.C.A.. §62-32-307(a).

The notice of rulemaking set out herein was properly filed in the Department of State on the 27th day of June, 2003. (06-30)

DEPARTMENT OF COMMERCE AND INSURANCE - 0780 INSURANCE DIVISION

There will be a hearing before the Insurance Division of the Department of Commerce and Insurance (“Division”) to consider the promulgation of rules. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4—5—204 and will take place in Room 640 of the Davy Crockett Tower located at 500 James Robertson Parkway, Nashville, Tennessee 37243 at 10:00 a.m. CST on the 20th day of August, 2003.

Any individuals with disabilities who wish to participate in these proceedings should contact the Division to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date, to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the Division’s ADA Coordinator at Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee 37243 and (615) 741-2176.

For a copy of this notice of rulemaking hearing contact: Eric J. Stansell, Staff Attorney, Office of Legal Counsel, Davy Crockett Tower, Fifth Floor, Nashville, Tennessee 37243, Department of Commerce and Insurance, and (615) 741-2199.

CHAPTER 0780-1-77 INTERPRETIVE OPINIONS

NEW RULES

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0780-1-77-.01 Interpretive Opinions

0780-1-77-.01 INTERPRETIVE OPINIONS

- (1) In case of any question concerning insurance law administered by the Commissioner of Commerce and Insurance, the Insurance Division staff may, in its sole discretion, consider a request for an interpretive opinion. If issued, an interpretive opinion only expresses the current position of the Division staff with respect to enforcement, and is not binding on the Commissioner or third parties.

- (2) The Insurance Division will maintain an index chronologically and by statutory section of all written interpretive opinions issued. Copies of such letters may be reviewed in the Division's office and copies thereof obtained upon payment of reasonable costs of duplication.

Authority: T.C.A.. §56-2-301.

The notice of rulemaking set out herein was properly filed in the Department of State on the 17th day of June, 2003. (06-18)

**DEPARTMENT OF COMMERCE AND INSURANCE - 0780
DIVISION OF FIRE PREVENTION**

There will be a hearing before the Department of Commerce and Insurance, Division of Fire Prevention, to consider the promulgation of rules and amendments to rules pursuant to Tenn. Code Ann. § 68-102-113. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-204, and will take place in Conference Room A, 5th Floor, Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, Tennessee at 1:30 (DST) on August 20, 2003.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with Verna Norris, the Department's ADA Coordinator, at 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243 at (615)741-0481.

For a copy of this notice of rulemaking hearing, contact Randy Safer, Director of Codes Enforcement, Division of Fire Prevention, 500 James Robertson Parkway, 3rd Floor, Nashville, Tennessee 37243 at (615)741-7190.

SUBSTANCE OF PROPOSED RULES

**CHAPTER 0780-2-13
MODULAR BUILDING UNITS
AMENDMENTS**

Subparagraph (c) of paragraph (1) of rule 0780-2-13-.01 Definitions is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (1) (c) "Building system" means model plans, specifications, and documentation for a system or type of modular building unit, or for the foundation, structural, electrical, mechanical, plumbing, gas, fire protection, or other system(s) thereof affecting health and safety.

Subparagraph (h) of paragraph (1) of rule 0780-2-13-.01 Definitions is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (1) (h) “Dealer” means any person engaged in the sale, brokerage or distribution, by consignment or otherwise, of modular building units or components to persons who in good faith purchase such units or components for purposes other than resale.

Authority: T.C.A. §§68-102-113 and 68-126-305.

Rule 0780-2-13-.02 Standards is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0780-2-13-.02 STANDARDS.

- (1) Unless otherwise provided by applicable law or the provisions of this chapter, the standards for the construction and installation of modular building units in the State of Tennessee shall be those prescribed in:
 - (a) The National Electrical Code, 2002 edition, published by the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, Massachusetts, 02269-9109;
 - (b) The International Building Code, 2003 edition, published by the International Code Council, Incorporated (ICC), Birmingham Regional Office, 900 Montclair Road, Birmingham, Alabama 35213-1206;
 - (c) The International Mechanical Code, 2003 edition, published by the ICC;
 - (d) The International Fuel Gas Code, 2003 edition, published by the ICC;
 - (e) The International Plumbing Code, 2003 edition, published by the ICC;
 - (f) The International Energy Conservation Code, 2003 edition, published by the ICC;
 - (g) The Uniform Fire Code (NFPA 1), 2003 edition, including each reference in NFPA 1, Chapter 2, published by the NFPA. Each reference in NFPA 1, Chapter 2, to an NFPA code or standard shall be deemed to be the edition printed in the National Fire Codes, 2003 edition;
 - (h) The Tennessee Public Buildings Accessibility Act, Tenn. Code Ann., Title 68, Chapter 120, Part 2 (Tenn. Code Ann. §68-120-201, et seq.), where applicable; and
 - (i) Safety Glazing Materials, Tenn. Code Ann., Title 68, Chapter 120, Part 3 (Tenn. Code Ann. §68-120-301 et seq.); where applicable.
 - (j) In the event of a conflict or inconsistency among the codes herein adopted by reference, the more stringent code provision shall prevail.
 - (k) The provisions of the International Building Code shall prevail if there is a conflict or inconsistency among the codes herein adopted by reference relating to height, area restrictions or construction type.
 - (l) Occupancy types shall be defined as in the 2003 Life Safety Code (NFPA 101-2003). High hazardous industrial facilities shall be defined as in the 2003 edition of the International Building Code.

- (2) In lieu of the codes listed in subparagraphs (1)(b) through (1)(e) and (1)(l) above, the 2003 edition of the International Residential Code for One and Two Family Dwellings, published by the ICC, may be used for any “dwelling” (as defined therein) covered by such code.
- (3) This rule shall not be construed as adopting any provision of the cited publications which establishes:
 - (a) An optional or recommended, rather than mandatory, standard or practice, or
 - (b) Any agency, procedure, fees, or penalties for administration or enforcement purposes.

Authority: T.C.A.. §§68-102-113, 68-126-302, and 68-126-305.

Rule 0780-2-13-.03 Licenses is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0780-2-13-.03 LICENSES.

- (1) No person shall engage in business as a manufacturer of modular building units for sale or installation in the State of Tennessee without first having obtained a manufacturer’s license from the Department.
 - (a) No person shall engage in business as a dealer of modular building units in the State of Tennessee without first having obtained a dealer’s license from the Department.
 - (b) No person shall engage in business as an installer of modular building units in the State of Tennessee without first having obtained an installer’s license from the Department.
- (2) A separate license shall be required for each manufacturing facility operated by a manufacturer, or place of business operated by a dealer or installer under this chapter.
- (3) An application for a license required hereunder shall be submitted on the form prescribed by the Department, and accompanied by a non-refundable applications fee as follows:

Manufacturer	\$100.00
Dealer\$100.00
Installer\$100.00
- (4) The application shall include the following information:
 - (a) Name and address of the applicant;
 - (b) Ownership and management of the applicant’s business;
 - (c) The applicant’s experience in modular building unit manufacturing, sales, or installation;
 - (d) Any manufacturer’s, dealer’s or installer’s licenses held by the applicant in this or another state; and
 - (e) Any disciplinary action affecting any such licenses.

(5) The Department shall be notified in writing of any change in the information furnished in an application within thirty (30) days of such change.

(6) The Department shall issue a license to qualified applicants upon receipt of the appropriate license fee as follows:

Manufacturer	\$1000.00
Dealer	\$500.00
Installer	\$250.00

(7) Any manufacturer, dealer or installer who commences business in this state prior to obtaining a license, shall be required to pay a penalty of one-half (1/2) of the license fee, in addition to the fee established in paragraph six (6) of this rule, for issuance of an original license.

(8) All licenses issued hereunder shall expire on June 30th of each year and is invalid from that date onward unless it is renewed.

(9) An application for renewal of a license shall be submitted on the form prescribed by the Department, and accompanied by the appropriate renewal fee as follows:

Manufacturer	\$ 500.00
Dealer	\$ 250.00
Installer	\$ 150.00

(10) Any manufacturer, dealer or installer who fails to renew such manufacturer's, dealer's or installer's license on or before its expiration date, and until August 31 shall be required to pay a penalty of One-Half (1/2) of the license fee, in addition to the fee established in paragraph (8) of this rule.

(11) Any manufacturer, dealer or installer who fails to renew such manufacturer's, dealer's or installer's license on or before August 31st of each year shall be required to apply for a new license as prescribed in paragraph (6) of this rule.

(12) Any change of ownership shall require a new license.

(13) Any applicant for a license as a manufacturer, dealer or installer of modular building units shall furnish a surety bond executed by the applicant (as principal) and by a surety company qualified to do business in this state (as surety).

(a) Each bond shall be executed to the Department in favor of any person who suffers loss or damage resulting from code-related non-compliance with the Tennessee Modular Building Act or the rules duly promulgated thereunder by such manufacturer, dealer or installer.

(b) The bond shall be in the following amounts:

Manufacturer.....	one hundred thousand dollars (\$100,000.00)
Dealer.....	fifty thousand dollars (\$50,000.00)
Installer.....	twenty-five thousand dollars (\$25,000.00)

- (c) Each bond shall cover code-related non-compliances occurring during the license period. A new bond or proper continuation certificate shall be submitted with each application for license renewal. The aggregate liability of the surety for code-related non-compliances occurring in each license year shall in no event exceed the amount of the bond for that year.
- (d) A separate bond shall be required for each place of business operated by a manufacturer, dealer or installer.

Authority: T.C.A. §§68-102-113 and 68-126-305.

Subparagraph (a) of paragraph (2) of rule 0780-2-13-.04 Approval of Design Review Agencies is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (a) A non-refundable original application fee of five hundred dollars (\$500.00); and

Paragraph (6) of rule 0780-2-13-.04 Approval of Design Review Agencies is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (6) An application for renewal of an approval shall be submitted on the form prescribed by the Department, and accompanied by a non-refundable renewal application fee of two hundred and fifty dollars (\$250.00).

Authority: T.C.A.. §§68-102-113, 68-126-302, and 68-126-305.

Subparagraph (a) of paragraph (1) of rule 0780-2-13-.05 Responsibilities of Approved Design Review Agencies is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (a) Investigation, evaluation, testing, review, and if justified, approval the standards of each model building system (or amendment thereto) submitted by the manufacturer(s) which such agency serves;

Authority: T.C.A.. §§68-102-113, 68-126-302, and 68-126-305.

Rule 0780-2-13-.06 Approval of Construction Inspection Agencies is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0780-2-13-.06 APPROVAL OF CONSTRUCTION INSPECTION AGENCIES.

- (1) No person shall act as a construction inspection agency under this Chapter without a valid letter of approval from the Department.
- (2) An application for approval as a construction inspection agency shall be submitted on the form prescribed by the Department. The application shall be accompanied by:
 - (a) A non-refundable original application fee of five hundred dollars (\$500.00);

- (b) A prospectus describing:
 - 1. the applicant's qualifications to inspect equipment systems;
 - 2. the education and qualifications of the employees who would conduct the actual inspections;
 - 3. the applicant's experience in third party inspections;
 - 4. the applicant's organizational structure; and
 - 5. the relationship which the applicant would establish with approved design review agencies to ensure that modular building units and components are produced in accordance with the standards; and
- (c) Proof that all employees who conduct inspections have certifications from at least one (1) of the following nationally recognized code organizations:
 - 1. National Fire Protection Association (NFPA); or
 - 2. International Code Council (ICC);
 - 3. Southern Building Code Congress International (SBCCI);
 - 4. Building Officials and Code Administrators International (BOCA); or
 - 5. International Conference of Building Officials (ICBO).
- (3) The Department shall be notified in writing of any change in the information furnished in an application within thirty (30) days of such change.
- (4) The Department shall issue a letter of approval to qualified applicants.
- (5) All approvals issued under this rule shall expire on June 30 of each year.
- (6) An application for renewal of an approval shall be submitted on the form prescribed by the Department prior to expiration, and accompanied by a non-refundable renewal application fee of two hundred and fifty dollars (\$250.00).

Authority: T.C.A. §§68-102-113, 68-126-302, and 68-126-305.

Paragraph (2) of Rule 0780-2-13-.07 Responsibilities of Approved Construction Inspection Agencies is amended by deleting the text of the paragraph in its entirety and substituting the following language so that, as amended, paragraph (2) shall read:

- (2) Initial Plant Certification Inspection.
 - (a) No label shall be affixed to any modular building unit or component until the approved construction inspection agency has completed an initial plant certification inspection of the

manufacturer's facility. The initial plant certification inspection for manufacturers located outside the State of Tennessee must be performed on the first unit designated for placement in the State of Tennessee. The initial plant certification inspection for manufacturers located inside the State of Tennessee must be performed on the first unit placed into production.

- (b) The initial plant certification inspection shall consist of a complete evaluation of the manufacturer's adherence to its compliance assurance program and capability of producing a unit, including any component(s), in accordance with the approved building system.
- (c) The approved construction inspection agency shall become familiar with every aspect of the manufacturer's approved building system and compliance assurance program.
- (d) The approved construction inspection agency shall make a complete inspection of the manufacture of at least one modular building unit and any component(s) pertaining to that particular unit throughout all of the operation in the facility. If the first unit inspected or any component(s) pertaining to that particular unit fails to conform to the standards, additional units and component(s) shall be similarly inspected until the agency is satisfied that the manufacturer is complying with the approved building system and the standards.

Subparagraph (e) of paragraph (3) of rule 0780-2-13-.07 Responsibilities of Approved Construction Inspection Agencies is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (e) A full report of all inspections conducted, nonconformities observed and corrective actions taken;

Subparagraph (f) of paragraph (3) of rule 0780-2-13-.07 Responsibilities of Approved Construction Inspection Agencies is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (f) The date of certification; and

Paragraph (3) of rule 0780-2-13-.07 Responsibilities of Approved Construction Inspection Agencies is amended by adding a new subparagraph (g) immediately following subparagraph (f) which shall read:

- (g) The Tennessee modular label number(s) assigned to the unit.

Authority: T.C.A. §§68-102-113, 68-126-302, and 68-126-305.

Rule 0780-2-13-.08 Combined Agencies is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0780-2-13-.08 COMBINED AGENCIES. Nothing in this Chapter shall preclude the Department from approving a qualified person as both a design review and construction inspection agency. The Design Review Agency and the Construction Inspection Agency need not be the same agency. However, a manufacturer may not have multiple Design Review Agencies or multiple Construction Inspection Agencies at the same time.

Authority: T.C.A. §§68-102-113, 68-126-302, and 68-126-305.

Subparagraph (b) of paragraph (1) of rule 0780-2-13-.09 Building Systems and Compliance Assurance Program is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (b) Separate approval of a building system and compliance assurance program must be obtained for each manufacturing facility at which the manufacturer intends to produce modular building units or components.

Paragraph (2) of rule 0780-2-13-.09 Building Systems and the Compliance Assurance Program is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

(2) Submission of Building Systems.

(a) General Requirements.

1. A model building system shall bear the name, address, phone number, fax number, signature, date and seal of the responsible architect and/or engineer, duly registered in the State of Tennessee, certifying that the model building system complies with applicable standards. The model building system must be sealed in accordance with the statutes and rules concerning the practice of architecture and engineering in Tennessee.
2. All documents submitted shall indicate the manufacturer's name, office address, e-mail address, telephone number, fax number and the address of the manufacturing facility. Where a manufacturer operates more than one facility, each facility shall be assigned a sequential plant number and all documentation shall include the appropriate plant number.
3. The manufacturer shall submit plans showing all elements relating to specific systems on properly identifiable separate sheets. All sheets shall contain the plan number (identified as "plan number") assigned by the architect or engineer and a blank rectangular space near the title box for the approved design review agency's stamp of approval. The above mentioned plan number shall identify the manufacturer by using the initials of the manufacturer's company name and sequential numbering for each submittal. All Compliance Assurance (CA) Manual revisions will be assigned a sequential revision number.
4. All work to be performed on-site, including location and connection of all equipment, appliances and systems, including fire protection sprinkler systems and commercial hood and duct systems, shall be identified and distinguished from work to be performed in the manufacturing facility.
5. The nature, grade, and quality of all materials shall be specified.
6. Design drawings, details, calculations and test reports shall be submitted when required.
7. Design drawings and details shall be drawn to scale, dated, and identified. The number of sheets in each set shall be indicated in an index on the cover sheet.
8. Floor plans shall indicate the location of the Tennessee modular label(s) and manufacturer's data plate.

9. Floor plans shall also identify the use of all rooms and spaces by name and number.
 10. A properly completed submittal form and fee (Rule 0780-2-13-.09 (4) (b)) shall be submitted for each compliance assurance manual, model, plan, design specification or revision.
- (b) Required construction details for each set of model plans.
1. The building system for a modular building unit shall provide or show, but not be limited to, the following details, including the method of their testing or evaluating (or both);
 - (i) General.
 - (I) Details and methods of installation of modular building units or components on foundations and/or to each other.
 - (II) All exterior elevations.
 - (III) Cross sections as necessary to identify major building components.
 - (IV) Details of flashing, such as at openings and at penetrations through roofs and sub-component connections. Indicate flashing material and gauge to be used.
 - (V) Attic access and attic ventilation.
 - (VI) Exterior wall, roof and soffit material as well as finish.
 - (VII) Interior wall, floor and ceiling finish material.
 - (VIII) Tenant separation walls.
 - (IX) Sizes, locations and types of doors and windows, and a complete hardware schedule.
 - (X) Recommended foundation plans, vents, and under-floor access.
 - (XI) Insulation value for water, piping, air ducts, walls, attic flues, and ground flues (if above grade).
 - (XII) Information contained in the manufacturer's data plate.
 - (ii) Component Usage.
 - (I) Occupancy classification.
 - (II) Area, height and number of stories.
 - (III) Type of construction.
 - I. Construction Type

II. Sprinklered or Unsprinklered

- (IV) Fire resistance ratings.
- (V) Occupant load.
- (iii) Space and Fire Safety.
 - (I) Detail of fire resistance rated assemblies, and all application instructions for all stairway enclosures, doors, including door frames, hardware and other accessories, walls, tenant separation walls, floors, ceilings, partitions, columns, roof, and shaft enclosures.
 - (II) Details as to width of all aisles, exits, corridors, passageways, and stairway enclosures.
 - (III) Flame spread and smoke development classification of finished materials.
 - (IV) Fire stopping details, and all application instructions for penetrations of all rated construction.
- (iv) Structural.
 - (I) Engineer's calculations of structural members, framing, and foundation, where appropriate.
 - (II) Design soil bearing value.
 - (III) Structural and framing details of all floors, walls, and roof.
 - (IV) Details and stress diagrams of roof trusses.
 - (V) Details of reinforcing steel.
 - (VI) Complete loading schedule, including roof, handrail, guardrail, floor, wind, snow, and seismic loading.
 - (VII) Column loads and column schedule.
 - (VIII) Lintel schedule.
 - (IX) Size, spacing, and details of all structural elements.
 - (X) Grade or quality of all structural elements (lumber, steel, etc.).
 - (XI) Elevation of structural elements, walls, or sections thereof, providing resistance to vertical loads or lateral forces.
 - (XII) Complete details of all structural connections.

- (v) Mechanical.
 - (I) Separate floor plan(s) with the location of all equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.
 - (II) Heat gain and loss calculations.
 - (III) Manufacturer's name, make, model, number, BTU, input rating of all equipment and appliances, as appropriate, or the equivalent thereof.
 - (IV) Duct and register locations, sizes, and materials.
 - (V) Clearances from combustible material or surfaces for all ducts, flues, and chimneys.
 - (VI) Method of providing required combustion air and return air.
 - (VII) Location, size, and weight of flues, vents, and chimneys and clearances from air intakes and other vents and flues.
 - (VIII) Details regarding dampers in duct penetrating fire separations.
 - (IX) Complete drawings of fire sprinkler system, standpipe system, and fire alarm system. Site water flow requirements are subject to the local authority having jurisdiction.
 - (X) Detail of elevator or escalator system, including method of emergency operation.
- (vi) Plumbing.
 - (I) Separate floor plan(s) and/or schematic drawing(s) of the plumbing layout, including, but not limited to, size of piping, fittings, traps and vents, cleanouts and valves, of gas, water, waste and drainage system(s).
 - (II) Plumbing materials, and location of all equipment and appliances to be used. Indicate the fixture unit capacity of the system(s) and make, model, and rating/capacity of equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.
 - (III) Make and model of safety controls (such as for water heaters), their location, and whether listed or labeled by approved agencies.
 - (IV) Method of supporting piping and intervals of support.
 - (V) Location, size and height of vents above roofs and required clearances, including, but not limited to, clearances from air intakes, other vents, and flues.
 - (VI) Location and methods of penetration of piping through load-bearing structural members.

- (VII) Methods of testing.
 - (vii) Electrical.
 - (I) Separate floor plan(s) with single line diagram of the entire electrical installation.
 - (II) Load calculations for service and feeders.
 - (III) Sizes of all feeders and branch circuits.
 - (IV) Size, rating, and location of main disconnect/overcurrent protective devices.
 - (V) Method of interconnection between modular building units or components and location of connections.
 - (VI) Location of all outlets and junction boxes.
 - (VII) Method of mounting fixtures and wiring installations.
2. The requirements of this subparagraph (b) shall apply to building systems for components only to the extent deemed necessary by the approved design review agency or the Department to permit proper evaluations of such components.

Subparagraph (b) of paragraph (4) of rule 0780-2-13-.09 Building Systems and Compliance Assurance Program is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (b) The approved design review agency shall approve the manufacturer's building system and compliance assurance program when it determines that they meet these standards. Within thirty (30) days of approval, such agency shall forward to both the manufacturer and Department a complete copy of the approved building system and compliance assurance program documentation. Each set of model plans or compliance assurance manual submittal to the Department shall be accompanied by a filing fee of one hundred dollars (\$100.00).

Rule 0780-2-13-.09 Building Systems and Compliance Assurance Program is amended by adding the following language as a new subparagraph (c) to paragraph (4), immediately following subparagraph (b), which shall read:

- (c) All modular building unit model plans must be filed with the Division of Fire Prevention prior to commencement of construction of the modular building unit. The construction inspection agency must not inspect, or allow a Tennessee modular label to be affixed to, any Tennessee modular building unit for which plans have not been received and filed with the Division of Fire Prevention.

Subparagraph (a) of paragraph (6) of rule 0780-2-13-.09 Building Systems and Compliance Assurance Program is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (a) No approved building system (or amendment thereto) shall be varied in any way without prior authorization by the approved design review agency and the documentation of such prior authorization being received and filed by the Division of Fire Prevention.

Authority: T.C.A. §§68-102-113 and 68-126-305.

Subparagraph (b) of paragraph (1) of rule 0780-2-13-.10 Data Plates is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that as amended the subparagraph shall read:

- (b) The manufacturer's serial number of the unit or component;

Subparagraph (c) of paragraph (1) of rule 0780-2-13-.10 Data Plates is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (c) The modular label number(s);

Rule 0780-2-13-.10 Data Plates is amended by adding the following language as a new paragraph (5) immediately following paragraph (4):

- (5) The manufacturer shall keep a permanent record of the completed data plate on every modular building unit produced.

Authority: T.C.A. §§68-102-113 and 68-126-305.

Rule 0780-2-13-.11 Labels is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0780-2-13-.11 LABELS.

- (1) The Tennessee modular building label shall be permanently attached, by means of four (4) pop rivets or drive screws, on a permanent non-removable building component in a visible location as shown on the approved model building system. A Tennessee modular building label shall be attached to each transportable modular building unit and all components accepted as having been manufactured in accordance with the standards.
- (2) The Department will supply labels to approved construction inspection agencies upon request. Each label will be numbered, and will bear the following statement:

This modular building unit or component has been manufactured and inspected in accordance with the Tennessee Modular Building Act and rules promulgated thereunder. Unauthorized removal of this label is prohibited.

- (3) The approved construction inspection agency and the manufacturer shall keep permanent records of the handling of all labels. A copy of such records shall be sent to the Department upon request. The records shall specify at least:
 - (a) The modular label number(s) attached to modular building units or components;
 - (b) Each unit or component to which a label has been attached, and the number of such label;
 - (c) The disposition of any damaged or rejected labels; and

- (d) The location and custody of all unused labels.
- (4) (a) The fee for each label to be attached to a modular building unit or component shall be fifty dollars (\$50.00).
- (b) The fee for replacement of a lost, damaged, or removed label shall be fifty dollars (\$50.00) per label.
- (c) The approved construction inspection agency shall collect all label fees from the manufacturer before assigning labels for attachment in a plant.
- (d) Label fees shall be paid by check or money order made payable to the State of Tennessee, Department of Commerce and Insurance.
- (e) The approved construction inspection agency shall forward all payment for labels to the Department within ten (10) days after receipt of such payment.
- (5) (a) Units and components shall be labeled at the time of construction prior to leaving the manufacturing facility's production line, and prior to being placed on the facility yard.
- (b) Once a unit or component has been labeled, no person may remove the label without obtaining prior authorization, in writing, from the Department.
- (c) Manufacturers operating more than one facility may not transfer any labels without obtaining prior authorization, in writing, from the Department.

Authority: T.C.A.. §§68-102-113 and 68-126-305.

Paragraph (1) of rule 0780-2-13-.12 Alteration of Labeled Units is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (1) No modular building unit or component bearing a label shall be modified prior to or during installation unless an approved design review agency has approved the modification and obtained prior written approval from the Department.

Authority: T.C.A.. §§68-102-113 and 68-126-305.

Paragraph (2) of rule 0780-2-13-.15 Local Government Procedures is amended by deleting the text of the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (2) A local government may inspect site preparation work, foundations, as well as, the structural, mechanical, plumbing, and electrical connection(s) among modular building units, for compliance with applicable law.

Authority: T.C.A.. §§68-102-113 and 68-126-305.

Subparagraph (b) of paragraph (2) of rule 0780-2-13-.16 Department Functions is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (b) The fee for field technical services by the Department shall be twenty dollars (\$20.00) per man-hour, plus all necessary expenses in accordance with the comprehensive travel regulations as promulgated by the Department of Finance and Administration and approved by the Attorney General. The minimum time billed shall be four (4) hours.

Authority: T.C.A.. §§68-102-113 and 68-126-305.

Subparagraph (b) of paragraph (1) of rule 0780-2-13-.17 Disciplinary Proceedings is amended by deleting the text of the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (b) Violation of any provision of this Chapter or Tenn. Code Ann. Title 68, Chapter 126, Part 3;

Authority: T.C.A.. §§68-102-113 and 68-126-305.

Rule 0780-2-13-.20 Applicability is amended by deleting the text of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0780-2-13-.20 APPLICABILITY. After January 4, 1988, the provisions of this chapter shall apply to all modular building units and components, including those not intended or used for residential occupancy, except any storage building having an area of less than 150 square feet and no electrical or plumbing systems.

Authority: T.C.A.. §§68-102-113 and 68-126-305.

The notice of rulemaking set out herein was properly filed in the Department of State on this 30th day of June, 2003. (06-38)

**DEPARTMENT OF COMMERCE AND INSURANCE - 0780
DIVISION OF SECURITIES**

There will be a hearing before the Department of Commerce and Insurance to consider the promulgation of proposed rules respecting the exemption notice filings of certain Canadian broker-dealers and their agents, the registration of investment adviser representatives, and the standards for qualification of securities products for registration, exemptions from registration or for covered security status. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. §4-5-204, and will take place in the offices of the Securities Division, on the 6th floor of the Davy Crockett Tower, Suite 680, located at 500 James Robertson Parkway, Nashville, Tennessee at Nine (9) o'clock in the morning, Central Standard Time on the 15th day of August, 2003.

Any individuals with disabilities who wish to participate in these proceedings should contact the Department of Commerce and Insurance to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date, to allow time for the Department of Commerce and Insurance to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator, Verna Norris, Department of Commerce and Insurance, Davy Crockett Tower, Fifth Floor, 500 James Robertson Parkway, Nashville, Tennessee 37243 and (615) 741-0481.

For a copy of the entire text of this notice of rulemaking hearing, contact: Maliaka Bass EssamelDin, Chief Counsel for Securities and Consumer Affairs, Department of Commerce and Insurance, Davy Crockett Tower, Fifth Floor, 500 James Robertson Parkway, Nashville, Tennessee 37243 and (615) 741-2199.

The following subjects will be discussed during the rulemaking hearing:

SUMMARY OF PROPOSED RULES

CHAPTER 0780-4-1 GENERAL ADMINISTRATION

0780-4-1-.03	DEFINITIONS
0780-4-1-.04	ADMINISTRATION OF THE ACT
0780-4-2-.01	REGISTRATION BY COORDINATION
0780-4-2-.06	STANDARDS OF FAIRNESS AND REASONABLENESS
0780-4-2-.07	NON-PROFIT EXEMPTION
0780-4-2-.12	NOTICE FILINGS FOR COVERED SECURITIES
0780-4-2-.15	BANK HOLDING COMPANY EXEMPTION
0780-4-3-.01	REGISTRATION
0780-4-3-.02	POST REGISTRATION
0780-4-3-.04	PERSONS DEEMED NOT TO BE BROKER-DEALERS
0780-4-3-.06	INVESTMENT ADVISER NOTICE FILINGS
0780-4-3-.11	PERSONS DEEMED NOT TO BE "AGENTS"
0780-4-3-.12	DEFINITION OF "CLIENT OF AN INVESTMENT ADVISER"
0780-4-3-.15	EXEMPTION FROM BROKER-DEALER REGISTRATION FOR CERTAIN CANADIAN BROKER-DEALERS

For a copy of the entire text of this notice of rulemaking hearing, contact: Maliaka Bass EssamelDin, Staff Attorney, Department of Commerce and Insurance, Davy Crockett Tower, Fifth Floor, 500 James Robertson Parkway, Nashville, Tennessee 37243 and (615) 741-2199.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of June, 2003.
(06-40)

BOARD OF DISPENSING OPTICIANS - 0480

There will be a hearing before the Tennessee Board of Dispensing Opticians to consider the promulgation of an amendment to a rule pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-14-101. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 10th day of September, 2003.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULE

AMENDMENT

Rule 0480-1-.14, Apprenticeship Training Program, is amended by deleting paragraph (4) in its entirety and substituting instead the following language, and is further amended by deleting paragraph (8) in its entirety, so that as amended, the new paragraph (4) shall read:

- (4) Length of Training Program – Pursuant to T.C.A. § 63-14-103(a)(1), the period of apprenticeship training must be a minimum of three (3) years and must include a total of five thousand two hundred and fifty (5250) hours of full time or part time education and training under qualified supervision.
 - (a) Full Time – Full time work is defined as fifty (50) weeks of at least thirty-five (35) hours per week or one thousand, seven hundred and fifty (1,750) hours per year.
 - (b) Part Time—Any part time work must be at least one thousand (1,000) hours per year to count toward the three (3) year / five thousand two hundred and fifty (5,250) hour requirement.
 - (c) Optical Laboratory Work – No more than one (1) year / one thousand seven hundred and fifty (1,750) hours of credit will be allowed for experience obtained in an optical laboratory under supervision of a licensed eye care professional.
 - (d) Rescinding of Approval of Training Program
 - 1. The Board may rescind its approval of any apprenticeship training program if it determines that the facilities and equipment available to the apprentice are not adequate or when the apprentice is not being properly trained or supervised.

2. The Board may rescind its approval of any apprenticeship training program if it determines that the apprentice is not actively pursuing licensure including, but not limited to, working less than one thousand (1000) hours per year as provided in subparagraph (4) (b), and failing to file semi-annual evaluation reports in a timely manner as provided in subparagraph (5) (c).
3. If the Board rescinds its approval of an apprenticeship training program, the apprentice may no longer work or train as a dispensing optician. To continue training, the apprentice must apply to the Board and register for a new apprenticeship training program and must begin a new three (3) year / five thousand two hundred and fifty (5250) hour apprenticeship as provided in this rule.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-14-101, and 63-14-103.

The notice of rulemaking set out herein was properly filed in the Department of State on the 25th day of June, 2003. (06-26)

**THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF AIR POLLUTION CONTROL**

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of an amendment to the Tennessee Air Pollution Control Regulations and the State Implementation Plan pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the proposed regulatory amendment. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et. seq. and will take place in the 9th Floor Conference Room of the L & C Annex, located at 401 Church Street, Nashville, Tennessee 37243-1531 at 9:30 a.m. on August 19, 2003.

Written comments will be included in the hearing records if received by the close of business on August 19, 2003 at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to August 19, 2003 or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, 21st Floor, 401 Church Street, Nashville TN 37243, (615) 532-0103. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of this rule change, you may contact Doug Warden at 615-532-0621. For complete copies of the text of the notice, please contact Doug Warden, Department of Environment and Conservation, 9th Floor, L & C Tower, 401 Church Street, Nashville, TN 37243.

SUMMARY OF PROPOSED RULES

A new Rule 1200-3-27-.08 is added to Chapter 1200-3-27 as part of a State program to reduce emissions from sources that emit NO_x.

CHAPTER 1200-3-27 NITROGEN OXIDES

NEW RULE

TABLE OF CONTENTS

1200-3-27-.08 Standards and Requirements for sources at 50-ton facilities

1200-3-27-.08 STANDARDS AND REQUIREMENTS FOR SOURCES AT 50-TON FACILITIES

- (1) This rule is to require reasonably available control technology (RACT) for nitrogen oxides (NO_x) sources at facilities having the potential to emit 50 tons or more during a calendar year.
- (2) For the purpose of this rule, the following definitions apply. Other terms not defined in this chapter shall have the same meanings as defined in Chapter 1200-3-2.
 - (a) “Controls” mean technology or equipment (such as selective catalytic reduction) used to reduce (by non-formation, destruction, or removal) the amount of nitrogen oxides in an air stream prior to discharge into the ambient air.
 - (b) “Facility” means any source or group of sources located within a contiguous area, and under common ownership.
 - (c) “Nitrogen oxides” means all oxides of nitrogen except nitrous oxide.
 - (d) “Ozone season” means the 7-month period from March 1 through October 31 of every year.
 - (e) “Otherwise exempt” means a source that has been categorically exempt from permitting or does not require permitting because of insignificant activity (e.g. an emission unit with the potential to emit less than five (5) tons per calendar year).
 - (f) “Potential emissions” mean NO_x emissions from a process source or process sources and/or fuel burning equipment.
 - (g) “Potential to emit” means the maximum capacity to emit, without controls, according to physical and operational design. Any physical or operational limitation, except concerning controls, on the capacity to emit shall be treated as part of operational design for the purpose of determining potential emissions if the limitation is enforceable by the Administrator of EPA and the Technical Secretary, including those under this Division 1200-3, the State Implementation Plan, and permit conditions established pursuant to Chapter 1200-3-9.
- (3) Applicability of this rule is as follows:

- (a) This rule applies to any facility where the aggregate potential emissions total and/or to any owner or operator of a source which emits or has the potential to emit 45.4 megagrams (Mg) (50 tons) or more of NO_x during a calendar year; and
 - (b) The owner or operator of a facility with potential emissions below the applicability threshold of subparagraph (a) of this paragraph, but otherwise would be subject to this rule, shall comply with the certification, recordkeeping, and reporting requirements of paragraph (6) of this rule.
 - (c) In calculating potential emissions for applicability determination, maximum NO_x emissions from all sources located at a facility, including those emitted from sources and equipment otherwise exempt, shall be included.
- (4) Any facility or stationary source subject to this rule shall apply RACT to control NO_x emissions from the source(s) during the ozone season.
- (5) Compliance schedules apply as follows:
- (a) The owner or operator of a source subject to this rule shall satisfy the following schedule:
 - 1. By (3 months after rule effective date), submit a demonstration of RACT; and
 - 2. By (6 months after rule effective date), submit a final control plan, acceptable to the Technical Secretary, for the installation of NO_x emission controls; and
 - 3. By (15 months after rule effective date), complete construction or installation of equipment; and
 - 4. By (18 months after rule effective date), demonstrate full compliance with NO_x RACT using applicable test methods specified in Chapter 1200-3-12 or another method approved by the Technical Secretary as technically acceptable; or
 - (b) In lieu of satisfying the schedule specified in subparagraph (a) of this paragraph, satisfy the following schedule:
 - 1. By (3 months after rule effective date), submit a demonstration, acceptable to the Technical Secretary, that NO_x RACT cannot be applied to a source according to the schedule specified in subparagraph (a) of this paragraph. For example, RACT is not practical due to equipment unavailability or system unreliability;
 - 2. Within 60 days after approval by the Technical Secretary of this demonstration, submit a schedule, acceptable to the Technical Secretary, containing dates for accomplishment on the process emission source or equipment of the steps listed in the schedule specified in subparagraph (a) of this paragraph; and
 - 3. Satisfy the schedule approved by the Technical Secretary.
- (6) Reporting and recordkeeping requirements for sources referenced in subparagraph (3) of this rule apply as follow:
- (a) An owner or operator shall maintain records which document potential emissions are less than the applicability threshold specified in subparagraph (3)(a) of this rule.

- (b) An owner or operator shall submit, upon request by the Technical Secretary, records that document that the source is exempt from these requirements. These records shall be submitted to the Technical Secretary within 30 calendar days from the date of request.
- (7) Compliance certification, reporting and recordkeeping, and testing requirements for sources other than those referenced in subparagraph (3)(b) of this rule apply as follows:
 - (a) The owner or operator of the subject NOx emission source shall perform all testing and maintain the results of all test and calculations required under paragraphs (5) and (6) of this rule to demonstrate that the subject source is in compliance.
 - (b) This owner or operator of the subject NOx emission source shall maintain these records for a minimum of five (5) years, and shall make these records available to the Technical Secretary upon request.

Authority: T.C.A. §§68-201-105 and 4-5-210 et. seq.

This notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of June, 2003. (06-37)

**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION - 0400
DIVISION OF WATER POLLUTION CONTROL**

There will be a hearing before the Department of Environment and Conservation's Division of Water Pollution Control to consider the promulgation of amendments of rules pursuant to the Tennessee Water Quality Control Act of 1977, Sections 69-3-105 (1), 69-3-105 (3), and 69-3-107 (11). The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-202, 4-5-203, and 4-5-204 inclusive and will take place at the following location and time:

<u>DATE</u>	<u>SITE</u>	<u>HEARING LOCATION</u>	<u>TIME</u>
August 20, 2003	Nashville	Ruth Neff Conference Room B 17th Floor, L & C Tower 401 Church Street	2:00 p.m. CDT

Individuals with disabilities who wish to participate in these proceedings (or to review these filings) should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such contact may be in person, by writing, telephone, or other means and should be made no less than ten days prior to August 20, 2003, to allow time to provide such aid or services. Contact the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

SUMMARY OF PROPOSED RULES

The Tennessee Water Quality Control Board has initiated the rulemaking process to make revisions to Tennessee's regulation for plans submittals, the approval of the plans submittals, control of construction, and control of operations. This regulation has not been changed in several years and housekeeping measures such as correcting the name of the department and updating references to the applicable state statutes are needed. Changes are also proposed in the number of copies of plans and specifications that need to be submitted to the Commissioner for review and approval.

Chapter 1200-4-2 Regulations for Plans Submittal, and Approval: Control of Construction: Control of Operation

The deletion of Chapter 1200-4-2 in its entirety and its replacement with new language is proposed.

Authority: T.C.A. §§69-3-105(b) and 4-5-201 et. seq. Substantive Authority: T.C.A. Section §69-3-101 et. seq.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of June, 2003. (06-42)

TENNESSEE STATE BOARD OF EQUALIZATION - 0600

There will be a hearing before the Tennessee State Board of Equalization to consider the promulgation of rules pursuant to Tenn. Code Ann. §§67-1-305. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. §4-5-204 and will take place in Room 29 of the Legislative Plaza, Nashville, Tennessee, at 10:30 a.m. on the 15th August, 2003.

Any individuals with disabilities who wish to participate in these proceedings should contact the Board to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact should be made no less than ten (10) days prior to the scheduled meeting date, to allow time for the Board to determine how it may reasonably provide such aid or service. Initial contact may be made with the Board's ADA Coordinator, Elaine Driver, at Ste. 1400, 505 Deaderick St., Nashville, TN 37243-0261 and tele. no. 615/401-7738.

For a copy of this notice of rulemaking hearing, contact: Kelsie Jones, Ste. 1700, 505 Deaderick St., Nashville, TN 37243-0280, and tele. no. 615/401-7883.

SUBSTANCE OF PROPOSED RULES

CHAPTER 0600-1 CONTESTED CASE PROCEDURES

NEW RULES

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0600-6-.17 FEES.

- (1) Persons initiating a contested case before the Board shall pay a fee to defray the expense of processing case documents and a fee to defray the costs of hearing, as provided in this rule. No fee shall be due from a person who qualifies as an indigent person for purposes of civil actions in the courts of Tennessee and who establishes indigence by filing a uniform affidavit in the form stated in Rule 29 of the Rules of the Supreme Court of Tennessee. No fee shall be due from an appellant who has attained the age of sixty-five (65) years at the time of filing the appeal, where the subject property of the appeal is owned by the appellant and used as the appellant's primary residence and has a value not in excess of \$150,000.
- (2) The processing fee shall be one dollar (\$1) per parcel for any appeal filed in electronic format and five dollars (\$5) per parcel for each appeal using the paper form otherwise required by these rules. The fee for a paper filing shall be in addition to any fee previously paid for an electronic filing for the same parcel.
- (3) The fee for hearing costs shall be proportionate to the value of the property as recorded by the assessor or as determined by the Board, or in the case of exempt properties for which no assessor value has been established, the value as estimated by staff based on available information. The fee shall be twenty-five dollars (\$25) for properties valued at less than \$100,000, thirty-five dollars (\$35) for property valued from \$100,000 to less than \$250,000, fifty dollars (\$50) for property valued from \$250,000 to less than \$400,000, and one hundred dollars (\$100) for property valued at \$400,000 or more.
- (4) The fee for processing, and one-half the fee for hearing shall be due upon the filing of the appeal, except that an attorney or registered agent for a taxpayer may file a statement agreeing to be surety for fees ultimately due, and fees due from a city, county or county assessor may be accumulated and billed or deducted periodically from funds otherwise payable by the Board to the city or county. The remaining half of hearing fees shall not be due if the initial decision and order is allowed to become final, or if the original appellant withdraws an appeal from an initial decision and order before a hearing on the appeal is docketed. If an appeal from an initial decision and order is filed by a party other than the original appellant, the remaining one-half of hearing fees shall be assessable against the party appealing the initial decision and order. No proceedings shall be conducted until any fee due is remitted or agent's surety given and the appeal may be dismissed if the fees are not paid or surety given within a reasonable time. Fees must be remitted by check or money order, no cash accepted.
- (5) Hearing fees are refundable: a) if a matter is withdrawn or concluded by entry of an agreed order of the Board at least ten (10) days prior to a scheduled hearing; b) if the appellant obtains relief equal to half or more of the relief claimed, provided that if relief awarded equals less than half claimed, hearing fees will be refunded in proportion to the amount of relief awarded. To the extent hearing fees are refunded on the basis of relief granted after a hearing, the non-prevailing party to the appeal will be assessed such fees.
- (6) Fees assessed against a county or county assessor may be deducted from funds otherwise due the county pursuant to grants administered by the Board, unless the county or county assessor elects to remit the assessed fees directly.

Authority: T.C.A. §§67-1-305.

The notice of rulemaking set out herein was properly filed in the Department of State on the 26th day of June, 2003. (06-27)

TENNESSEE STATE BOARD OF EQUALIZATION - 0600

There will be a hearing before the Tennessee State Board of Equalization to consider promulgation of rules pursuant to Tenn. Code Ann. §67-1-305. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. §4-5-204 and will take place in Room 29 of the Legislative Plaza, Nashville, Tennessee, at 9:00 a.m. on the 15th August, 2003.

Any individuals with disabilities who wish to participate in these proceedings should contact the Board to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact should be made no less than ten (10) days prior to the scheduled meeting date, to allow time for the Board to determine how it may reasonably provide such aid or service. Initial contact may be made with the Board's ADA Coordinator, Elaine Driver, at Ste. 1400, 505 Deaderick St., Nashville, TN 37243-0261 and tele. no. 615/401-7738.

For a copy of this notice of rulemaking hearing, contact: Kelsie Jones, Ste. 1700, 505 Deaderick St., Nashville, TN 37243-0280, and tele. no. 615/401-7883.

RULEMAKING HEARING RULES

CHAPTER 0600-8 PROPERTY TAX EXEMPTIONS

NEW RULES

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0600-8-.01 Application form and fees

0600-8-.03 Criteria for exemption of medical clinics

0600-8-.02 Criteria for exemption of land

RULE 0600-8-.01 APPLICATION FORM AND FEES

- (1) Persons applying for property tax exemption shall apply on a form approved by the Board and pay a fee to defray the expense of processing the application, as provided in this rule. The fee shall be proportionate to the value of the property as estimated by staff based on available information. The fee shall be twenty-five dollars (\$25) for properties valued at less than \$100,000, thirty-five dollars (\$35) for property valued from \$100,000 to less than \$250,000, fifty dollars (\$50) for property valued from \$250,000 to less than \$400,000, and one hundred dollars (\$100) for property valued at \$400,000 or more. The fee shall be due upon the filing of the application.
- (2) If the Board determines that the cost associated with processing exemption applications in a given year was less than the amount of fees paid, the excess of fees paid over cost shall be refunded ratably to each payor during the year.

Authority: T.C.A.. §67-1-305.

0600-8-.02 CRITERIA FOR EXEMPTION OF LAND

- (1) The purpose of this rule is to establish criteria for determining eligibility of land for religious, charitable or scientific exemption from property taxes.

- (2) Land must be in actual use for exempt purposes of the exempt institution before it may qualify for exemption. Land will be presumed to be in use if
 - (a) it is land underlying exempt structures or paving;
 - (b) if the total land area claimed for exemption, including that which is underlying exempt structures, is five acres or less; or
 - (c) if the land exceeds the foregoing measures but is nevertheless necessary to meet government health, planning, or other requirements for configuration or minimum area. In the absence of locally adopted zoning standards, resort may be had to requirements imposed for similar structures in nearby communities that impose zoning requirements or to zoning requirements recommended by a model generally accepted or used in this state. For purpose of this presumption the minimum area thus determined will be multiplied by a factor of 1.5.
- (3) The presumption in this rule is rebuttable. The assessor or taxing jurisdiction may rebut the presumption by proving that vacant land otherwise within the presumption is being used for nonexempt purposes or is being offered for sale as a tract separate from the remaining land in use. The applicant for exemption may rebut the presumption by proving that vacant land which would be denied exemption under the presumption, is in fact being regularly used for exempt purposes qualifying for exemption in accordance with law.
- (4) This rule shall not operate to disqualify property previously approved for exemption if it has not been subjected to a nonexempt use since its approval.
- (5) Land held solely for future construction or other future uses does not qualify for exemption. Land that is owned and used by a scientific institution claiming a scientific exemption is eligible to the extent the property is shown to be actively used for scientific research. Land that is held solely or primarily for its preservation, conservation, protection, or its scientific or ecological significance will not be eligible for exemption under T.C.A. section 67-5-212 unless and to the extent there is a clear showing of active research or other active exempt use taking place on the subject property.

Authority: T.C.A. §67-1-305.

0600-8-.03 CRITERIA FOR EXEMPTION OF MEDICAL CLINICS

- (1) As used in this rule “clinic” means a facility other than a hospital or other licensed health care facility that provides primary medical care.
- (2) A clinic owned by a charitable institution will be approved for exemption as a charitable use of property if the following criteria are met:
 - (a) Services are targeted to areas of unmet need rather than to enhance the economic interests or viability of the owner.
 - (b) The clinic does not decline TennCare or Medicare patients;
 - (c) Compensation to physicians or employees is not dependent on the volume of business or billings.

Authority: T.C.A. §67-1-305.

The notice of rulemaking set out herein was properly filed in the Department of State on the 26th day of June, 2003. (06-28)

TENNESSEE STATE BOARD OF EQUALIZATION - 0600

There will be a hearing before the Tennessee State Board of Equalization to consider promulgation of rules pursuant to Tenn. Code Ann. §67-1-305. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. §4-5-204 and will take place in Room 29 of the Legislative Plaza, Nashville, Tennessee, at 9:00 a.m. on the 29th August, 2003.

Any individuals with disabilities who wish to participate in these proceedings should contact the Board to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact should be made no less than ten (10) days prior to the scheduled meeting date, to allow time for the Board to determine how it may reasonably provide such aid or service. Initial contact may be made with the Board's ADA Coordinator, Elaine Driver, at Ste. 1400, 505 Deaderick St., Nashville, TN 37243-0261 and tele. no. 615/401-7738.

For a copy of this notice of rulemaking hearing, contact: Kelsie Jones, Ste. 1700, 505 Deaderick St., Nashville, TN 37243-0280, and tele. no. 615/401-7883.

SUBSTANCE OF PROPOSED RULES

CHAPTER 0600-9 GREENBELT

NEW RULES

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0600-9-.01 Criteria for forest land

0600-9-.01 CRITERIA FOR FOREST LAND

- (1) The purpose of this rule is to establish criteria for determining eligibility of land as "forest land" or a "forest unit" for purposes of the Agricultural, Forest, and Open Space Land Act of 1976, as amended ("greenbelt").
- (2) Forest land is land stocked with forest trees of any size, including sprouts and seedlings, whether natural or planted, and not currently developed for non-forest uses. Non-forest uses include, but are not limited to, forage or croplands; residential, commercial, recreational, industrial, or utility developments; transportation corridors; and waste lands. Lands enrolled as "forest lands" under greenbelt, may be managed for timber production, watershed protection, wildlife habitat, woodland recreation, and other forest-related uses. Some examples of land use that do not comprise forest lands include orchards, Christmas tree plantations, and landscape nursery plantings, which may be considered for greenbelt agricultural classification.
- (3) The following progression of factors should be considered in determining if a landowner's property qualifies for forest land greenbelt status:

- (a) Total acreage in forestland must be 15 acres or more.
 - (b) Previously qualifying properties will requalify when reassessed if land use has not changed, and any subsequent subdivision of property does not result in less than 15 acres of forestland.
 - (c) Timber harvesting alone does not constitute land use change. If harvested areas remain stocked with forest trees and all other provisions are met, then properties will qualify for greenbelt status. This criterion also applies to clearcut areas. Clearcuts can either be artificially regenerated (planted with seedlings or seed) or naturally regenerated (allowed to grow back from sprouts and seeds on site).
 - (d) Previously open land (old agricultural fields, pastures, etc.) planted to tree species meeting acreage and stocking requirements will qualify for greenbelt status. Minimum stocking requirement is approximately 150 well-spaced seedlings per acre. Any seedling spacing pattern representing 290 square feet per seedling equals approximately 150 seedlings per acre (17'X17', 14'X20', 12'X25', etc.).
 - (e) Previously open land (old agricultural fields, pastures, etc.) naturally reverting back to forests meeting acreage and stocking requirements will qualify for greenbelt status. An example of this situation is tree species becoming established on previously grazed or bush hogged pasture. Minimum stocking requirement is approximately 150 well-spaced seedlings per acre. Any seedling spacing pattern representing 290 square feet per seedling equals approximately 150 seedlings per acre (17'X17', 14'X20', 12'X25', etc.).
 - (f) If land use is in the process of being changed, or was previously changed to non-forest uses, the portion of property undergoing such change is no longer eligible for forestland greenbelt status. Examples of such changes include removing stumps to install pasture, subdividing into individual house lots, building roads to provide access for commercial development, etc.
 - (g) Waste lands and/or rock lands, bare areas without tree growth, or unable to support tree growth do not qualify for forestland greenbelt status.
- (4) Forest land approved for greenbelt must be managed in a way that will preserve and maintain it as a forest. This means the owner will become acquainted with recommended management and conservation practices and not ignore these practices in using the land. The assessor is required to consider the owner's management practices in evaluating an owner's greenbelt application or continued eligibility. An owner who intentionally disregards conservation laws or fails to remediate a cited violation may be disqualified from the greenbelt program.

Authority: T.C.A. §§67-1-305.

The notice of rulemaking set out herein was properly filed in the Department of State on the 26th day of June, 2003.
(06-29)

**THE TENNESSEE DEPARTMENT OF HUMAN SERVICES - 1240
DIVISION OF CHILD SUPPORT SERVICES**

There will be hearings before the Tennessee Department of Human Services to consider the promulgation of amendments to its rules pursuant to T.C.A. §§ 71-3-501 et seq. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Washington County Department of Human Services' Conference Room, at 103 East Walnut Street, Johnson City, Tennessee at 6:30 PM Eastern Time on Monday August 18, 2003; Knoxville State Office Building 7th Floor Conference Room A, at 531 Henley Street, Knoxville, Tennessee 37902 at 6:30 PM Eastern Time on Tuesday, August 19, 2003; Chattanooga State Office Building Auditorium, at 540 McCallie Avenue, Chattanooga, Tennessee 37402 at 6:30 PM Eastern Time on Thursday, August 21, 2003; Donnelley J. Hill State Office Building, Second Floor Auditorium at 170 North Main Street, Memphis, Tennessee 38103 at 6:30PM Central Time on Monday, August 25, 2003; Lowell Thomas. State Office Building, Second Floor Conference Room, 225 Martin Luther King Jr. Drive Jackson, Tennessee 38301 at 6:30 PM Central Time on Tuesday, August 26, 2003; Citizen's Plaza State Office Building, Second Floor Conference Room, 400 Deaderick Street, Nashville, Tennessee 37248 at 6:30 PM Central Time on Thursday, August 28, 2003.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Department of Human Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Department of Human Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Human Services' ADA Coordinator, Fran McKinney, Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563 (TTY)-(800) 270-1349.

For a copy of this notice of rulemaking hearing, contact: Barbara L. Broersma, Citizen's Plaza Building, 400 Deaderick Street, Nashville, Tennessee, 37248-0006 and (615) 313-4731.

SUBSTANCE OF PROPOSED RULES

CHAPTER 1240-2-4

AMENDMENTS

Paragraph (3) of Rule 1240-2-4-.03, Guidelines for Calculating Child Support Award, is amended by deleting paragraph (3) in its entirety and by substituting instead the following new language so that, as amended, paragraph (3) shall read as follows:

- (3) Gross income.
 - (a) 1. Gross income shall include all income from any source (before taxes and other deductions), whether earned or unearned, and includes but is not limited to, the following: wages, salaries, commissions, bonuses, overtime payments, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, benefits received from the Social Security Administration, i.e., Title II Social Security benefits, workers compensation benefits whether temporary or permanent, judgments recovered for personal injuries, unemployment insurance benefits, gifts, prizes, lottery winnings, alimony or maintenance, and income from self-employment.

2. Income from self-employment includes income from business operations and rental properties, etc., less reasonable expenses necessary to produce such income.
3. Depreciation, home offices, excessive promotional, excessive travel, excessive car expenses or excessive personal expenses, etc., should not be considered reasonable expenses. "In kind" remuneration must also be imputed as income, i.e., fringe benefits such as a company car, the value of on-base lodging and means in lieu of BAQ and BAS for a military member, etc.
4. Social Security Title II benefits.
 - (i) To the extent Social Security Title II benefits received by a child on the obligor's account meet the support obligations ordered to be paid by the obligor for the child, such benefits shall be counted as child support payments.
 - (ii) If after calculating the obligor's net income under paragraphs (4) and after calculating the amount of the support obligation under paragraph (5), the amount of the child support award is equal to or less than the Social Security benefits paid on behalf of the child on the obligor's account, the child support obligation is met and no further child support amount shall be paid. Any benefit amounts above the court ordered support shall be retained by the caretaker for the child's benefit. The court shall make a written finding in the order to this effect.
 - (iii) If after calculating the obligor's net income under paragraphs (4) and after calculating the amount of the support obligation under paragraph (5), the amount of the child support award is greater than the Social Security benefits paid on behalf of the child on the obligor's account, the difference between the amount of benefits paid on behalf of the child from the obligor's account and the amount of the presumptive award under paragraph (5) shall be the child support award in the case. The court shall make a written finding in the order to this effect.
- (b) Variable income such as commissions, bonuses, overtime pay, dividends, etc., should be averaged and added to the obligor's fixed salary.
- (c) Gross income does not include the following: child support payments received by either parent for the benefit of other children; benefits received from means-tested public assistance programs otherwise exempt by federal law or regulations such as aid to families with dependent children(AFDC) and food stamps or Supplemental Security Income (SSI).
- (d) If an obligor is willfully and voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income, as evidenced by educational level and/or previous work experience.
- (e) When establishing an initial order and the obligor fails to produce evidence of income (such as tax returns for prior years, check stubs, or other information for determining current ability to support or ability to support in prior years), and the court has no other reliable evidence of the obligor's income or income potential, gross income for the current and prior years should be determined by imputing annual income of \$28,145.00 This figure represents an average of the medial annual income for Tennessee families as provided by the 1999 US Census of Income and Poverty data for Tennessee Counties.

- (f) When cases with established orders are reviewed for adjustment and the obligor fails to produce evidence of income (such as tax returns for prior years, check stubs, or other information for determining current ability to support), and the court has no other reliable evidence of the obligor's income or income potential, the court should enter an order to increase the child support obligation by an increment not to exceed ten percent (10%) per year for each year since the support order was entered or last modified.

Authority: T.C.A. §§4-5-202; 36-5-101(e); 71-1-132(a)(1); 42 U.S.C. § 667; 45 C.F.R. 302.56.

Rule 1240-2-4-.03, Guidelines for Calculating Child Support Award, is amended by deleting paragraph (4) in its entirety and by substituting instead the following new language so that, as amended, paragraph (4) shall read as follows:

(4) Calculation of Net Income.

(a) Definitions.

1. Legally Responsible.

For purposes of this paragraph the term "child or children for whom the obligor is legally responsible" or the term "legally responsible" means the children of the obligor who are:

- (i) Born of the obligor's marriage;
- (ii) Are the legally adopted children of the obligor;
- (iii) Have been voluntarily acknowledged by the obligor pursuant to Tennessee Code Annotated, Section 24-7-113, or the voluntary acknowledgement procedure of any other State or Territory that comports with the requirements of Title IV-D of the Social Security Act, as the obligor's children; or
- (iv) Have been determined by any court or administrative tribunal of this or any other State or Territory to be the child of the obligor.

2. Pre-Existing Orders.

The term, "pre-existing support order" or "pre-existing order" refers to:

- (i) an order that requires the obligor to make support payments for another child or children, in another case; and
- (ii) the date of the initial order for each such other case is earlier than the date of the initial order in the case immediately before court, regardless of the age of the child or children in any of the cases.

3. Child.

- (i) A person under eighteen (18) years of age, or a person who reaches eighteen (18) years while in high school until the child graduates from high school or the class of which the child is a member when the child attains eighteen (18) years of age graduates, whichever occurs first; or

- (ii) A person who is disabled as established pursuant to T.C.A. § 36-5-101(p); or
 - (iii) A person who is subject to a marital dissolution agreement entered prior to the person's eighteenth (18th) birthday that provides for the person's educational or vocational support subsequent to the person's eighteenth (18th) birthday, but who is less than twenty-six (26) years of age.
- (b) Basic Deductions from Gross Income/Definitions.
- 1. Net income is calculated by deducting from gross income of the obligor FICA (6.2% Social Security + 1.45% Medicare for regular wage earners and 12.4% Social Security + 2.9% Medicare for self-employed, as of 1991, or any amount subsequently set by Federal law as FICA tax), the amount of withholding tax deducted for a single wage earner claiming one withholding allowance (copies of appropriate table will be provided to courts with the guidelines), and the amount of any adjustment(s) or credit(s) to the obligor's net income pursuant to subparagraphs (c), (e), (f) and (g) of this paragraph.
 - 2. In calculating net income for obligors who are subject to Federal or Railroad Retirement programs or any other mandatory retirement plan that operates in lieu of the Social Security retirement program, the retirement contribution up to the current FICA tax rate should be deducted from the gross income.
- (c) Additional Adjustments for Pre-existing Orders of Support.
- 1. The priority for pre-existing orders is determined by the date of the initial order in each case. Subsequent modifications of the initial support order do not affect the priority position established by the date of the initial order for any purposes of this paragraph.
 - 2. When calculating the adjustments for pre-existing orders to determine the obligor's net income pursuant to subparagraph (c), only those pre-existing orders whose initial date of entry precedes the date of entry of the initial order in the case immediately under consideration shall be included.
 - 3. In determining net income, the amount determined in paragraph (4)(b) shall be adjusted by subtracting the amount of the current support obligation(s) ordered to be paid by the obligor pursuant to a pre-existing support order.
 - 4. Payments being made by the obligor on any arrearages shall not be subtracted from the obligor's gross income.
- (d) Credits and Limits to Credits for Additional Children Not Subject to Court Ordered Support.
- 1. In addition to the deductions provided in subparagraph (b), parts 1 and 2, and in addition to the adjustment for children under a pre-existing order as provided in subparagraph (c), a credit for additional qualifying children for whom the obligor is legally responsible and who are not subject to a pre-existing order for child support, may be considered pursuant to subparagraphs (e), (f) or (g). If granted, this credit shall apply after the determination of net income as provided in subparagraph (b) and after the deduction for pre-existing orders in subparagraph (c) are calculated.
 - 2. Use of Credits.

- (i) Subject to the provisions of parts 3 and 4 of this subparagraph, the use of the credits provided in subparagraphs (e), (f) and (g) is appropriate to consider in a determination of support for children for whom support is being calculated in the case under consideration in establishing:
 - (I) The obligor's initial support order on or after July 1, 2003; or
 - (II) The amount of any subsequent upward modification of such order; or
 - (III) The amount of a support order for the child(ren) existing before or after July 1, 2003, if the application of the significant variance rule pursuant to 1240-2-4-.02(3) results in a downward modification of the order, unless the provisions of part 5, subpart (ii) below apply.
- (ii) The provisions of this subparagraph (d) permitting the court to allow credits for additional children of the obligor for whom the obligor is legally responsible do not provide a basis for a significant variance unless a basis exists for a significant variance pursuant to 1240-2-4-.02(3).
- (iii) The credits available under subparagraphs (e), (f) and (g) may be used by the obligor as a defense to an action or request by or on behalf of the obligee or caretaker of the child seeking an upward modification to any existing order of support.

3. No Multiple Credits.

Only one full credit under subparagraphs (e), (f) or (g) for the same case shall be permitted. Full credits for children of the obligor who are in different categories under subparagraphs (e), (f) or (g) may not be used cumulatively, except as provided by part 4 below.

4. Credits for Children in Different Categories.

- (i) If an obligor has qualifying children in more than one category under subparagraphs (e), (f) or (g), the deductions or credits for qualifying children ranked in the highest priority as established by subpart (ii) below shall be applied first, followed by the procedure for credits in cases where the obligor's children are in multiple categories.
- (ii) Priority of Support Obligations.

In multiple family situations, the adjustments to net income under this paragraph (4) shall be calculated in the following order:

- (I) Adjustments for pre-existing orders according to the date of the initial order in each case pursuant to subparagraph (c);
- (II) Adjustments for children in the obligor's home pursuant to subparagraphs (e) or (f); and
- (III) Adjustments for other children living outside the obligor's home pursuant to subparagraph (g).

- (iii) After applying the deductions for pre-existing orders, if any, in item (ii)(I) above, then the credit for the obligor's children in the higher priority category as described in items (ii)(II) and (III) above in subpart (ii) may be applied. Then, for each qualifying child in another category, a credit consisting of a one percent (1%) reduction from the "adjustment percentage" in subparagraph (e)2 Step 4, below, per child, may be considered, and, if appropriate, applied, to further reduce the obligor's net income.

5. No Impairment of Existing Orders.

Any credits against the adjustment percentage or against the obligor's income, pursuant to subparagraphs (e), (f), and (g), shall not result in the reduction of any child support obligation to an amount which:

- (i) Is lower than the existing order of support, if any, in the case under consideration, unless a basis for a significant variance exists pursuant to 1240-2-4-.02(3) before the credit(s) are applied; or
- (ii) Otherwise seriously impairs the ability of the custodian of the child or children in the case under consideration to maintain minimally adequate housing, food, and clothing for the children and to provide other basic necessities, as determined by the court, for the children in the case under consideration.

(e) Credits for Other Children Living in the Home for Whom the Obligor is Legally Responsible.

1. In cases in which the obligor has children:

- (i) For whom the obligor is legally responsible; and
- (ii) Who are living in the obligor's household; and
- (iii) Who are not subject to a pre-existing support order for support; and
- (iv) Whom the obligor is actually supporting,

2. Then, in determining whether to consider those children in the obligor's household for purposes of reducing the obligor's net income or in calculating the guideline amount that would differ or deviate under this subparagraph from the presumptive child support awards established pursuant to paragraph (5), the following method shall be utilized to allow a credit against the obligor's net income:

Step 1: Determine the net income of the obligor pursuant to Rule 1240-2-4-.03(4)(b)1 and 2.

Step 2: Reduce the obligor's net income by subtracting the dollar amount of current support pursuant to pre-existing support orders (if applicable) as established in subparagraph (c), if this reduction has not already been taken.

Step 3: Determine the number of children for whom the obligor is legally responsible living in the obligor's household for whom no pre-existing court order for child support exists. Children may be deemed to be living in the obligor's household though living away from the obligor to attend school (Kindergarten through grade 12). Stepchildren of the obligor are not

to be considered under this subparagraph unless the obligor has legally adopted those children.

Step 4: Adjust the obligor’s net income according to the number of children for whom the obligor is legally responsible living in the obligor’s household by multiplying the obligor’s net income by the following appropriate percentage:

Number of Children	Adjustment Percentage
1	89.5%
2	84.0%
3	79.5%
4	77.0%
5+	75.0%

Step 5: Use the adjusted net income to determine the support amount for the child(ren) in the case under consideration pursuant to application of the guideline percentages pursuant to paragraph (5).

3. The granting of a credit pursuant to this subparagraph shall be supported by written findings of the court that shall detail the basis for the granting of the credit and shall state the amount of the child support that would have been ordered without the credit. The findings shall include a determination that application of the presumptive awards under paragraph (5) would be unjust or inappropriate and shall consider the best interests of the children for whom the support award is being established or modified.
- (f) Credits for Other Children Living in the Home for Whom the Obligor is Legally Responsible When the Other Parent Cannot Provide Support.
1. In cases in which
 - (i) Children:
 - (I) For whom the obligor is legally responsible; and
 - (II) Who are living in the obligor’s household; and
 - (III) Who are not subject to a pre-existing support order for support; and
 - (IV) Whom the obligor is actually supporting, and
 - (ii) The spouse of the obligor, or the nonmarital parent of the child(ren) living in the obligor’s household, is unable to financially contribute to the support of the children by reason of:
 - (I) Such parent’s death;
 - (II) Incapacity;
 - (III) Incarceration; or

(IV) Abandonment as demonstrated by reasonable efforts to locate the absent parent,

then compute the credit according to the directions for Steps 1-5 in subparagraph (e) subtracting an additional one percent (1%) from the “adjustment percentage” in subparagraph (e) 2 Step 4, for each child in this category.

2. The granting of a credit pursuant to this subparagraph shall be supported by written findings of the court that shall detail the basis for the granting of the credit and shall state the amount of the child support that would have been ordered without the credit. The findings shall include a determination that application of the presumptive awards under paragraph (5) would be unjust or inappropriate and shall consider the best interests of the children for whom the support award is being established or modified.

(g) Credits for Other Children Not Living in the Obligor’s Household.

1. In cases in which the obligor has child(ren) for whom the obligor is legally responsible who are not living in the obligor’s household and who are not subject to a pre-existing support order, for the obligor to receive an additional credit against the obligor’s net income, the obligor must provide documented proof of monetary payments of support for these child(ren) paid consistently over a reasonable and extended period of time prior to the initiation of the proceeding that is presently under consideration by the court, but in any event, such time period shall not be less than twelve (12) months.
2. Calculation of the Credit.
 - (i) The documented proof of monetary payments shall be averaged over the period of the payments to produce a weekly or monthly amount. A credit may be allowed in an amount equal to fifty percent (50%) of the weekly or monthly average of the documented monetary payments.
 - (ii) The credit pursuant to this subparagraph (g) shall not exceed fifty percent (50%) of the presumptive child support award pursuant to paragraph (5) for the number of children for whom the credit is sought.
 - (iii) If credits have been taken under either subparagraphs (e) or (f), then only the one percent (1%) adjustment set forth in subparagraph (d)(4)(iii) may be applied for a child in this category.
3. The granting of a credit pursuant to this subparagraph shall be supported by written findings of the court that shall detail the basis for the granting of the credit and shall state the amount of child support that would have been ordered without the credit. The findings shall include a determination that application of the presumptive awards under paragraph (5) would be unjust or inappropriate in the case before the court and shall consider the best interests of the children for whom the support award is being established or modified.

(h) High Income Obligor

1. If the net income of the obligor following deductions, adjustments and credits made pursuant to subparagraphs (b), (c), (e), (f) and (g) exceeds ten thousand dollars (\$10,000.00) per month, then the custodial parent must prove by a preponderance of the evidence that child support in excess of the amount, [calculated by multiplying the appropriate percentage set forth in the

child support guidelines by a net income of ten thousand dollars (\$10,000.00 per month)], is reasonably necessary to provide for the needs of the minor child or children for whom support is being determined in the case specifically under consideration.

2. In making its determination, the court shall consider all available income of the obligor as required by this chapter, and shall make a written finding that child support in excess of the amount so calculated is or is not reasonably necessary to provide for the needs of the minor child or children for whom support is being determined in the case specifically under consideration.
 - (i) In each case of adjustments pursuant to this paragraph, the presumptive award established by paragraph (5) is determined after the calculation of all deductions from and adjustments to and credits available to the obligor have been made as determined by this subchapter .03.
 - (j) Payments of child support may be ordered to be paid weekly, biweekly (every two weeks), semi-monthly, or monthly.

Subparagraph (e) of Paragraph (1) of Rule 1240-2-4-.04, Criteria for Deviation from Guidelines, is amended by deleting subparagraph (3) in its entirety and by substituting instead the following new language, so that, as amended, subparagraph (e) shall read as follows:

(e) Retroactive Support.

1. Unless the circumstances of T.C.A. § 36-2-311(a)(11), or T.C.A. § 36-5-101(e) have been demonstrated by clear and convincing evidence regarding the limitations of retroactive support based upon the parties' actions regarding the identification and/or whereabouts of the child(ren) in question and the court determines a deviation is appropriate, then, in cases in which initial support is being set, a judgement must be entered to include an amount due for monthly support up to the date current support is entered:
 - (i) From the date of the child's birth:
 - (I) In paternity cases; or,
 - (II) Where the child has been voluntarily acknowledged; and
 - (ii) From the date:
 - (I) Of separation of the parties in a divorce or in an annulment; or,
 - (II) Of abandonment of the child(ren) and the remaining spouse by the other parent in such cases.
2. The retroactive support amount must be calculated based upon the guidelines using the average income of the obligor over the past two years and is presumed to be correct unless rebutted by either party.
3. An periodic payment amount should be included in the retroactive support order to reduce the retroactive judgment for support on a monthly basis within a reasonable time.

Authority: T.C.A. §§4-5-202; 36-5-101(e); 71-1-132(a)(1); 42 U.S.C. § 667; 45 C.F.R. 302.56.

Subparagraph (a) of paragraph (2) of rule 1240-2-4-.04, Criteria for Deviation from Guidelines, is amended by deleting the language “Human” and replacing it with the word “Children’s” so that as amended, subparagraph (a) shall read as follows:

- (a) In cases where the Department of Children’s Services has taken custody of the child(ren) pursuant to a neglect, dependent, or abuse action and where the parent(s) is/are making reasonable efforts to secure the return of the child(ren) to the family and that the plan for return of the children is set forth in a foster care or permanency plan for the child that is approved by the parent(s) and by the Department of Children’s Services; and/or

Authority: T.C.A. §§4-5-202; 36-5-101(e); 71-1-132(a)(1); 42 U.S.C. § 667; 45 C.F.R. 302.56.

Paragraph (3) of rule 1240-2-4-.04, Criteria for Deviation from Guidelines, is amended by deleting paragraph (3) in its entirety and by substituting instead the following new language so that, as amended, paragraph (3) shall read as follows:

- (3) (a) The court must consider all net income of the obligor as defined according to 1240-2-4-.03 of this rule.
- (b) The court must order child support based upon the appropriate percentage to the custodial parent up to a net \$10,000 per month of the obligor’s income
- (c) 1. When the net income of the obligor, after applying all credits which may be appropriate, exceeds \$10,000 per month, the court may consider a downward deviation from the guidelines if the custodial parent proves by a preponderance of the evidence that child support in excess of the amount, [calculated by multiplying the appropriate percentage set forth in the child support guidelines by a net income of ten thousand dollars (\$10,000) per month], is reasonably necessary to provide for the needs of the minor child or children of the parties. In making its determination, the court shall consider all available income of the obligor, as required by this chapter, and shall make a written finding that child support in excess of the amount so calculated is or is not reasonably necessary to provide for the needs of the minor child or children of the parties
- 2. In making its determination, the court shall consider all available income of the obligor, as required by this chapter, and shall make a written finding that child support in excess of the amount so calculated is or is not reasonably necessary to provide for the needs of the minor child or children of the parties.
- 3. The court may require that sums paid above the percentage applied to the net income above \$ 10,000.00 be placed in an educational or other trust fund for the benefit of the child.

Authority: T.C.A. §§4-5-202; 36-5-101(e); 71-1-132(a)(1); 42 U.S.C. § 667; 45 C.F.R. 302.56.

Paragraph (5) of Rule 1240-2-4-.04, Criteria for Deviation from Guidelines, is amended by deleting paragraph (5) in its entirety and by substituting instead the following new language so that, as amended, paragraph (5) shall read:

- (5) In deviating from the guidelines, primary consideration must be given to the best interest of the child(ren) for whose support the guidelines are being utilized. Written reasons justifying deviation must be included in the order allowing the deviation, together with a statement of what the support would have been under the guidelines without the deviation.

Authority: T.C.A. §§4-5-202; 36-5-101(e); 71-1-132(a)(1); 42 U.S.C. § 667; 45 C.F.R. 302.56.

Authority: T.C.A. §§4-5-209; 36-5-101(e), § 36-5-101(p); 71-1-105(12) and (16); 71-11-132(a)1; Acts 2003, Chapter 373; 42 U.S.C. §§ 602, 603; 42 U.S.C. § 609(a)(8)(A) and (B); 42 U.S.C. §§ 654, 655(a)(1) and (a)(2); 42 U.S.C. § 667; 45 C.F.R. §302.56.

The notice of rulemaking set out herein was properly filed in the Department of State on the 30th day of June, 2003. (06-39)

**THE TENNESSEE DEPARTMENT OF HUMAN SERVICES - 1240
ADULT AND FAMILY SERVICES DIVISION**

There will be hearings before the Tennessee Department of Human Services to consider the promulgation of amendments to its rules pursuant to T.C.A. §§ 71-3-501 et seq. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the, 7th Floor Conference Room A, State Office Building, at 531 Henley Street, Knoxville, Tennessee 37902 at 6:30 PM Eastern Time on Tuesday, September 2, 2003; Second Floor Conference Room, Citizen's Plaza Building 400 Deaderick Street, Nashville, Tennessee 37248 at 6:30 PM Central Time on Thursday, September 4, 2003 Second Floor Auditorium, State Office Building, 170 North Main Street, Memphis, Tennessee 38103 at 6:30PM Central Time on Monday, September 8, 2003.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Department of Human Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date or the date the party intends to review such filings, to allow time for the Department of Human Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Human Services ADA Coordinator, Fran McKinney Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563, (TTY)- (800) 270-1349.

For a copy of this notice of rulemaking hearing, contact: William B. Russell, Citizen's Plaza Building, 400 Deaderick Street, Nashville, Tennessee, 37248-0006 and (615) 313-4731.

SUBSTANCE OF PROPOSED RULES

**CHAPTER 1240-4-1
STANDARDS FOR GROUP CHILD CARE HOMES**

AMENDMENTS

Part 1 of subparagraph (a) of paragraph (1), of Rule 1240-4-1-.03, Staff, is amended by deleting Part 1 in its entirety, and by substituting instead the following language so that, as amended, part 1 shall read as follows:

1. Every staff person, including volunteers, practicum students, and substitutes, shall be physically, mentally, and emotionally capable of performing his/her duties satisfactorily.

- (i) Drug Screening for Child Care Vehicle Drivers Upon Reasonable Cause.
 - (I) The Department, in its sole discretion, may require any individual, who drives or may drive at any time any vehicle transporting children on behalf of the agency or its contractors, to undergo a drug screening test when, in the Department's sole determination, there is reasonable cause to believe that such individual may have an impairment or possible impairment that potentially poses a risk of harm to children in the care of the agency caused by the use, or possession and potential use, of any drug.
 - (II) An individual directed to undergo such examinations or screenings may refuse to do so, but will not be permitted to drive a vehicle transporting children in the agency or have any further contact with children in the care of the child care agency until evidence is provided that is satisfactory, in the Department's discretion, to demonstrate that the individual does not represent a risk of harm to the children in the agency's care.
- (ii) Safety Plans.
 - (I) The Department may require, in its sole discretion, the child care agency to enter into a safety plan approved by the Department that prohibits or limits such individual's contact with children in the care of the child care agency pending the outcome of such testing.
 - (II) The Department may otherwise require, in its sole discretion, that the child care agency enter into a long-term or permanent safety plan that prohibits or limits the driving duties by an individual described in part 1 for, or contact by such individual with, children in the care of the agency.
 - (III) Failure to adhere to the safety plan shall be grounds for action by the Department against the child care agency's license as permitted by T.C.A. § 71-3-508(c).
 - (IV) The child care agency, or any individual whose employment status is directly and adversely impacted by a safety plan or by refusal to undergo an examination as directed by the Department may, at any time during the existence of the plan or during the pendency of the directive for an examination, make written request to the Director of Licensing for an intradepartmental review of the safety plan. Such review shall be conducted by the Director or the Director's designee within ten (10) business days of receipt of the written request.
 - (V) Any individual or child care agency that has received an adverse decision from the intradepartmental review set forth in subpart (IV) above, may appeal such safety plan to the Department by filing a written request for an administrative hearing before the Department's Administrative Procedures Division within ten (10) business days of the Director's decision. The hearing shall be held by the Division within twenty (20) business days of the receipt of the request for an administrative hearing.
 - (VI) Any safety plan that exceeds ninety (90) days when proposed or that continues for more than ninety (90) days may be appealed by the child care agency to the Child Care Agency Board of Review.

Authority: T.C.A. §§ 4-5-209; 71-3-502(a)(2); 71-3-508(c); § 2, Senate Bill 1484/House Bill 1526 (2003).

Part 2 of subparagraph (c) of paragraph (1) of rule 1240-4-1-.07, Transportation, is amended by deleting subparts (ii) and (iii) in their entireties and by substituting instead the following new language, so that, as amended, subparts (ii) and (iii) shall read as follows:

- (ii) Drug Screenings.
 - (I) Effective August 1, 2003, all persons who are newly employed or assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, or who are thereafter assigned any such duties under any arrangement, shall have a drug screen within ten (10) days of the assumption of such duties, in accordance with procedures established by the Department.
 - (II) Effective January 1, 2004, all existing drivers who have been previously assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, under any arrangement and who have not been tested as required by item (I), shall have a drug screen in accordance with procedures established by the Department.
 - (III) The child care agency shall immediately review the results of the drug screen upon receipt.
- (iii) Upon receipt of a positive drug screen result for a tested individual, the child care agency shall immediately:
 - (I) Notify the Department and prohibit the individual from any driving duties involving any transportation of children for the child care agency; and
 - (II) Enter into a safety plan approved by the Department that excludes the individual from driving for the child care agency until the individual passes a drug screen test and is otherwise approved, in writing, by the Department, to provide driving duties involving the transportation of children for the child care agency.

Authority: T.C.A. § 4-5-209; § 71-3-502(a)(2); § 71-3-508(c); § 2, Senate Bill 1484/House Bill 1526, (2003).

Part 5 of subparagraph (c) of paragraph (1) of Rule 1240-4-1-.07, Transportation, is amended by deleting part 5 in its entirety and by substituting instead the following new language, so that, as amended, part 5 shall read as follows:

- 5. Emergency Aid Training.
 - (i) All persons responsible, or who may in the course of their duties become responsible at any time, for the transportation of children shall hold current certification in Infant/Pediatric Cardiopulmonary Resuscitation (CPR) from the American Red Cross, the American Heart Association, or other certifying organization, as recognized by the Department.

- (ii) Effective July 1, 2004, all persons responsible, or who may in the course of their duties become responsible at any time, for the transportation of children shall complete a first aid course sponsored or approved by the American Red Cross, or other first aid course, as recognized by the Department.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2).

Subparagraphs (b) and (c) of paragraph (2) of Rule 1240-4-1-.07, Transportation, is amended by deleting subparagraphs (b) and (c) in their entireties and by substituting instead the following new language, so that, as amended, subparagraphs (b) and (c) shall read as follows:

- (b) The child care agency shall maintain, and shall require providers of transportation services for children under contract to the agency or under the agency's direction or control to maintain, documentation that designated child care, contractor, or other entity staff perform daily the following inspections, followed by any necessary repairs or other appropriate actions, before beginning transportation of children for the child care agency:
 - (i) A visual inspection of the vehicle's tires for wear and adequate pressure;
 - (ii) A visual inspection for working headlights and taillights, signals, mirrors, wiper blades and dash gauges;
 - (iii) An inspection for properly functioning child and driver restraints;
 - (iv) An inspection for properly functioning doors and windows;
 - (v) An inspection for the presence of safety equipment required by these rules or any other provisions of law or regulations, and repair or replacement as necessary based upon visual evidence of the need do so;
 - (vi) A determination that the vehicle has adequate fuel; and
 - (vii) An inspection for, and cleaning of, debris from the vehicle's interior.
- (c) The child care agency shall maintain, and shall require providers of transportation services for children under contract to the agency or under the agency's direction or control to maintain, documentation that the vehicles used to transport children receive regular inspections and maintenance by a certified mechanic in accordance with the maintenance schedule recommended by the vehicle manufacturer, and, in addition shall have the following vehicle equipment certified as inspected at least every four thousand (4,000) miles if not covered by, and/or serviced in accordance with the manufacturer's maintenance schedule:
 - (i) Brakes;
 - (ii) Steering;
 - (iii) Oil levels, coolant, brake, windshield washer and transmission fluids;
 - (iv) Hoses and belts.

Authority: T.C.A. §§4-5-202; 71-3-502(a)(2).

Subparagraph (h) of paragraph (2) of rule 1240-4-1-.07, Transportation, is amended by deleting subparagraph (h) in its entirety and by substituting instead the following new language, so that, as amended, subparagraph (h) shall read as follows:

- (h) Requirements for Child Care Transportation Vehicles Effective January 1, 2007.
 - 1. Effective January 1, 2007 all vehicles that the child care agency operates, for which it contracts, or which are otherwise under its direction or control, that are designed to carry ten (10) or more passengers must conform to all Federal Motor Vehicle Safety Standards (FMVSS) governing either “large” school buses or “small” school buses, as applicable, in accordance with the provisions of the FMVSS described in 49 Code of Federal Regulations Part 571, or as such Part may be amended.
 - 2. Effective January 1, 2007, if buses in either the “large” or “small” classes of school buses under the FMVSS are used, they must have factory-installed passenger restraint anchorages and passenger restraints that are suitable for use in transporting children of any age who are to be transported on either a “large” or “small” school bus.
 - 3. The requirements of this subparagraph (h) do not apply to vehicles used exclusively for the provision of occasional field trips.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2).

Paragraph (4) of rule 1240-4-1-.07, Transportation, is amended by deleting paragraph (4) in its entirety and by substituting instead the following language, so that, as amended, paragraph (4) shall read as follows:

- (4) Child Safety Restraints.
 - (a) The provisions of this paragraph (4) shall apply to any vehicle used to transport children as of the effective date of these rules, unless stated otherwise by the rule. Any vehicle whether:
 - 1. A passenger car;
 - 2. A stock or custom van or sport utility vehicle;
 - 3. A school bus classified as a “small” or “large” bus as required in FMVSS contained in 49 Code of Federal Regulations Part 571; or
 - 4. Any other vehicle must be properly equipped with the child passenger restraints required by subparagraphs (c)—(f) below and must comply with all other provisions of this paragraph (4).
 - (b) Children under four (4) years of age shall never be placed in the front seat of the vehicle.
 - (c) Children who weigh less than twenty pounds (20 lbs.) shall be placed to face the rear of the vehicle. Children who weigh twenty pounds (20 lbs.) or more shall be placed to face the front of the vehicle unless the special needs of a disabled child otherwise require the child to face the rear of the vehicle.
 - (d) Children who weigh less than forty pounds (40 lbs.) shall be restrained in a Federally-approved child restraint device in accordance with the child restraint device manufacturer’s instructions.

The child restraint device shall be secured to the vehicle in accordance with the child restraint device manufacturer's instructions.

- (e) Children Between Forty Pounds (40 lbs.) and Eighty Pounds (80lbs.).
 - 1. Children who weigh between forty pounds (40 lbs.) and eighty pounds (80 lbs.) may be restrained in a belt-positioning booster seat (BPBS) that has been secured in accordance with the vehicle and restraint manufacturers' instructions. BPBS devices shall always be secured to the vehicle in accordance with the vehicle and the restraint device manufacturer's instructions. If, however, a BPBS restraint device is not used, the child shall be restrained in both a lap belt and a shoulder belt if available in the vehicle. If a lap and shoulder belt restraint system is not available in the vehicle, the child shall be restrained by a lap belt.
 - 2. Effective January 1, 2007, children who weigh between forty pounds (40 lbs.) and eighty pounds (80 lbs.) shall be restrained in a belt-positioning booster seat (BPBS) in accordance with the BPBS manufacturer's instructions. BPBS devices shall always be secured to the vehicle in accordance with the vehicle and the restraint device manufacturer's instructions.
- (f) Children Weighing More Than Eighty (80 lbs.) or Who are Taller Than Four Feet Nine Inches (4'9").
 - 1. Children who weigh more than eighty pounds (80 lbs.) or who are taller than four feet nine inches (4'9") may be restrained in an adult lap belt and shoulder belt that has been secured in accordance with the vehicle manufacturer's instructions. If, however, an adult lap belt and shoulder belt is not used, the child shall be restrained by a lap belt.
 - 2. Effective January 1, 2007, children who weigh more than eighty pounds (80 lbs.) or who are taller than four feet nine inches (4'9") shall be restrained in an adult lap belt and shoulder belt in accordance with the vehicle manufacturer's instructions.
- (g) Passenger air bags shall remain turned off unless an adult or a child fifteen (15) years of age or older is riding in the front passenger seat of the vehicle.
- (h) No child shall ride on the floor of a vehicle and no child shall be placed with another child in the same restraint device.
- (i) Notwithstanding the provisions of this paragraph (4), until January 1, 2007, children of school-age (in kindergarten or any grade level above) shall not be required to use child restraints when being transported in school buses classified in the "large" category under FMVSS.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2).

The notice of rulemaking set out herein was properly filed in the Department of State on the 27th day of June, 2003. (06-33)

**THE TENNESSEE DEPARTMENT OF HUMAN SERVICES - 1240
ADULT AND FAMILY SERVICES DIVISION**

There will be hearings before the Tennessee Department of Human Services to consider the promulgation of amendments to its rules pursuant to T.C.A. §§ 71-3-501 et seq. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the, 7th Floor Conference Room A, State Office Building, at 531 Henley Street, Knoxville, Tennessee 37902 at 6:30 PM Eastern Time on Tuesday, September 2, 2003; Second Floor Conference Room, Citizen's Plaza Building 400 Deaderick Street, Nashville, Tennessee 37248 at 6:30 PM Central Time on Thursday, September 4, 2003 Second Floor Auditorium, State Office Building, 170 North Main Street, Memphis, Tennessee 38103 at 6:30PM Central Time on Monday, September 8, 2003.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Department of Human Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date or the date the party intends to review such filings, to allow time for the Department of Human Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Human Services ADA Coordinator, Fran McKinney Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563, (TTY)- (800) 270-1349.

For a copy of this notice of rulemaking hearing, contact: William B. Russell, Citizen's Plaza Building, 400 Deaderick Street, Nashville, Tennessee, 37248-0006 and (615) 313-4731.

SUBSTANCE OF PROPOSED RULES

CHAPTER 1240-4-3

LICENSURE RULES FOR CHILD CARE CENTERS SERVING PRE-SCHOOL CHILDREN

AMENDMENTS

Paragraph (3) of Chapter 1240-4-3-.07, Staff Qualifications, is amended by deleting subparagraph (a) in its entirety, and by substituting instead the following new subparagraph (a), so that, as amended, subparagraph (a) shall read as follows:

- (a) Every staff person, including volunteers, practicum students, and substitutes, shall be physically, mentally, and emotionally capable of performing his/her duties satisfactorily.
 - 1. Drug Screening for Child Care Vehicle Drivers Upon Reasonable Cause.
 - (i) The Department, in its sole discretion, may require any individual, who drives or may drive at any time any vehicle transporting children on behalf of the agency or its contractors, to undergo a drug screening test when, in the Department's sole determination, there is reasonable cause to believe that such individual may have an impairment or possible impairment that potentially poses a risk of harm to children in the care of the agency caused by the use, or possession and potential use, of any drug.

- (ii) An individual directed to undergo such examinations or screenings may refuse to do so, but will not be permitted to drive a vehicle transporting children in the agency or have any further contact with children in the care of the child care agency until evidence is provided that is satisfactory, in the Department's discretion, to demonstrate that the individual does not represent a risk of harm to the children in the agency's care.

2. Safety Plans.

- (i) The Department may require, in its sole discretion, the child care agency to enter into a safety plan approved by the Department that prohibits or limits such individual's contact with children in the care of the child care agency pending the outcome of such testing.
- (ii) The Department may otherwise require, in its sole discretion, that the child care agency enter into a long-term or permanent safety plan that prohibits or limits the driving duties by an individual described in part 1 for, or contact by such individual with, children in the care of the agency.
- (iii) Failure to adhere to the safety plan shall be grounds for action by the Department against the child care agency's license as permitted by T.C.A. § 71-3-508(c).
- (iv) The child care agency, or any individual whose employment status is directly and adversely impacted by a safety plan or by refusal to undergo an examination as directed by the Department may, at any time during the existence of the plan or during the pendency of the directive for an examination, make written request to the Director of Licensing for an intradepartmental review of the safety plan. Such review shall be conducted by the Director or the Director's designee within ten (10) business days of receipt of the written request.
- (v) Any individual or child care agency that has received an adverse decision from the intradepartmental review set forth in subpart (iv) above, may appeal such safety plan to the Department by filing a written request for an administrative hearing before the Department's Administrative Procedures Division within ten (10) business days of the Director's decision. The hearing shall be held by the Division within twenty (20) business days of the receipt of the request for an administrative hearing.
- (vi) Any safety plan that exceeds ninety (90) days when proposed or that continues for more than ninety (90) days may be appealed by the child care agency to the Child Care Agency Board of Review.

Authority: T.C.A. §§ 4-5-209; 71-3-502(a)(2); 71-3-508(c); § 2, Senate Bill 1484/House Bill 1526 (2003).

Part 2 of subparagraph (c) of paragraph (1) of rule 1240-4-3-.10, Transportation, is amended by deleting part 2 in its entirety and by substituting instead the following new language, so that, as amended, part 2 shall read as follows:

2. Health Examinations and Drug Screenings.

Health Examinations.

All persons driving vehicles at any time for the transportation of children enrolled in the child care agency shall annually provide to the Department a health statement or statements, based upon an examination of the individual, that are signed by the examining licensed physician, licensed psychologist, licensed clinician, Nurse Practitioner, or Physician's Assistant, verifying that the individual is physically, mentally and emotionally capable in all respects of safely and appropriately providing transportation for children.

- (ii) Drug Screenings.
 - (I) Effective August 1, 2003, all persons who are newly employed or assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, or who are thereafter assigned any such duties under any arrangement, shall have a drug screen within ten (10) days of the assumption of such duties, in accordance with procedures established by the Department.
 - (II) Effective January 1, 2004, all existing drivers who have been previously assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, under any arrangement and who have not been tested as required by item (I), shall have a drug screen in accordance with procedures established by the Department.
 - (III) The child care agency shall immediately review the results of the drug screen upon receipt.
- (iii) Upon receipt of a positive drug screen result for a tested individual, the child care agency shall immediately:
 - (I) Notify the Department and prohibit the individual from any driving duties involving any transportation of children for the child care agency; and
 - (II) Enter into a safety plan approved by the Department that excludes the individual from driving for the child care agency until the individual passes a drug screen test and is otherwise approved, in writing, by the Department, to provide driving duties involving the transportation of children for the child care agency.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2); 71-3-508(c); § 2, Senate Bill 1484/House Bill 1526, (2003).

Part 5 of subparagraph (c) of paragraph (1) of rule 1240-4-3-.10, Transportation, is amended by deleting part 5 in its entirety and by substituting instead the following new language, so that, as amended, part 5 shall read as follows:

- 5. Emergency Aid Training.
 - (i) All persons responsible, or who may in the course of their duties become responsible at any time, for the transportation of children shall hold current certification and Infant/Pediatric Cardiopulmonary Resuscitation (CPR) from the American Red Cross, the American Heart Association, or other certifying organization, as recognized by the Department.

- (ii) Effective July 1, 2004, all persons responsible, or who may in the course of their duties become responsible at any time, for the transportation of children shall complete a first aid course sponsored or approved by the American Red Cross, or other first aid course, as recognized by the Department.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2).

Subparagraphs (b) and (c) of Paragraph (2) of rule 1240-4-3-.10, Transportation, are amended by deleting subparagraphs (b) and (c) in their entireties and by substituting instead the following new language, so that, as amended, subparagraphs (b) and (c) shall read as follows:

- (b) The child care agency shall maintain, and shall require providers of transportation services for children under contract to the agency or under the agency's direction or control to maintain, documentation that designated child care, contractor, or other entity staff perform daily the following inspections, followed by any necessary repairs or other appropriate actions, before beginning transportation of children for the child care agency:
 - (i) A visual inspection of the vehicle's tires for wear and adequate pressure;
 - (ii) A visual inspection for working headlights and taillights, signals, mirrors, wiper blades and dash gauges;
 - (iii) An inspection for properly functioning child and driver restraints;
 - (iv) An inspection for properly functioning doors and windows;
 - (v) An inspection for the presence of safety equipment required by these rules or any other provisions of law or regulations, and repair or replacement as necessary based upon visual evidence of the need do so;
 - (vi) A determination that the vehicle has adequate fuel; and
 - (vii) An inspection for, and cleaning of, debris from the vehicle's interior.
- (c) The child care agency shall maintain, and shall require providers of transportation services for children under contract to the agency or under the agency's direction or control to maintain, documentation that the vehicles used to transport children receive regular inspections and maintenance by a certified mechanic in accordance with the maintenance schedule recommended by the vehicle manufacturer, and, in addition shall have the following vehicle equipment certified as inspected at least every four thousand (4,000) miles if not covered by, and/or serviced in accordance with the manufacturer's maintenance schedule:
 - (i) Brakes;
 - (ii) Steering;
 - (iii) Oil levels, coolant, brake, windshield washer and transmission fluids;
 - (iv) Hoses and belts.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2).

Subparagraph (h) of paragraph (2) of rule 1240-4-3-.10, Transportation, is amended by deleting subparagraph (h) in its entirety and by substituting instead the following new language, so that, as amended, subparagraph (h) shall read as follows:

- (h) Requirements for Child Care Transportation Vehicles Effective January 1, 2007.
1. Effective January 1, 2007 all vehicles that the child care agency operates, for which it contracts, or which are otherwise under its direction or control, that are designed to carry ten (10) or more passengers must conform to all Federal Motor Vehicle Safety Standards (FMVSS) governing either “large” school buses or “small” school buses, as applicable, in accordance with the provisions of the FMVSS described in 49 Code of Federal Regulations Part 571, or as such Part may be amended.
 2. Effective January 1, 2007, if buses in either the “large” or “small” classes of school buses under the FMVSS are used, they must have factory-installed passenger restraint anchorages and passenger restraints that are suitable for use in transporting children of any age who are to be transported on either a “large” or “small” school bus.
 3. The requirements of this subparagraph (h) do not apply to vehicles used exclusively for the provision of occasional field trips.

Authority: T.C.A. §§4-5-202; 71-3-502(a)(2).

Paragraph (4) of rule 1240-4-3-.10, Transportation, is amended by deleting paragraph (4) in its entirety and by substituting instead the following language, so that, as amended, paragraph (4) shall read as follows:

- (4) Child Safety Restraints.
- (a) The provisions of this paragraph (4) shall apply to any vehicle used to transport children as of the effective date of these rules, unless stated otherwise by the rule. Any vehicle whether:
 1. A passenger car;
 2. A stock or custom van or sport utility vehicle;
 3. A school bus classified as a “small” or “large” bus as required in FMVSS contained in 49 Code of Federal Regulations Part 571; or
 4. Any other vehicle must be properly equipped with the child passenger restraints required by subparagraphs (c)—(f) below and must comply with all other provisions of this paragraph (4).
 - (b) Children under four (4) years of age shall never be placed in the front seat of the vehicle.
 - (c) Children who weigh less than twenty pounds (20 lbs.) shall be placed to face the rear of the vehicle. Children who weigh twenty pounds (20 lbs.) or more shall be placed to face the front of the vehicle unless the special needs of a disabled child otherwise require the child to face the rear of the vehicle.
 - (d) Children who weigh less than forty pounds (40 lbs.) shall be restrained in a Federally-approved child restraint device in accordance with the child restraint device manufacturer’s instructions. The child restraint device shall be secured to the vehicle in accordance with the child restraint device manufacturer’s instructions.

- (e) Children Between Forty Pounds (40 lbs.) and Eighty Pounds (80lbs.).
 - 1. Children who weigh between forty pounds (40 lbs.) and eighty pounds (80 lbs.) may be restrained in a belt-positioning booster seat (BPBS) that has been secured in accordance with the vehicle and restraint manufacturers' instructions. BPBS devices shall always be secured to the vehicle in accordance with the vehicle and the restraint device manufacturer's instructions. If, however, a BPBS restraint device is not used, the child shall be restrained in both a lap belt and a shoulder belt if available in the vehicle. If a lap and shoulder belt restraint system is not available in the vehicle, the child shall be restrained by a lap belt.
 - 2. Effective January 1, 2007, children who weigh between forty pounds (40 lbs.) and eighty pounds (80 lbs.) shall be restrained in a belt-positioning booster seat (BPBS) in accordance with the BPBS manufacturer's instructions. BPBS devices shall always be secured to the vehicle in accordance with the vehicle and the restraint device manufacturer's instructions.
- (f) Children Weighing More Than Eighty (80 lbs.) or Who are Taller Than Four Feet Nine Inches (4'9").
 - 1. Children who weigh more than eighty pounds (80 lbs.) or who are taller than four feet nine inches (4'9") may be restrained in an adult lap belt and shoulder belt that has been secured in accordance with the vehicle manufacturer's instructions. If, however, a adult lap belt and shoulder belt is not used, the child shall be restrained by a lap belt.
 - 2. Effective January 1, 2007, children who weigh more than eighty pounds (80 lbs.) or who are taller than four feet nine inches (4'9") shall be restrained in an adult lap belt and shoulder belt in accordance with the vehicle manufacturer's instructions.
- (g) Passenger air bags shall remain turned off unless an adult or a child fifteen (15) years of age or older is riding in the front passenger seat of the vehicle.
- (h) No child shall ride on the floor of a vehicle and no child shall be placed with another child in the same restraint device.
- (i) Notwithstanding the provisions of this paragraph (4), until January 1, 2007, children of school-age (in kindergarten or any grade level above) shall not be required to use child restraints when being transported in school buses classified in the "large" category under FMVSS.

Authority: T.C.A. § 4-5-202; § 71-3-502(a)(2).

The notice of rulemaking set out herein was properly filed in the Department of State on the 27th day of June, 2003.
(06-32)

**THE TENNESSEE DEPARTMENT OF HUMAN SERVICES - 1240
ADULT AND FAMILY SERVICES DIVISION**

There will be hearings before the Tennessee Department of Human Services to consider the promulgation of amendments to its rules pursuant to T.C.A. §§ 71-3-501 et seq. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the, 7th Floor Conference Room A, State Office Building, at 531 Henley Street, Knoxville, Tennessee 37902 at 6:30 PM Eastern Time on Tuesday, September 2, 2003; Second Floor Conference Room, Citizen's Plaza Building 400 Deaderick Street, Nashville, Tennessee 37248 at 6:30 PM Central Time on Thursday, September 4, 2003 Second Floor Auditorium, State Office Building, 170 North Main Street, Memphis, Tennessee 38103 at 6:30PM Central Time on Monday, September 8, 2003.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Department of Human Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date or the date the party intends to review such filings, to allow time for the Department of Human Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Human Services ADA Coordinator, Fran McKinney Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563, (TTY)- (800) 270-1349.

For a copy of this notice of rulemaking hearing, contact: William B. Russell, Citizen's Plaza Building, 400 Deaderick Street, Nashville, Tennessee, 37248-0006 and (615) 313-4731.

SUBSTANCE OF PROPOSED RULES

**CHAPTER 1240-4-4
STANDARDS FOR FAMILY CHILD CARE HOMES**

AMENDMENTS

Part 1 of subparagraph (a) of paragraph (1), of Rule 1240-4-4-.03, Staff, is amended by deleting Part 1 in its entirety, and by substituting instead the following language so that, as amended, part 1 shall read as follows:

1. Every staff person, including volunteers, practicum students, and substitutes, shall be physically, mentally, and emotionally capable of performing his/her duties satisfactorily.
 - (i) Drug Screening for Child Care Vehicle Drivers Upon Reasonable Cause.
 - (I) The Department, in its sole discretion, may require any individual, who drives or may drive at any time any vehicle transporting children on behalf of the agency or its contractors, to undergo a drug screening test when, in the Department's sole determination, there is reasonable cause to believe that such individual may have an impairment or possible impairment that potentially poses a risk of harm to children in the care of the agency caused by the use, or possession and potential use, of any drug.

- (II) An individual directed to undergo such examinations or screenings may refuse to do so, but will not be permitted to drive a vehicle transporting children in the agency or have any further contact with children in the care of the child care agency until evidence is provided that is satisfactory, in the Department's discretion, to demonstrate that the individual does not represent a risk of harm to the children in the agency's care.
- (ii) Safety Plans.
- (I) The Department may require, in its sole discretion, the child care agency to enter into a safety plan approved by the Department that prohibits or limits such individual's contact with children in the care of the child care agency pending the outcome of such testing.
 - (II) The Department may otherwise require, in its sole discretion, that the child care agency enter into a long-term or permanent safety plan that prohibits or limits the driving duties by an individual described in part 1 for, or contact by such individual with, children in the care of the agency.
 - (III) Failure to adhere to the safety plan shall be grounds for action by the Department against the child care agency's license as permitted by T.C.A. § 71-3-508(c).
 - (IV) The child care agency, or any individual whose employment status is directly and adversely impacted by a safety plan or by refusal to undergo an examination as directed by the Department may, at any time during the existence of the plan or during the pendency of the directive for an examination, make written request to the Director of Licensing for an intradepartmental review of the safety plan. Such review shall be conducted by the Director or the Director's designee within ten (10) business days of receipt of the written request.
 - (V) Any individual or child care agency that has received an adverse decision from the intradepartmental review set forth in subpart (IV) above, may appeal such safety plan to the Department by filing a written request for an administrative hearing before the Department's Administrative Procedures Division within ten (10) business days of the Director's decision. The hearing shall be held by the Division within twenty (20) business days of the receipt of the request for an administrative hearing.
 - (VI) Any safety plan that exceeds ninety (90) days when proposed or that continues for more than ninety (90) days may be appealed by the child care agency to the Child Care Agency Board of Review.

Authority: T.C.A. §§ 4-5-209; 71-3-502(a)(2); 71-3-508(c); § 2, Senate Bill 1484/House Bill 1526 (2003).

Part 2 of subparagraph (c) of paragraph (1) of rule 1240-4-4-.07, Transportation, is amended by deleting subparts (ii) and (iii) in their entireties and by substituting instead the following new language, so that, as amended, subparts (ii) and (iii) shall read as follows:

- (ii) Drug Screenings.

- (I) Effective August 1, 2003, all persons who are newly employed or assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, or who are thereafter assigned any such duties under any arrangement, shall have a drug screen within ten (10) days of the assumption of such duties, in accordance with procedures established by the Department.
- (II) Effective January 1, 2004, all existing drivers who have been previously assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, under any arrangement and who have not been tested as required by item (I), shall have a drug screen in accordance with procedures established by the Department.
- (III) The child care agency shall immediately review the results of the drug screen upon receipt.
- (iii) Upon receipt of a positive drug screen result for a tested individual, the child care agency shall immediately:
 - (I) Notify the Department and prohibit the individual from any driving duties involving any transportation of children for the child care agency; and
 - (II) Enter into a safety plan approved by the Department that excludes the individual from driving for the child care agency until the individual passes a drug screen test and is otherwise approved, in writing, by the Department, to provide driving duties involving the transportation of children for the child care agency.

Authority: T.C.A. § 4-5-209; § 71-3-502(a)(2); § 71-3-508(c); § 2, Senate Bill 1484/House Bill 1526, (2003).

Part 5 of subparagraph (c) of paragraph (1) of Rule 1240-4-4-.07, Transportation, is amended by deleting part 5 in its entirety and by substituting instead the following new language, so that, as amended, part 5 shall read as follows:

5. Emergency Aid Training.

- (i) All persons responsible, or who may in the course of their duties become responsible at any time, for the transportation of children shall hold current certification in Infant/Pediatric Cardiopulmonary Resuscitation (CPR) from the American Red Cross, the American Heart Association, or other certifying organization, as recognized by the Department.
- (ii) Effective July 1, 2004, all persons responsible, or who may in the course of their duties become responsible at any time, for the transportation of children shall complete a first aid course sponsored or approved by the American Red Cross, or other first aid course, as recognized by the Department.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2).

Subparagraphs (b) and (c) of paragraph (2) of Rule 1240-4-4-.07, Transportation, is amended by deleting subparagraphs (b) and (c) in their entireties and by substituting instead the following new language, so that, as amended, subparagraphs (b) and (c) shall read as follows:

- (b) The child care agency shall maintain, and shall require providers of transportation services for children under contract to the agency or under the agency's direction or control to maintain, documentation that designated child care, contractor, or other entity staff perform daily the following inspections, followed by any necessary repairs or other appropriate actions, before beginning transportation of children for the child care agency:
 - (i) A visual inspection of the vehicle's tires for wear and adequate pressure;
 - (ii) A visual inspection for working headlights and taillights, signals, mirrors, wiper blades and dash gauges;
 - (iii) An inspection for properly functioning child and driver restraints;
 - (iv) An inspection for properly functioning doors and windows;
 - (v) An inspection for the presence of safety equipment required by these rules or any other provisions of law or regulations, and repair or replacement as necessary based upon visual evidence of the need do so;
 - (vi) A determination that the vehicle has adequate fuel; and
 - (vii) An inspection for, and cleaning of, debris from the vehicle's interior.

- (c) The child care agency shall maintain, and shall require providers of transportation services for children under contract to the agency or under the agency's direction or control to maintain, documentation that the vehicles used to transport children receive regular inspections and maintenance by a certified mechanic in accordance with the maintenance schedule recommended by the vehicle manufacturer, and, in addition shall have the following vehicle equipment certified as inspected at least every four thousand (4,000) miles if not covered by, and/or serviced in accordance with the manufacturer's maintenance schedule:
 - (i) Brakes;
 - (ii) Steering;
 - (iii) Oil levels, coolant, brake, windshield washer and transmission fluids;
 - (iv) Hoses and belts.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2).

Subparagraph (h) of paragraph (2) of rule 1240-4-4-.07, Transportation, is amended by deleting subparagraph (h) in its entirety and by substituting instead the following new language, so that, as amended, subparagraph (h) shall read as follows:

- (h) Requirements for Child Care Transportation Vehicles Effective January 1, 2007.
 - 1. Effective January 1, 2007 all vehicles that the child care agency operates, for which it contracts, or which are otherwise under its direction or control, that are designed to carry ten (10) or more passengers must conform to all Federal Motor Vehicle Safety Standards (FMVSS) governing either "large" school buses or "small" school buses, as applicable, in accordance

with the provisions of the FMVSS described in 49 Code of Federal Regulations Part 571, or as such Part may be amended.

2. Effective January 1, 2007, if buses in either the “large” or “small” classes of school buses under the FMVSS are used, they must have factory-installed passenger restraint anchorages and passenger restraints that are suitable for use in transporting children of any age who are to be transported on either a “large” or “small” school bus.
3. The requirements of this subparagraph (h) do not apply to vehicles used exclusively for the provision of occasional field trips.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2).

Paragraph (4) of rule 1240-4-4-.07, Transportation, is amended by deleting paragraph (4) in its entirety and by substituting instead the following language, so that, as amended, paragraph (4) shall read as follows:

(4) Child Safety Restraints.

- (a) The provisions of this paragraph (4) shall apply to any vehicle used to transport children as of the effective date of these rules, unless stated otherwise by the rule. Any vehicle whether:
 1. A passenger car;
 2. A stock or custom van or sport utility vehicle;
 3. A school bus classified as a “small” or “large” bus as required in FMVSS contained in 49 Code of Federal Regulations Part 571; or
 4. Any other vehicle must be properly equipped with the child passenger restraints required by subparagraphs (c)—(f) below and must comply with all other provisions of this paragraph (4).
- (b) Children under four (4) years of age shall never be placed in the front seat of the vehicle.
- (c) Children who weigh less than twenty pounds (20 lbs.) shall be placed to face the rear of the vehicle. Children who weigh twenty pounds (20 lbs.) or more shall be placed to face the front of the vehicle unless the special needs of a disabled child otherwise require the child to face the rear of the vehicle.
- (d) Children who weigh less than forty pounds (40 lbs.) shall be restrained in a Federally-approved child restraint device in accordance with the child restraint device manufacturer’s instructions. The child restraint device shall be secured to the vehicle in accordance with the child restraint device manufacturer’s instructions.
- (e) Children Between Forty Pounds (40 lbs.) and Eighty Pounds (80lbs.).
 1. Children who weigh between forty pounds (40 lbs.) and eighty pounds (80 lbs.) may be restrained in a belt-positioning booster seat (BPBS) that has been secured in accordance with the vehicle and restraint manufacturers’ instructions. BPBS devices shall always be secured to the vehicle in accordance with the vehicle and the restraint device manufacturer’s instructions. If, however, a BPBS restraint device is not used, the child shall be restrained in both a lap belt and a shoulder belt if available in the vehicle. If a lap and shoulder belt restraint system is not available in the vehicle, the child shall be restrained by a lap belt.

2. Effective January 1, 2007, children who weigh between forty pounds (40 lbs.) and eighty pounds (80 lbs.) shall be restrained in a belt-positioning booster seat (BPBS) in accordance with the BPBS manufacturer's instructions. BPBS devices shall always be secured to the vehicle in accordance with the vehicle and the restraint device manufacturer's instructions.
- (f) Children Weighing More Than Eighty (80 lbs.) or Who are Taller Than Four Feet Nine Inches (4'9").
1. Children who weigh more than eighty pounds (80 lbs.) or who are taller than four feet nine inches (4'9") may be restrained in an adult lap belt and shoulder belt that has been secured in accordance with the vehicle manufacturer's instructions. If, however, an adult lap belt and shoulder belt is not used, the child shall be restrained by a lap belt.
 2. Effective January 1, 2007, children who weigh more than eighty pounds (80 lbs.) or who are taller than four feet nine inches (4'9") shall be restrained in an adult lap belt and shoulder belt in accordance with the vehicle manufacturer's instructions.
- (g) Passenger air bags shall remain turned off unless an adult or a child fifteen (15) years of age or older is riding in the front passenger seat of the vehicle.
- (h) No child shall ride on the floor of a vehicle and no child shall be placed with another child in the same restraint device.
- (i) Notwithstanding the provisions of this paragraph (4), until January 1, 2007, children of school-age (in kindergarten or any grade level above) shall not be required to use child restraints when being transported in school buses classified in the "large" category under FMVSS.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2).

The notice of rulemaking set out herein was properly filed in the Department of State on the 27th day of June, 2003. (06-34)

**THE TENNESSEE DEPARTMENT OF HUMAN SERVICES - 1240
ADULT AND FAMILY SERVICES DIVISION**

There will be hearings before the Tennessee Department of Human Services to consider the promulgation of amendments to its rules pursuant to T.C.A. §§ 71-3-501 et seq. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the, 7th Floor Conference Room A, State Office Building, at 531 Henley Street, Knoxville, Tennessee 37902 at 6:30 PM Eastern Time on Tuesday, September 2, 2003; Second Floor Conference Room, Citizen's Plaza Building 400 Dead-erick Street, Nashville, Tennessee 37248 at 6:30 PM Central Time on Thursday, September 4, 2003 Second Floor Auditorium, State Office Building, 170 North Main Street, Memphis, Tennessee 38103 at 6:30PM Central Time on Monday, September 8, 2003.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Department of Human Services to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date or the date the party intends to review such filings, to allow time for the Department of Human Services to determine how it may reasonably provide such aid or service. Initial contact may be made with the Department of Human Services ADA Coordinator, Fran McKinney Citizens Plaza Building, 400 Deaderick Street, 3rd Floor, Nashville, Tennessee 37248, telephone number (615) 313-5563, (TTY)- (800) 270-1349.

For a copy of this notice of rulemaking hearing, contact: William B. Russell, Citizen's Plaza Building, 400 Deaderick Street, Nashville, Tennessee, 37248-0006 and (615) 313-4731.

SUBSTANCE OF PROPOSED RULES

CHAPTER 1240-4-6

LICENSURE RULES FOR CHILD CARE CENTERS SERVING SCHOOL-AGE CHILDREN

AMENDMENTS

Paragraph (3) of Chapter 1240-4-6-.07, Staff Qualifications, is amended by deleting subparagraph (a) in its entirety, and by substituting instead the following new subparagraph (a), so that, as amended, subparagraph (a) shall read as follows:

- (a) Every staff person, including volunteers, practicum students, and substitutes, shall be physically, mentally, and emotionally capable of performing his/her duties satisfactorily.
 - 1. Drug Screening for Child Care Vehicle Drivers Upon Reasonable Cause.
 - (i) The Department, in its sole discretion, may require any individual, who drives or may drive at any time any vehicle transporting children on behalf of the agency or its contractors, to undergo a drug screening test when, in the Department's sole determination, there is reasonable cause to believe that such individual may have an impairment or possible impairment that potentially poses a risk of harm to children in the care of the agency caused by the use, or possession and potential use, of any drug.
 - (ii) An individual directed to undergo such examinations or screenings may refuse to do so, but will not be permitted to drive a vehicle transporting children in the agency or have any further contact with children in the care of the child care agency until evidence is provided that is satisfactory, in the Department's discretion, to demonstrate that the individual does not represent a risk of harm to the children in the agency's care.
 - 2. Safety Plans.
 - (i) The Department may require, in its sole discretion, the child care agency to enter into a safety plan approved by the Department that prohibits or limits such individual's contact with children in the care of the child care agency pending the outcome of such testing.

- (ii) The Department may otherwise require, in its sole discretion, that the child care agency enter into a long-term or permanent safety plan that prohibits or limits the driving duties by an individual described in part 1 for, or contact by such individual with, children in the care of the agency.
- (iii) Failure to adhere to the safety plan shall be grounds for action by the Department against the child care agency's license as permitted by T.C.A. § 71-3-508(c).
- (iv) The child care agency, or any individual whose employment status is directly and adversely impacted by a safety plan or by refusal to undergo an examination as directed by the Department may, at any time during the existence of the plan or during the pendency of the directive for an examination, make written request to the Director of Licensing for an intradepartmental review of the safety plan. Such review shall be conducted by the Director or the Director's designee within ten (10) business days of receipt of the written request.
- (v) Any individual or child care agency that has received an adverse decision from the intradepartmental review set forth in subpart (iv) above, may appeal such safety plan to the Department by filing a written request for an administrative hearing before the Department's Administrative Procedures Division within ten (10) business days of the Director's decision. The hearing shall be held by the Division within twenty (20) business days of the receipt of the request for an administrative hearing.
- (vi) Any safety plan that exceeds ninety (90) days when proposed or that continues for more than ninety (90) days may be appealed by the child care agency to the Child Care Agency Board of Review.

Authority: T.C.A. §§ 4-5-209; 71-3-502(a)(2); 71-3-508(c); § 2, Senate Bill 1484/House Bill 1526 (2003).

Part 2 of subparagraph (c) of paragraph (1) of rule 1240-4-6-.10, Transportation, is amended by deleting part 2 in its entirety and by substituting instead the following new language, so that, as amended, part 2 shall read as follows:

2. Health Examinations and Drug Screenings.

(i) Health Examinations.

All persons driving vehicles at any time for the transportation of children enrolled in the child care agency shall annually provide to the Department a health statement or statements, based upon an examination of the individual, that are signed by the examining licensed physician, licensed psychologist, licensed clinician, Nurse Practitioner, or Physician's Assistant, verifying that the individual is physically, mentally and emotionally capable in all respects of safely and appropriately providing transportation for children.

(ii) Drug Screenings.

(I) Effective August 1, 2003, all persons who are newly employed or assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, or who are thereafter assigned any such duties under any arrangement,

shall have a drug screen within ten (10) days of the assumption of such duties, in accordance with procedures established by the Department.

- (II) Effective January 1, 2004, all existing drivers who have been previously assigned by the child care agency or its contractors or by any other person or entity as a driver of any vehicle providing child care transportation for a licensed or approved child care agency, under any arrangement and who have not been tested as required by item (I), shall have a drug screen in accordance with procedures established by the Department.
- (III) The child care agency shall immediately review the results of the drug screen upon receipt.
- (iii) Upon receipt of a positive drug screen result for a tested individual, the child care agency shall immediately:
 - (I) Notify the Department and prohibit the individual from any driving duties involving any transportation of children for the child care agency; and
 - (II) Enter into a safety plan approved by the Department that excludes the individual from driving for the child care agency until the individual passes a drug screen test and is otherwise approved, in writing, by the Department, to provide driving duties involving the transportation of children for the child care agency.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2); 71-3-508(c); § 2, Senate Bill 1484/House Bill 1526, (2003).

Part 5 of subparagraph (c) of paragraph (1) of rule 1240-4-6-.10, Transportation, is amended by deleting part 5 in its entirety and by substituting instead the following new language, so that, as amended, part 5 shall read as follows:

5. Emergency Aid Training.

- (i) All persons responsible, or who may in the course of their duties become responsible at any time, for the transportation of children shall hold current certification and Infant/Pediatric Cardiopulmonary Resuscitation (CPR) from the American Red Cross, the American Heart Association, or other certifying organization, as recognized by the Department.
- (ii) Effective July 1, 2004, all persons responsible, or who may in the course of their duties become responsible at any time, for the transportation of children shall complete a first aid course sponsored or approved by the American Red Cross, or other first aid course, as recognized by the Department.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2).

Subparagraphs (b) and (c) of Paragraph (2) of rule 1240-4-6-.10, Transportation, are amended by deleting subparagraphs (b) and (c) in their entireties and by substituting instead the following new language, so that, as amended, subparagraphs (b) and (c) shall read as follows:

- (b) The child care agency shall maintain, and shall require providers of transportation services for children under contract to the agency or under the agency's direction or control to maintain, documentation that designated child care, contractor, or other entity staff perform daily the

following inspections, followed by any necessary repairs or other appropriate actions, before beginning transportation of children for the child care agency:

- (i) A visual inspection of the vehicle's tires for wear and adequate pressure;
 - (ii) A visual inspection for working headlights and taillights, signals, mirrors, wiper blades and dash gauges;
 - (iii) An inspection for properly functioning child and driver restraints;
 - (iv) An inspection for properly functioning doors and windows;
 - (v) An inspection for the presence of safety equipment required by these rules or any other provisions of law or regulations, and repair or replacement as necessary based upon visual evidence of the need do so;
 - (vi) A determination that the vehicle has adequate fuel; and
 - (vii) An inspection for, and cleaning of, debris from the vehicle's interior.
- (c) The child care agency shall maintain, and shall require providers of transportation services for children under contract to the agency or under the agency's direction or control to maintain, documentation that the vehicles used to transport children receive regular inspections and maintenance by a certified mechanic in accordance with the maintenance schedule recommended by the vehicle manufacturer, and, in addition shall have the following vehicle equipment certified as inspected at least every four thousand (4,000) miles if not covered by, and/or serviced in accordance with the manufacturer's maintenance schedule:
- (i) Brakes;
 - (ii) Steering;
 - (iii) Oil levels, coolant, brake, windshield washer and transmission fluids;
 - (iv) Hoses and belts.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2).

Subparagraph (h) of paragraph (2) of rule 1240-4-6-.10, Transportation, is amended by deleting subparagraph (h) in its entirety and by substituting instead the following new language, so that, as amended, subparagraph (h) shall read as follows:

- (h) Requirements for Child Care Transportation Vehicles Effective January 1, 2007.
 1. Effective January 1, 2007 all vehicles that the child care agency operates, for which it contracts, or which are otherwise under its direction or control, that are designed to carry ten (10) or more passengers must conform to all Federal Motor Vehicle Safety Standards (FMVSS) governing either "large" school buses or "small" school buses, as applicable, in accordance with the provisions of the FMVSS described in 49 Code of Federal Regulations Part 571, or as such Part may be amended.

2. Effective January 1, 2007, if buses in either the “large” or “small” classes of school buses under the FMVSS are used, they must have factory-installed passenger restraint anchorages and passenger restraints that are suitable for use in transporting children of any age who are to be transported on either a “large” or “small” school bus.
3. The requirements of this subparagraph (h) do not apply to vehicles used exclusively for the provision of occasional field trips.

Authority: T.C.A. §§ 4-5-202; 71-3-502(a)(2).

Paragraph (4) of rule 1240-4-6-.10, Transportation, is amended by deleting paragraph (4) in its entirety and by substituting instead the following language, so that, as amended, paragraph (4) shall read as follows:

(4) Child Safety Restraints.

- (a) The provisions of this paragraph (4) shall apply to any vehicle used to transport children as of the effective date of these rules, unless stated otherwise by the rule. Any vehicle whether:
 1. A passenger car;
 2. A stock or custom van or sport utility vehicle;
 3. A school bus classified as a “small” or “large” bus as required in FMVSS contained in 49 Code of Federal Regulations Part 571; or
 4. Any other vehicle must be properly equipped with the child passenger restraints required by subparagraphs (c)—(f) below and must comply with all other provisions of this paragraph (4).
- (b) Children under four (4) years of age shall never be placed in the front seat of the vehicle.
- (c) Children who weigh less than twenty pounds (20 lbs.) shall be placed to face the rear of the vehicle. Children who weigh twenty pounds (20 lbs.) or more shall be placed to face the front of the vehicle unless the special needs of a disabled child otherwise require the child to face the rear of the vehicle.
- (d) Children who weigh less than forty pounds (40 lbs.) shall be restrained in a Federally-approved child restraint device in accordance with the child restraint device manufacturer’s instructions. The child restraint device shall be secured to the vehicle in accordance with the child restraint device manufacturer’s instructions.
- (e) Children Between Forty Pounds (40 lbs.) and Eighty Pounds (80lbs.).
 1. Children who weigh between forty pounds (40 lbs.) and eighty pounds (80 lbs.) may be restrained in a belt-positioning booster seat (BPBS) that has been secured in accordance with the vehicle and restraint manufacturers’ instructions. BPBS devices shall always be secured to the vehicle in accordance with the vehicle and the restraint device manufacturer’s instructions. If, however, a BPBS restraint device is not used, the child shall be restrained in both a lap belt and a shoulder belt if available in the vehicle. If a lap and shoulder belt restraint system is not available in the vehicle, the child shall be restrained by a lap belt.

2. Effective January 1, 2007, children who weigh between forty pounds (40 lbs.) and eighty pounds (80 lbs.) shall be restrained in a belt-positioning booster seat (BPBS) in accordance with the BPBS manufacturer's instructions. BPBS devices shall always be secured to the vehicle in accordance with the vehicle and the restraint device manufacturer's instructions.
- (f) Children Weighing More Than Eighty (80 lbs.) or Who are Taller Than Four Feet Nine Inches (4'9").
1. Children who weigh more than eighty pounds (80 lbs.) or who are taller than four feet nine inches (4'9") may be restrained in an adult lap belt and shoulder belt that has been secured in accordance with the vehicle manufacturer's instructions. If, however, an adult lap belt and shoulder belt is not used, the child shall be restrained by a lap belt.
 2. Effective January 1, 2007, children who weigh more than eighty pounds (80 lbs.) or who are taller than four feet nine inches (4'9") shall be restrained in an adult lap belt and shoulder belt in accordance with the vehicle manufacturer's instructions.
- (g) Passenger air bags shall remain turned off unless an adult or a child fifteen (15) years of age or older is riding in the front passenger seat of the vehicle.
- (h) No child shall ride on the floor of a vehicle and no child shall be placed with another child in the same restraint device.
- (i) Notwithstanding the provisions of this paragraph (4), until January 1, 2007, children of school-age (in kindergarten or any grade level above) shall not be required to use child restraints when being transported in school buses classified in the "large" category under FMVSS.

Authority: T.C.A. § 4-5-202; § 71-3-502(a)(2).

The notice of rulemaking set out herein was properly filed in the Department of State on the 27th day of June, 2003. (06-35)

THE BOARD OF EXAMINERS IN PSYCHOLOGY - 1180

There will be a hearing before the Tennessee Board of Examiners in Psychology to consider the promulgation of an amendment to a rule pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 63-11-104. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Magnolia Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 2:30 p.m. (CDT) on the 18th day of August, 2003.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247 1010, (615) 532 4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

SUBSTANCE OF PROPOSED RULES

AMENDMENT

Rule 1180-3-.01, Scope of Practice, is amended by deleting subparagraphs (4) (b) and (5) (d) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (4) (b) and (5) (d) shall read:

- (4) (b) Personality counseling, psychotherapy, behavior analysis, or personality readjustment techniques.
- (5) (d) Personality counseling, psychotherapy, behavior analysis, or personality readjustment techniques.

Authority: T.C.A. §§4-5-202, 4-5-204, 63-11-104, 63-11-201, 63-11-202, 63-11-204, and Public Chapter 21 of the Public Acts of 2003.

The notice of rulemaking set out herein was properly filed in the Department of State on the 6th day of June, 2003. (06-09)

REAL ESTATE APPRAISER COMMISSION - 1255

There will be a hearing before the Tennessee Real Estate Appraiser Commission to consider the promulgation of amendments to rules pursuant to Tenn. Code Ann. §62-39-203. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. §4-5-204, and will take place on the 18th day of August, 2003 in Room 160, Davy Crockett Tower, located at 500 James Robertson Parkway in Nashville, Tennessee at 9:00 a.m. CDT.

Any individuals with disabilities who wish to participate in these proceedings (or review these filings) should contact the Department of Commerce and Insurance to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings) to allow the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with Verna Norris, the Department's ADA Coordinator, at 500 James Robertson Parkway, 5th Floor, Nashville, Tennessee 37243 (615) 741-0481.

For a copy of this notice of rulemaking hearing, contact the Tennessee Real Estate Appraiser Commission, attention Sandy Moore, 500 James Robertson Parkway, Sixth Floor, Nashville, Tennessee 37243 at (615) 741-1831.

SUMMARY OF PROPOSED RULES

CHAPTERS 1255-1, 2, 3, 4, 5 AND 6 GENERAL PROVISIONS, EVALUATION OF APPRAISAL EDUCATION, EVALUATION OF APPRAISAL EXPERIENCE, CONTINUING EDUCATION, STANDARDS OF PROFESSIONAL PRACTICE, RECIPROCITY AND INACTIVE STATUS

Submitted herewith are the amendments to Chapters 1255-1, 2, 3, 4, 5 and 6 of the rules of the Tennessee Real Estate Appraiser Commission. Pursuant to Tenn. Code Ann. § 4-5-206, the Secretary of State shall prescribe rules stating the manner in which agency rules shall be filed. This informative summary is required by Secretary of State Rule 1360-1-1-.04(1) and is submitted herewith as an accompanying explanation of the proposed rules. In large part, the rules have been amended to comply with the Appraiser Qualification Board's ("AQB") Real Property Appraiser Qualifications Criteria, which was effective on January 1, 2003. The AQB is an independent board of the Appraisal Foundation. Pursuant to Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), the AQB has the authority to establish the minimum qualification requirements to obtain state licensure or certification as a real estate appraiser. Other amendments are made to consolidate and revise the wording of the rules so that they were not duplicative or confusing.

The amendments change the General Provisions of Chapter 1255-1 relative to the qualifications for a state licensed, certified residential and certified general real estate appraiser. Although the proposed rules do not change qualifying education or experience requirements for state licensure or certification, the rules do reduce the amount of topics that must be covered to meet the qualifying education requirement and require a detailed list from all applicants of the experience that is obtained.

In addition, the amendments enumerate the amount of credits that will be given for appraisal experience, a list of unacceptable courses for continuing education and provide that the Commission will accept internet or distance education to meet the qualifying education or continuing education requirements.

The amendments also change a state licensed or certified real estate appraiser's continuing education requirement, in that licensees (including those in inactive status who wish to reactivate his or her license) only need to complete a seven (7) hour Uniform Standards of Professional Appraisal Practice ("USPAP") course during each renewal period (every two (2) years). The current rules require a licensee to complete a fifteen (15) hour USPAP course which includes passing an examination every five (5) years. However, all state license or certification applicants are still required to complete the fifteen (15) hour USPAP course which includes passing the examination as a prerequisite to obtaining licensure. All USPAP courses must be instructed by an AQB certified instructor(s) and the course shall be instructed by at least one (1) state certified residential or certified general real estate appraiser.

The amendments also change the current rules relative to registered trainees. Before an applicant becomes a registered trainee, he or she must meet a qualifying education requirement, which includes seventy-five (75) hours of real estate appraisal courses which must be obtained within five (5) years immediately preceding the application for registration. The proposed rule lists the course topics that may be covered to meet the education requirement. A registered trainee applicant is not required to take an examination or meet an experience requirement prior to registration; however, a registered trainee is required to obtain experience to apply for licensure or certification under the direct supervision of a supervising appraiser. The amendments require the following from a registered trainee: (1). The trainee may have more than one (1) supervising appraiser; (2). The trainee may only appraise those properties that the supervising appraiser may appraise; (3). The trainee can only gain the experience hours while the trainee's registration is active and while the trainee has a supervising appraiser. A trainee's registration expires after two (2) years; the

amendments do not change this. However, the amendments do provide that if a registered trainee remains in that classification in excess of two (2) years, then the trainee must obtain twenty-eight hours of continuing education during each renewal period, which shall include the seven (7) hour USPAP course.

In the current rules, supervising appraisers must be either a state certified residential or certified general real estate appraiser with two (2) years of experience; however, the amendments state that a state licensed real estate appraiser who had upgraded to a certified residential or certified general may be a supervising appraiser immediately after being upgraded as long as the appraiser has a minimum of five (5) years of appraiser experience. A supervising appraiser must accompany the trainee on all appraisal assignments until the trainee has completed five hundred (500) hours of acceptable appraisal experience. The amendments change this current rule by stating that the supervising appraiser must accompany the trainee on all appraisal assignments that are over fifty (50) miles from the supervising appraiser's office.

The amendments also allow the Commission to discipline a licensee's reciprocal license or temporary practice permit if the licensee was disciplined in another state.

The notice of rulemaking set out herein was properly filed with the Department of State on the 30th day of June, 2003. (06-36)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

There will be a hearing before the Tennessee Wildlife Resources Commission to consider the promulgation of rules, amendments of rules, or repeals of rules pursuant to Tennessee Code Annotated, Section 70-1-206. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Region II Conference Room of the Tennessee Wildlife Resources Agency, Region II Building, 5105 Edmondson Pike, Nashville, Tennessee, commencing at 1:00 P.M., local time, on the 21st day of August, 2003.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Tennessee Wildlife Resources Agency to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Tennessee Wildlife Resources Agency to determine how it may reasonably provide such aid or service. Initial contact may be made with the Tennessee Wildlife Resources Agency ADA Coordinator, Carolyn Wilson, Room 229, Tennessee Wildlife Resources Agency Building, Ellington Agricultural Center, Nashville, Tennessee 37204 and telephone number (615)781-6594.

For a copy of this notice of rulemaking hearing, contact: Sheryl Holtam, Attorney, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, TN 37204, telephone number (615)781-6606.

SUBSTANCE OF PROPOSED RULES**CHAPTER 1660-2-7
RULES AND REGULATIONS GOVERNING OPERATIONS OF VESSELS****AMENDMENT**

Rule 1660-2-7-.18 Tellico Reservoir shall be amended by adding sub-paragraphs (m) and (n) to paragraph two (2), to read as follows:

- (m) Site #13 – Tellico Yacht Club at approximately Little Tennessee River Mile 7.8.
- (n) Site #14 – Tanasi Yacht Club at approximately Little Tennessee River Mile 5.3.

Authority: T.C.A. §§70-1-206, 69-10-209.

The notice of rulemaking set out herein was properly filed in the Department of State on the 27th day of June, 2003.
(06-31)

WILDLIFE PROCLAMATIONS

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 03-09 MANNER AND MEANS OF HUNTING, TAKING, AND TRAPPING

STATEWIDE AND ON WILDLIFE MANAGEMENT AREAS AND STATE REFUGES

Pursuant to the authority granted by Tennessee Code Annotated, Section 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the manner and means of hunting, taking, and trapping, effective August 1, 2003.

NOTE: All sections contained herein apply to statewide and management area hunting. Special restrictions may apply on some wildlife management areas. Legislative Private Acts also apply in some counties.

SECTION I. ILLEGAL WEAPONS

- (1) Shotguns using ammunition loaded with shot larger than Number four (4) are prohibited for hunting all wildlife except beavers, coyotes and waterfowl.
- (2) Shotguns loaded with single ball or rifled slug ammunition are prohibited for hunting all wildlife except deer, bear, boar and feral hogs¹ except as follows: Coyotes and bobcats may be taken by big game hunters while hunting big game with any legal big game weapon or ammunition.
- (3) Rifles or handguns loaded with military or other full metal jacketed type of ammunition are prohibited.
- (4) Rifles or handguns loaded with center-fire ammunition are prohibited for all hunting between 30 minutes after sunset and 30 minutes before sunrise.
- (5) Rifles or handguns loaded with center-fire ammunition are prohibited during all deer, bear or boar seasons for hunting any wildlife except deer, bear, or boar. Coyotes, crows, groundhogs, beaver, feral hogs, foxes and bobcats may be taken by big game hunters while hunting big game with any legal big game weapon or ammunition as provided in the Big Game Season Proclamation.
- (6) Any arrow with poisoned or chemically treated tip or explosive head is illegal for hunting. The crossbow or any bow drawn or held by a mechanical device is prohibited during archery-only seasons (except as specified in Section III. (2) part (d) below).
- (7) Weapons capable of fully automatic fire are prohibited for hunting of all wildlife.
- (8) Firearms or archery equipment with any device utilizing an artificial light capable of locating wildlife.

¹ Feral hogs are defined as any wild hog found in Tennessee, except on Catoosa, South Cherokee, Cove Mountain, and Foothills WMAs.

SECTION II. PROHIBITED ACTS

- (1) The use or possession of predator calls while night hunting of any species is prohibited.
- (2) The use or possession and/or the accompanying of anyone using or possessing raccoon calls, squallers, weapons, ammunition, or climbers while training dogs is prohibited during training season, except raccoon calls may be used during authorized field trials.
- (3) The use of dogs in taking or attempting to take deer is prohibited. Taking or attempting to take deer being pursued by dog, or dogs, is prohibited.
- (4) The use or possession of a pod arrow, any pod-type device for holding drugs or chemicals on an arrow, or any drugs or chemicals used in pod arrows while archery hunting is prohibited.
- (5) Quota hunt permits are not transferable. Anyone found hunting on a borrowed quota permit shall be deemed guilty of hunting in closed season.
- (6) Juveniles under the age of eighteen (18) are prohibited from using handguns for the purpose of hunting.
- (7) Hunting prohibited over a site where bait has been placed to feed or attract wildlife unless the bait has been removed at least ten days prior to hunting.
- (8) Evidence of species or sex of big game animals shall not be destroyed or removed prior to a permanent kill tag being issued at a checking station. (normal field dressing is permitted)
- (9) Possession of firearms prohibited while chasing coyote, fox, and bobcat with dogs from the first Saturday in November through the end of the deer season.
- (10) Use or possession of any electronic light amplifying night vision scope or device is prohibited when in possession of a firearm or archery tackle between sunset and sunrise.

SECTION III. LEGAL WEAPONS

- (1) Turkey Hunting
 - (a) Shotguns 20 gauge or larger using ammunition loaded with number 4 shot or smaller.
 - (b) Longbows and compound bows. (crossbows and other bows drawn or held by a mechanical device are legal only during firearms seasons). Requirements for the use of crossbows to hunt wild turkey by hunters with disabilities during archery-only seasons are the same as for hunting deer as listed in Section III (2) part (d) below.
 - (c) Weapons may be equipped with sighting devices except those devices utilizing an artificial light capable of locating wildlife.
- (2) Deer, Bear, Boar and Feral Hog Hunting
 - (a) Shotguns using ammunition loaded with single solid ball or rifled slugs.

- (b) Rifles, except those described in Section I. (3) above, using center- fire ammunition of .24 caliber or larger, in all counties except where regulated by legislative acts.
 - (c) Muzzle-loading percussion cap or flintlock rifles, handguns or shotguns of .40 caliber (.40") minimum. These muzzle-loading firearms are legal during any gun season or hunt unless otherwise specified. Muzzleloading firearms are defined as those firearms which are incapable of being loaded from the breech.
 - (d) Longbows and compound bows. (crossbows and other bows drawn or held by a mechanical device are legal only during firearms seasons) Crossbows with hunting bolts and other bows drawn or held by a mechanical device may be used by hunters with disabilities during any season when archery tackle is legal. As used herein a hunter with a disability is defined to include any person who is incapable of pulling a conventional or compound bow as determined by a licensed physician. A current statement from a licensed physician, on a special form obtained from TWRA, must be in the possession of the hunter with a disability while he or she is hunting with a crossbow.
 - (e) Hunting arrows and bolts shall be of a barbless design and shall have sharpened blades.
 - (f) Center-fire handguns .24 caliber or larger having a barrel length of four (4) inches or more, in all counties except where regulated by legislative acts.
 - (g) Weapons may be equipped with sighting devices except those devices utilizing an artificial light capable of locating wildlife.
- (3) Small Game Hunting
- (a) Shotguns and handguns using ammunition loaded with Number Four (4) or smaller shot are legal for all small game hunting.
 - (b) Shotguns using ammunition loaded with BBB (0.19 inch diameter) or smaller shot are legal for hunting coyotes and beaver except during big game seasons.
 - (c) Shotguns loaded with nontoxic shot approved by the U. S. Fish and Wildlife Service are legal for hunting waterfowl.
 - (d) Rifles and handguns using rim-fire ammunition and air rifles are legal for hunting small game except migratory birds.
 - (e) Rifles and handguns using center-fire ammunition are legal for hunting beaver, bobcat, foxes, coyotes, feral hogs, groundhogs, and crows, except during deer, bear or boar seasons. Rifles and handguns using center-fire ammunition prohibited for hunting all small game species on wildlife management areas (except as specified in Section I.(2) and (5) above)
 - (f) Muzzle-loading firearms (rifles, handguns and shotguns).
 - (g) Longbows and compound bows. (crossbows and other bows drawn or held by a mechanical device are legal only during regular firearms small game seasons)
 - (h) Falcons and Falconry – Subject to Tennessee Code Annotated Section 70-414.

- (i) Gigs and angling equipment are also legal for taking bullfrogs.
- (j) Weapons may be equipped with sighting devices except those devices utilizing an artificial light capable of locating wildlife.

SECTION IV. LEGAL TRAPPING DEVICES AND DEFINITIONS

- (1) Leg-hold traps with a jaw spread of 7 1/2 inches or less are legal for all furbearer species during the legal trapping season.
- (2) Instant-kill traps with jaw measurements no greater than 10 x 10 inches and smaller are legal for all furbearer species during the legal trapping season.
- (3) Live traps are legal for taking any species of wildlife listed as having a trapping season. Live traps are defined as those traps that act as a cage after capture.
- (4) Steel cable snares having a minimum cable diameter of 5/64 inch and a maximum cable diameter of 3/32 inch are legal for all legal furbearer species during the legal trapping season. All snares shall have affixed a tag bearing the name of the owner. Spring activated snares prohibited.
- (5) Cushion-hold traps are legal for all furbearer species during the legal trapping season. The Woodstream Soft-Catch, Duke Rubber Jaw Trap, Butera Cushion Catch traps, Cushion Catch #33 Trap, J. C. Conner Coyote "Jake" Trap and any legal sized offset jawed traps equipped with Humane Hold universal pads by KG Enterprises meet the definition of a "cushion-hold trap" as provided in TCA 70-1-101 which may be used in accordance with TCA 70-4-120.
- (6) The following species specific traps - Egg Traps, Coon Cuffs, Lil' Grizz Getz and Duffer's Raccoon Trap, are legal for furbearers during the legal trapping season.
- (7) For trapping purposes "water set" is defined to mean traps set in water adjacent to and part of streams, ponds, lakes, wetlands or other water courses and includes floating sets.

SECTION V. AMMUNITION

- (1) Possession of ammunition except that as specifically authorized is prohibited on all wildlife management areas, state refuges and public hunting areas.
- (2) Possession or use of buckshot is specifically prohibited while hunting all species, except in those counties where authorized by Private Acts.
- (3) Possession of shotgun ammunition loaded with more than one solid ball is specifically prohibited while hunting deer, bear, boar or feral hogs except in those counties where legal by Private Act.
- (4) Possession of shot larger than No. 4 is prohibited when hunting all wildlife except waterfowl, coyotes and beaver.
- (5) Possession of rifled slugs is prohibited except while hunting deer, bear, boar and feral hogs.

- (6) Possession or use of any loose shot other than non-toxic (as approved by U.S Fish and Wildlife Service) or any shotgun shell loaded with shot other than non-toxic is prohibited while hunting waterfowl, coots, gallinules, Virginia rails, and sora rails.

SECTION VI. POSSESSION OF LIVE ANIMALS

Every game animal, wounded or unwounded by hunting and/or trapping and taken into possession by the hunter or trapper, shall be immediately slain and become part of the daily bag limit. No person shall, at any time, or by any means, possess or transport live animals taken under the authority of hunting season proclamations.

SECTION VII. LEGAL HUNTING HOURS

- (1) All big game and small game species (except bullfrogs, raccoons, opossums, migratory birds, and the chasing of foxes) daylight hours only (30 minutes before official sunrise and until 30 minutes after official sunset) except turkey open only until official sunset.
- (2) Hunting of bullfrogs, raccoons, opossums, the chasing of foxes and the trapping of furbearers is permitted day or night unless restricted by Proclamation.
- (3) Migratory birds - To comply with federal regulations for migratory birds, unless restricted by proclamation.

SECTION VIII. MISCELLANEOUS MIGRATORY BIRD REGULATIONS

- (1) Federal regulations relative to baiting, firearms, bag and possession limits, wanton waste, tagging, and methods of hunting are hereby adopted and will be applicable to hunting and/or taking of species listed.
- (2) No person shall hunt migratory game birds with a shotgun of any description capable of holding more than three (3) shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three (3) shells.
- (3) All persons who hunt migratory game birds are required to have in their possession a valid Tennessee Migratory Bird Permit (TMBP) in addition to other required Tennessee licenses and permits, with the following exceptions:

- * disabled veterans
- * landowners hunting on their own land
- * lifetime license holders
- * residents of Tennessee under 13 years of age
- * residents of Tennessee who are 65 or older

Military personnel on leave or furlough will be required to possess the TMBP when hunting migratory game birds even though they are not required to possess a hunting and fishing license.

- (4) Refer to federal regulations 50 CFR Ch. 1 (21.41 and 21.43) for conditions and restrictions applicable to the taking of crows in certain depredation or health hazard situations outside of the crow sport hunting season.

SECTION IX. REPEAL OF PRIOR PROCLAMATION

This proclamation repeals Proclamation No. 02-3 dated May 24, 2002 .

Proclamation No. 03-09 received and recorded the 3rd day of June, 2003. (06-03)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660**PROCLAMATION 03-10
OPENING****HATCHIE, LOWER HATCHIE, REELFOOT, LAKE ISOM, CROSS CREEKS, CHICKASAW, AND
TENNESSEE NATIONAL WILDLIFE REFUGES TO HUNTING**

Pursuant to the authority granted by Tennessee code annotated sections, 70-4-107, 70-5-108 and 70-5-111 thereof, the Tennessee Wildlife Resources Commission, after making a survey of Hatchie, Lower Hatchie, Reelfoot, Lake Isom, Cross Creeks, Chickasaw, and Tennessee National Wildlife Refuges and finding that the supply of game is sufficient to allow hunting thereof as hereinafter described without the danger of extinction or depletion hereby proclaims the following regulations for the 2003-2004 season, effective August 1, 2003.

A federal permit required for all hunts. Quota permits are required for quota hunts and special federal regulations apply as specified. A signed refuge brochure serves as the permit for non-quota hunts.

All deer taken count in Unit A Bag Limit, unless otherwise noted as Bonus deer.

SECTION I. HATCHIE NATIONAL WILDLIFE REFUGE

	Seasons	Bag & Possession Limit
Dove, opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel and Woodcock	Same as statewide seasons (except closed during deer hunts and no spring squirrel season)	Same as statewide regulations. (Non-toxic Shot Only)
Deer (Archery) (No Quota)	Sept. 27 – Oct. 12, 2003.	Four Deer-Either Sex (No more than two antlered) Unit A Bag
Deer (Gun-Archery) (Quota)**	Oct. 18 – 19, 2003 (Hunter Quota 225 plus 4 wheel-chair bound hunters & their aides)	Two Deer-Either Sex (Bonus)

	Seasons	Bag & Possession Limit
Deer (Gun-Archery) (Quota)**	Oct. 25-26, 2003 (Hunter Quota 225 plus 4 wheel-chair bound hunters & their aides)	Two Deer-Either Sex (Bonus)
Ducks, Geese and Coots *** (Porter Tract Only) ****	Tues., Thurs. and Sat. of both the early and regular statewide seasons (Hunting until 12:00 noon only).	In accordance with statewide regulations

- * Opossum and raccoon - hunting hours from sunset to one hour before sunrise. Armadillo, beaver and coyote may be taken on any hunt. Non-toxic shot only.
- ** Deer taken on quota gun hunts must be checked out at the refuge check station.
- *** Only portable blinds or blinds of native vegetation may be used. Blinds and decoys must be removed each day.
- **** Porter Tract is that portion of the refuge that lies at the extreme east end of the refuge lying east of Richland Creek and the Big Eddy Road.

SECTION II. CHICKASAW AND LOWER HATCHIE NATIONAL WILDLIFE REFUGES AND SUNK LAKE PUBLIC USE MANAGEMENT AREA (NORTHERN UNIT ONLY)

All small game and waterfowl hunting seasons and bag limits in accordance with statewide regulations (except closed during spring squirrel season). Squirrel, rabbit, quail, dove, woodcock, and snipe hunting is closed during all youth deer, muzzleloader, and gun deer hunts. All hunting blinds will be portable and nothing of a permanent nature will be constructed. No axes or saws allowed on raccoon hunts. Waterfowl hunting until 12:00 Noon only. Temporary blinds and decoys must be removed at the end of each day's hunt. Non-toxic shot only.

Crows, beaver and coyote may be taken during any scheduled hunt with any weapon legal for the hunt (except no crows may be taken during turkey season).

	Season	Bag & Possession Limit
Deer (Archery)	Sept. 27-Oct 31, Nov.10-21, Dec.15-19, 2003	Four deer - either-sex *
Deer (Gun-Archery) (Young Sportsman)	Nov. 1-2, Jan 10-11, 2004	One deer - either-sex *
Deer (Gun-Archery)	Nov. 22-Dec.7, 2003	Two deer - buck only *
Deer (Gun-Archery)	Dec 20- Jan 9, 2004	Two deer - buck only *
Deer (Muzzleloader-Archery)	Nov. 3-9, 2003	Two deer - no more than one antlered*
Deer (Muzzleloader-Archery)	Dec. 8-14, 2003	Two deer – no more than one antlered*

* All deer harvested count against Unit A bag limit.

SECTION III. TENNESSEE NATIONAL WILDLIFE REFUGE - SPECIAL FEDERAL PERMIT REQUIRED

(Except designated closed areas)

Quota Deer Hunts	Hunter Quota for Each Hunt	Bag and Possession Limit
	Big Sandy Peninsula - 75	All deer taken on quota hunts count as Bonus deer
	Duck River Bottoms Unit - 100	
	Duck River Uplands Unit - 50	
	Britton Ford Peninsula - 35	
	Busseltown Unit - 50	
	Season	Bag & Possession Limit
Deer (Archery)	One 2-day hunt Sept. 20-21, 2003	Two deer- either sex
Deer-Youth (Gun/Archery/Muzzleloader)*	One 2-day hunt Oct.4-5, 2003	LimitTwo deer- either sex
Deer (Gun/Archery/Muzzleloader)*	One 2-day hunt Oct. 11-12, 2003	Two deer- antlerless only
Deer (Gun/Archery/Muzzleloader)*	Oct. 25-26, 2003	Two deer- One must be antlerless
Non-quota Deer Hunts		
Deer (Archery)	Sept. 27-Oct. 31, 2003 Closed during quota hunts	Four deer – no more than two antlered. Deer counts in Unit A Bag Limit
Squirrel	Aug 30 - Oct. 31, 2003 Closed during quota hunts	In accordance with statewide regulations
Raccoon Hunts	Oct.13-15, Oct.27-29, 2003	In accordance with statewide regulations

** Note - Beaver and coyote may be taken on a scheduled hunt for other species with any weapon legal for the hunt.

SECTION IV. REELFOOT AND LAKE ISOM NATIONAL WILDLIFE REFUGES

	Seasons	Bag & Possession Limit
Squirrel	Aug. 23-Oct 10, 2003	In accordance with statewide regulations
Raccoon *	Oct 3-18 , 2003	No limit

* Hunting hours-7:00pm until midnight only. Hunters must check out all raccoons for tagging.

	Season	Bag & Possession Limit
Deer (Archery)	Sept. 27-Oct. 31, Nov. 10-14, 2003	Four deer-no more than two antlered (counts toward statewide bag limit)
Deer (Gun/Archery) (Reelfoot Refuge only)	Nov. 7-9, 2003 Hunter Quota - 200 (100 per hunt unit)	Two deer- no more than one antlered. Deer must be checked out at refuge check station.(counts as bonus deer)

SECTION V. CROSS CREEKS NATIONAL WILDLIFE REFUGE
(North Cross Creeks Section Only)

	Seasons	Bag & Possession Limit
Squirrel	Aug. 23 - Oct. 31, 2003	In accordance with statewide regulations
Deer (Archery)	Sept. 27 - Oct. 31, 2003	Counts in Unit A Bag Limit

SECTION VI. GENERAL REGULATIONS FOR HUNTING REFUGES

- (1) Vehicles must remain on established roads. Roads may be closed due to adverse weather conditions. Park vehicles in a manner that will not interfere with normal flow of traffic.
- (2) Camping and fires are prohibited except in designated areas.
- (3) It is unlawful to drive a nail, spike, or other metal object into any tree or to hunt from any tree in which a nail, spike, or other metal object has been driven.
- (4) Dogs are prohibited except when used during the small game and migratory bird hunts.
- (5) Designated areas of refuges will be closed to all public entry to provide sanctuaries for waterfowl.
- (6) Small game hunters may only possess and use shotgun shells containing non-toxic shot in areas designated as high waterfowl use areas.
- (7) Hunters must possess a signed refuge brochure/permit.
- (8) All fall turkey hunts on National Wildlife Refuges close Nov. 1st.

SECTION VII. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals proclamation No. 02-4 dated May 23, 2002.

Proclamation 03-10 received and recorded this 3rd day of June, 2003. (06-04)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

PROCLAMATION 03-11 DOVE, WOODCOCK, SNIPE, CROW, AND SEPTEMBER WATERFOWL REGULATIONS

Pursuant to the authority granted by, Tennessee Code Annotated, Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the following migratory bird hunting regulations effective August 1, 2003.

Season dates and limits are pending in lieu of federal frameworks.

SECTION I. SEASON AND DAILY BAG LIMITS

Species	Opens	Closes	Daily Bag
Dove	1st Sat. in Sept. or Labor Day, whichever comes first, and continues for 26 consecutive days		15 ¹
1st segment			
2nd segment	2nd Sat. in Oct.	4th Sun. in Oct.	
3rd segment	3rd Sat. in Dec. and continues for 18 consecutive days		
Woodcock	Maximum days allowed by federal regulations beginning the last Saturday in October		Maximum bag limit allowed by federal regulations
Wilson Snipe	107 consecutive days ending Feb. 29		8
Crow	Fridays, Saturdays and Sundays only from June 1 - end of February		No limit
Wood Duck/Teal	2nd Sat. in Sept. and continues for five consecutive days		4 ²
Canada Goose	Sept. 1	Sept. 15	5

SECTION II. SHOOTING HOURS

Shooting hours same as federal frameworks.³

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- 1 No limit on collared dove. Doves not readily identifiable as collared doves will be considered to be mourning doves and will count towards the mourning dove daily bag limit.
 - 2 In aggregate not to exceed 2 wood ducks. Not to exceed 4 teal.
 - 3 Except for dove hunting on opening day when shooting hours will begin at 12:00 noon.

SECTION III. POSSESSION LIMITS

The possession limit for all species listed herein is twice the daily bag limit except opening day when it shall be the same as the daily bag limit.

SECTION IV. DOVE SEASON OPENING DATE

For the 2002, 2003, and 2004 seasons, the dove season opening date for the first segment will be the first Saturday in September or Labor Day whichever comes first.

SECTION V. REPEAL OF PRIOR PROCLAMATION

This proclamation repeals Proclamation No. 02-5, dated May 30, 2002.

Proclamation No. 03-11 received and recorded this 3rd day of June, 2003. (06-05)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

**PROCLAMATION 03-12
STATEWIDE SMALL GAME HUNTING AND FURBEARER HUNTING
AND TRAPPING SEASONS AND BAG LIMITS
(EXCLUSIVE OF WILDLIFE MANAGEMENT AREAS AND REFUGES)**

Pursuant to the authority granted by Tennessee Code Annotated, Section 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the statewide small game hunting and furbearer hunting and trapping seasons and bag limits effective August 1, 2003.

SECTION I. SMALL GAME HUNTING

Species	Opens	Closes	Daily Bag
Squirrel	4th Saturday in August 2nd Saturday in May	Last day in February 2nd Sunday in June	10 10
Squirrel Dog Training	Year-round		
Grouse ¹	2nd Saturday in October	Last day in February	3
Rabbit	2nd Saturday in November	Last day in February	5
Quail	2nd Saturday in November	Last day in February	6

¹ Grouse hunting season closed west of Interstate 65.

Species	Opens	Closes	Daily Bag
Armadillo	Year round		No limit

SECTION II. FURBEARERS

A. Hunting

Groundhog, Coyote, Nutria, Striped Skunk	Year-round		No Limit
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Fox, Mink, Muskrat, Spotted Skunk, Weasel	Friday before Thanksgiving	Feb. 15	No Limit
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River Otter²

That portion of Tennessee south and west of Kentucky Lake and Pickwick Lake.

Opens	Closes	Daily Bag
Friday before Thanksgiving	Feb. 15	No Limit

Experimental Season in that portion of Tennessee north and east of Kentucky Lake and Pickwick Lake excluding all counties in TWRA Region IV.

Opens	Closes	Daily Bag
Friday before Thanksgiving	Feb. 15	No Limit

Restrictive Experimental Season in all TWRA Region IV counties.

Opens	Closes	Seasonal Bag ³
Friday before Thanksgiving	Dec. 15	4

Bobcat	Friday before Thanksgiving	Feb. 15	1
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Beaver

That portion of Tennessee west of and including Scott, Morgan, Roane, Loudon, McMinn, and Polk counties.

Year round		No Limit
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Remainder of the state	Friday before Thanksgiving	Feb. 15	No Limit
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Hunting: Raccoon, Opossum⁴

Western Unit

That portion of Tennessee west of and including Scott, Morgan, Roane, Meigs, and Bradley counties.

² All river otters harvested must be tagged by harvester with Tennessee US CITES tags.

³ Aggregate bag limit: River otters taken by both hunting and trapping in TWRA Region IV shall not exceed 4 per harvester per season.

⁴ No limit on opossum

	Opens	Closes	Daily Bag
Taking Season	Sunset 3 rd Friday in September	Sunrise Feb. 15	2 per person per night ⁵
Training Season	Year-round except where regulated by Private Act		No Taking Permitted
Eastern Unit			
That portion of Tennessee east of Scott, Morgan, Roane, Meigs, and Bradley counties.			
	Opens	Closes	Daily Bag
Taking Season	Sunset 1 st Friday in November	Sunrise Feb. 15	1 per person per night ⁵
Training Season	Year round except where regulated by Private Act		No Taking Permitted
B. Trapping			
Species	Opens	Closes	Daily Bag
Groundhog, Coyote, Nutria	Year-round		No Limit
Bobcat, Fox, Mink, Muskrat, Opossum, Raccoon, Spotted Skunk, Striped Skunk, Weasel	Friday before Thanksgiving	Feb. 15	No Limit
Beaver			
That portion of Tennessee west of and including Scott, Morgan, Roane, Loudon, McMinn, and Polk counties.			
	Opens	Closes	Daily Bag
	Year-round		No Limit
Remainder of the state	Friday before Thanksgiving	Feb. 15	No Limit
River Otter ⁶			
That portion of Tennessee south and west of Kentucky Lake and Pickwick Lake.			
	Opens	Closes	Daily Bag
	Friday before Thanksgiving	Feb. 15	No Limit

⁵ Night defined as one 24-hour period commencing at sunset.

⁶ All river otters harvested must be tagged by harvester with Tennessee US CITES tags.

Experimental Season in that portion of Tennessee north and east of Kentucky Lake and Pickwick Lake excluding all counties in TWRA Region IV.

Opens	Closes	Daily Bag
Friday before Thanksgiving	Feb. 15	No Limit

Restrictive Experimental Season in all TWRA Region IV counties.

Opens	Closes	Seasonal Bag ⁷
Friday before Thanksgiving	Dec. 15	4

The following counties are included in the statewide fox hunting and trapping seasons, after determining a need for the opening thereof:

Blount	Johnson	Overton
Carter	Knox	Pickett
Clay	Loudon	Putnam
Cocke	Macon	Rhea
Fentress	McMinn	Robertson
Hamblen	Meigs	Sevier
Haywood	Monroe	White
Jefferson		

SECTION III. CONTROLLED AND COMMERCIAL SHOOTING PRESERVES

(by special Commission Permit only)

	Opens	Closes	Daily Bag
Upland Game Birds and Waterfowl	Year-round		No Limit
Big Game - (Feral Hogs and Exotic Species only, excluding Exotic Cats and all species of Bear)	Year-round		No Limit
Small Game Mammals (fenced enclosures only)	Year-round		No Limit

Bobcat specifically prohibited

SECTION IV. UNPROTECTED ANIMALS

	Opens	Closes	Daily Bag
English Sparrow, Starling	Year-round		No Limit

⁷ Aggregate bag limit: River otters taken by both hunting and trapping in TWRA Region IV shall not exceed 4 per harvester per season.

SECTION V. BULLFROG HUNTING

	Opens	Closes	Daily Bag
Bullfrog	Year-round		20 per person per night ⁸

Only domestically raised or legally imported bullfrogs or parts thereof may be sold.

SECTION V. (CONT.) BULLFROG HUNTING

Waters Open: All waters of the state are open except:

- (1) Waters within state and federal wildlife refuges.
- (2) Special Season applies on TWRA lakes (June 1-June 30).

NOTE: The use of firearms for the taking of bullfrogs in wildlife management areas and TWRA lakes is prohibited. Also, the taking of bullfrogs is defined as hunting. Permit not required on wildlife management areas.

SECTION VI. POSSESSION LIMITS

The possession limit for all species listed herein is twice the daily bag limit except opening day when it shall be the same as the daily bag limit.

SECTION VII. REPEAL OF PRIOR PROCLAMATION

This proclamation repeals Proclamations No. 02-6, dated May 30, 2002.

Proclamation No. 03-12, received and recorded this 3rd day of June, 2003. (06-06)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660

**PROCLAMATION 03-13
STATEWIDE BIG GAME HUNTING SEASONS AND BAG LIMIT
(EXCLUSIVE OF WILDLIFE MANAGEMENT AREAS AND REFUGES)**

Pursuant to the authority granted by Tennessee Code Annotated Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the statewide big game seasons and bag limits, effective August 1, 2003.

SECTION I. WHITE-TAILED DEER

⁸ Night defined as one 24-hour period commencing at sunset.

A. White-tailed Deer Hunting Seasons

For the purpose of these hunting regulations and better wildlife management, the State of Tennessee is hereby divided into two (2) deer units, as follows:

Unit

- A. Bedford, Benton, Bledsoe, Bradley, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Davidson, Decatur, DeKalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hamilton, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McMinn, McNairy, Macon, Madison, Marion, Marshall, Maury, Meigs, Montgomery, Moore, Obion, Overton, Perry, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, Wilson.
- B. Anderson, Blount (that area west of Hwy. 411 and east of Hwy. 129 is archery/muzzleloader equipment only), Campbell, Carter, Claiborne, Cocke, Cumberland, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Monroe, Morgan, Pickett, Scott, Sevier, Sullivan, Unicoi, Union, Washington.

Deer Unit A ¹	Season Opens	Season Closes
Deer (Archery)	Sept. 27, 2003	Oct. 31, 2003
	Nov. 10, 2003	Nov. 21, 2003
	Dec. 15, 2003	Dec. 19, 2003
Deer (Muzzleloader-Archery)	Nov. 3, 2003	Nov. 9, 2003
Deer (Gun-Muzzleloader-Archery)	Nov. 22, 2003	Dec. 7, 2003
	Dec. 20, 2003	Jan. 11, 2004
Deer (Muzzleloader-Archery)	Dec. 8, 2003	Dec. 14, 2003
Deer Unit B ¹	Season Opens	Season Closes
Deer (Archery)	Sept. 27, 2003	Oct. 31, 2003
	Nov. 10, 2003	Nov. 21, 2003
Deer (Muzzleloader-Archery)	Nov. 3, 2003	Nov. 9, 2003
Deer (Gun-Muzzleloader-Archery)	Nov. 22, 2003	Nov. 30, 2003
	Dec. 20, 2003	Jan. 7, 2003
Deer (Muzzleloader-Archery)	Dec. 12, 2003	Dec. 14, 2003

¹ Dates Inclusive

B. White-tailed Deer Unit Bag Limits

The total number of antlered deer taken may not exceed 3 per year. No more than 1 antlered deer may be taken per day.

Unit	Archery Season Bag
A	4 Deer - No more than 2 antlered
B	2 Deer - Either Sex
Unit	Gun-Muzzleloader-Archery Season Bag
A	2 Deer - Antlered Only
B	2 Deer - Antlered Only
Unit	Muzzleloader-Archery Season Bag
A	1 st segment - 2 Deer -- no more than 1 antlered except 1 Deer either sex in Polk Co. However, 4 deer no more than 1 antlered in Davidson, Bedford, Giles, Lincoln, Marshall, Maury, Moore, Rutherford, Williamson, and Wilson Counties 2 nd segment - 2 Deer -- no more than 1 antlered except 1 antlered deer in Polk Co. However, 4 deer no more than 1 antlered in Davidson, Bedford, Giles, Lincoln, Marshall, Maury, Moore, Rutherford, Williamson, and Wilson Counties
B	1 st segment—1 Deer - Antlered Only, except either sex during the last 3 days 2 nd segment —1 Deer - Antlered Only

Note: Deer taken at Fort Campbell and on the special antlerless hunts are not considered in the regular season bag and possession limit unless otherwise specified.

Antlered deer must have antlers a minimum of three inches (3") in length on buck only or antlered only hunts. Antlerless deer are defined as deer with no antlers or deer with antlers less than three inches (3") in length.

C. Special Hunts

The following deer units are open for two 2-day (Young Sportsman) deer hunts on November 1-2, 2003 and January 17-18, 2004. Young sportsmen 10-16 years of age may participate. Each young sportsman must be accompanied by a non-hunting, adult, 18 years of age or older, who must also comply with fluorescent orange regulations, as specified for legal hunters. No more than one deer may be taken on each hunt. (See bag limit restrictions in Section B)

Unit	Hunt Dates
A	November 1-2, 2003 Two deer—no more than 1 antlered

- B November 1-2, 2003
One deer—either sex
- A January 17-18, 2004
Two deer—no more than 1 antlered
- B January 17-18, 2004
One deer—either sex

D. Antlerless White-tailed Deer Special Hunts

The following counties and portions of counties are open to antlerless only deer hunting during the regular gun season as specified.

Quota Hunts Special quota permit required. Bag limit-one deer per permit except where otherwise specified.

Non-quota Hunts — No hunter quota but a Type 94 permit or Sportsman License is required. Bag limit for each county for each non-quota hunt is 2 deer per hunt with the following exceptions. A hunter may harvest 3 antlerless deer during each non-quota hunt in Giles, Hardeman, Henry, Marshall, Maury, Montgomery, Moore, Rutherford, and Williamson counties. A hunter may harvest 4 antlerless deer during each non-quota hunt in Fayette and Lincoln counties. Exception: A hunter may harvest 3 antlerless deer per day for each county open during the Nov. 22–Dec. 7 non-quota hunt.

COUNTY	Quota Hunts					Non-Quota Hunts			
	Nov 22- Nov 23	Nov 24- Nov 27	Nov 28- Dec 2	Dec 3- Dec 7	Dec 26- Dec 28	Nov 22- Dec 7	Dec 20- Dec 26	Dec 27- Jan 2	Jan 3- Jan 11
Anderson ²					50				
Bedford						X	X	X	X
Benton								X	X
Blount ³					50				
Cannon		300	300	300			X	X	X
Carroll	1000		1000				X	X	X
Carter ⁴					100				
Cheatham	250	250	350	350			X	X	X
Chester							X	X	X
Claiborne					250				
Clay			200	200					X
Coffee	700	700	700	700			X	X	X
Davidson						X	X	X	X
Decatur							X	X	X
Dickson	600	600	600	600			X	X	X

² Anderson County East of Interstate 75 only.

³ Blount County West of Highway 411 and east of Highway 129.

⁴ Carter County. Excludes Cherokee WMA.

COUNTY	Quota Hunts					Non-Quota Hunts			
	Nov 22- Nov 23	Nov 24- Nov 27	Nov 28- Dec 2	Dec 3- Dec 7	Dec 26- Dec 28	Nov 22- Dec 7	Dec 20- Dec 26	Dec 27- Jan 2	Jan 3- Jan 11
Fayette***	1000	1000	1000	1000			X	X	X
Franklin*	400	400	400	400			X	X	X
Gibson									X
Giles						X	X	X	X
Grainger					100				
Hancock					250				
Hardeman**	1350	1350	1350	1350			X	X	X
Hardin			400	400			X	X	X
Hawkins ⁵									
Hawkins ⁶									
Haywood			400	400			X	X	X
Henderson							X	X	X
Henry*	1100	1050	1050	1050			X	X	X
Hickman*	1100	1100	1100	1100			X	X	X
Houston							X	X	
Humphreys	575	575	575	575			X	X	X
Jefferson					250				
Johnson ⁷					100				
Lawrence*	600	600	600	600			X	X	X
Lewis	500		500				X	X	X
Lincoln						X	X	X	X
Loudon					100				
McNairy							X	X	X
Macon	600	600	600	600			X	X	X
Madison*	650	650	650	650			X	X	X
Marshall						X	X	X	X
Maury						X	X	X	X
Montgomery**	700	700	700	700			X	X	X
Moore						X	X	X	X
Obion								X	X
Overton				200					X
Perry								X	X

⁵ Hawkins County – Quota hunt on Dec 20-28. 1000 Hunter Quota

⁶ Holston Army Plant - Two quota hunts on Nov. 22 and Nov. 23. 80 Hunter quota.

Two quota hunts on Nov. 29 and Nov 30. 80 Hunter quota.

Two quota hunts on Jan 3, 2004 and Jan 4, 2004. 70 Hunter quota

Bag limit 2 antlerless deer per permit on all hunts

Note: Holston Army Ammunition Plant – additional installation permit fee required if drawn

⁷ Johnson County. Excludes Cherokee WMA

COUNTY	Quota Hunts					Non-Quota Hunts			
	Nov 22- Nov 23	Nov 24- Nov 27	Nov 28- Dec 2	Dec 3- Dec 7	Dec 26- Dec 28	Nov 22- Dec 7	Dec 20- Dec 26	Dec 27- Jan 2	Jan 3- Jan 11
Robertson	400	400	400	400			X	X	X
Rutherford						X	X	X	X
Shelby									X
Smith			500	500			X	X	X
Stewart								X	X
Sullivan ⁸					100				
Sumner	600	600	600	600			X	X	X
Trousdale	300	300	300	300			X	X	X
Warren				300					
Wayne			500				X	X	X
Weakley	500	500	500	500			X	X	X
Williamson						X	X	X	X
Wilson						X	X	X	X

* - Indicates bag limit of 2 deer per permit for quota hunts

** - Indicates bag limit of 3 deer per permit for quota hunts

*** - Indicates bag limit of 4 deer per permit for quota hunts

E. Special Regulations

1. Big Game Tagging - Upon harvesting the first big game animal of the day, except for feral hogs, the hunter must punch the date of harvest on the temporary kill tag and attach it to the animal immediately. The hunter may continue to big game hunt until he reaches the big game bag limit for that season, to the conclusion of the hunt or until the end of legal hunting time for that day, whichever comes first. All animals harvested must be accompanied by one tagged animal and must be taken together to the nearest big game checking station by the most reasonably direct route where one new temporary kill tag will be issued. The permanent harvest tag is a legal document and must be signed by the hunter. By signing the permanent harvest tag, the hunter is affirming that the information, as it appears on the permanent tag, is correct and valid. The permanent game tag must remain with each carcass until final processing. Persons legally hunting without a license are also required to take any big game animal harvested to a check station. After receiving a temporary harvest tag from checking in their first kill, these persons must comply with all tagging regulations. All big game taken to a taxidermist to be mounted must be accompanied by documentation showing the permanent game tag number, checking station number, and date of kill.

SECTION II. FERAL HOG SEASONS

(No hunting with dogs allowed except where indicated.)

Feral hogs are defined as any wild hog found in Tennessee except on Catoosa, South Cherokee Cove Mtn, and Foothills WMA's. Feral hogs are considered big game but are not required to be tagged or checked in at big game checking stations.

⁸ Sullivan County. Excludes Cherokee WMA.

Private lands (Public Hunting Areas are considered private land)

Year round season, except inholdings on Catoosa WMA and South Cherokee where season is open with statewide deer seasons with no dogs. No limit -either sex

Publicly owned lands

Open during scheduled white-tailed deer hunts unless otherwise specified. No limit -either sex

Big South Fork National River and Recreation Area is also open from Jan. 21-Feb. 29, 2004. No limit -either sex

In the following counties dogs may be used for feral hog hunting on the dates indicated⁹:

Monroe

Gun-Muzzleloader-Archery Oct. 13-20, 2003
(Dogs Permitted) No limit-Either Sex

Blount, Cocke (South of I-40), and Sevier

Gun-Muzzleloader-Archery Sept. 29-Oct 5, 2003
(Dogs Permitted) No limit-Either Sex

Blount, Cocke, Greene, Monroe, Sevier, Unicoi, and Washington

Gun-Muzzleloader-Archery Nov. 17-18, 2003
(Dogs Permitted) No limit-Either Sex

Blount, Cocke, Monroe, Sevier

Gun-Muzzleloader-Archery Dec. 4-17, 2003
(Dogs Permitted) No limit-Either Sex

SECTION III. BEAR.

The Following Counties Are Open For Bear Hunting¹⁰:

Blount, Cocke, Greene, Monroe, Sevier, Unicoi, and Washington

Gun-Muzzleloader-Archery Nov. 17-18, 2003
(Dogs Permitted) 1 per year-Either Sex

⁹ Dates inclusive

¹⁰ Dates inclusive

Blount, Cocke, Greene, Monroe, Sevier, Unicoi, and Washington

Gun-Muzzleloader-Archery (No Dogs)	Nov. 29-Nov. 30, 2003 1 per year-Either Sex
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Blount, Carter, Cocke, Greene, Johnson, Monroe, Polk (that portion north of Hwy 64), Sevier, Sullivan (that portion east of I-81), Unicoi, and Washington.

Gun-Muzzleloader-Archery (Dogs Permitted)	Dec. 4-17, 2003 1 per year-Either Sex.
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Johnson (still hunt only)	Oct. 4-5, 2003
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Gun-Muzzleloader-Archery
Includes private land within the
Kettlefoot Bear Reserve that lies
within Johnson County

Blount, Cocke (South of I-40), and Sevier

Gun-Muzzleloader-Archery (Dogs Permitted)	Sept. 29-Oct 5, 2003 1 per year-Either Sex.
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Blount and Sevier

Archery Only (No Dogs)	Oct. 11-19, 2003 1 per year-Either Sex.
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The Following Counties Are Open For A Bear Dog Training Season:

Cocke, Greene, and Sevier Counties.

Sept. 2-17, 2003. No bears may be taken. No weapons may be possessed. Daylight hours only.

Special Bear Hunting Regulations:

1. The limit of bears for any person participating in the statewide or managed hunts or both shall not exceed one (1) bear per calendar year.
2. Cubs or female bears with cubs at side may not be taken at any time. A cub is defined as any bear weighing seventy-five (75) pounds or less.
3. All bears must be checked out at an official bear checking station designated by TWRA.
4. The reproductive sex organs shall remain attached to each bear harvested at least until the bear has been officially checked out at an official bear checking station.

SECTION IV. FALL TURKEY (SHOTGUN/ARCHERY)

The following counties are open for archery only fall turkey hunting during fall archery only deer seasons. Bag limit for this season is one turkey either-sex. These same counties are open for one quota gun fall turkey hunt on Nov 15-21 with a bag limit of one turkey either-sex per permit with the exception that those counties indicated by an asterisk (*) are open Nov. 15-21 and Dec. 15-19 and have a bag limit of 2 either sex turkeys per permit.

Bedford*	800 Hunter Quota	Jefferson	100 Hunter Quota
Benton	50 Hunter Quota	Johnson	50 Hunter Quota
Cannon*	400 Hunter Quota	Lawrence*	400 Hunter Quota
Carroll	50 Hunter Quota	Lewis	100 Hunter Quota
Carter	50 Hunter Quota	Lincoln*	1200 Hunter Quota
Cheatham*	350 Hunter Quota	McNairy	50 Hunter Quota
Claiborne	100 Hunter Quota	Macon*	400 Hunter Quota
Clay	50 Hunter Quota	Madison	50 Hunter Quota
Cocke	100 Hunter Quota	Marion	200 Hunter Quota
Coffee*	400 Hunter Quota	Marshall*	500 Hunter Quota
DeKalb*	400 Hunter Quota	Maury*	300 Hunter Quota
Dickson*	1000 Hunter Quota	Montgomery*	1000 Hunter Quota
Franklin*	600 Hunter Quota	Moore*	300 Hunter Quota
Giles*	1000 Hunter Quota	Perry	50 Hunter Quota
Grainger	100 Hunter Quota	Robertson*	400 Hunter Quota
Greene	100 Hunter Quota	Rutherford*	800 Hunter Quota
Hamblen	50 Hunter Quota	Sevier	100 Hunter Quota
Hancock	100 Hunter Quota	Smith*	500 Hunter Quota
Hardeman	50 Hunter Quota	Stewart	100 Hunter Quota
Hardin	50 Hunter Quota	Sullivan	50 Hunter Quota
Hawkins	100 Hunter Quota	Sumner*	600 Hunter Quota
Henderson	50 Hunter Quota	Trousdale*	400 Hunter Quota
Hickman*	500 Hunter Quota	Warren	100 Hunter Quota
Henry	100 Hunter Quota	Wayne*	300 Hunter Quota
Houston	50 Hunter Quota	Weakley	50 Hunter Quota
Humphreys	100 Hunter Quota	Williamson*	300 Hunter Quota
Jackson	50 Hunter Quota	Wilson*	500 Hunter Quota

SECTION V. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation No. 02-7, dated May 30, 2002.

Proclamation No. 03-13 received and recorded this 11th day of June, 2003. (06-13)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660**PROCLAMATION 03-14
WILDLIFE MANAGEMENT AREAS
HUNTING SEASONS, LIMITS AND MISCELLANEOUS REGULATIONS**

Pursuant to the authority granted by Tennessee Code Annotated Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby proclaims the wildlife management areas hunting seasons, limits and miscellaneous regulations, effective August 1, 2003.

Note: Migratory Bird Season Dates and Limits are Pending in Lieu of Federal Frameworks.

SECTION 1. GENERAL**A. Hunting Season**

1. Management areas open on dates shown and as otherwise indicated.
2. Small game hunting and dog training closed at sunset on the day before and during scheduled big game hunts on the following Wildlife Management Areas, unless special exception indicated: A.E.D.C., Bridgestone/Firestone Centennial Wilderness, Buffalo Springs, Catoosa, Chuck Swan, Cove Creek, Cumberland Springs, Eagle Creek, Foothills, Laurel Hill, Prentice Cooper, Reelfoot, the Thief Neck Island Unit of Watts Bar, and Williamsport.
3. Coyote may be taken on any hunt with the weapon legal for that hunt.
4. Season open on groundhog, fox and skunk on all wildlife management areas during any scheduled small game hunt unless special exception is indicated. Crow may be taken on small game hunt days that coincide with statewide crow season.
5. Raccoon and opossum hunting is from sunset of the date shown to sunrise of the next day.
6. Bobcat may be taken on any big game or small game hunt that coincides with the statewide bobcat season, except Oak Ridge WMA.
7. Falconry open with statewide falconry seasons.
8. Small game (except raccoon) and retriever field trials permitted year-round with approval of the Area Manager unless otherwise specified.
9. Raccoon hound field trials permitted Sept. 1-Apr. 30 unless prohibited.
10. Dog training for small game Sept. 1-Mar. 15 unless otherwise indicated. Dog training prohibited on Cove Mountain, Doe Mountain, Eagle Lake Refuge, Fall Creek Falls State Park, Foothills, Ft. Loudoun, Gallatin Steam Plant, Joachim Bible Refuge Unit of Lick Creek Bottoms, Nathan Bedford Forrest State Park, Oak Ridge, Niles Ferry Unit of Tellico Lake, and South Fork Refuge.
11. Spring squirrel season May 8 – June 6, 2004, except closed on the following areas: Cherokee, Eagle Lake Refuge, Edgar Evins, Fall Creek Falls, Foothills, Forks of the River, Gallatin Steam Plant, Haley-Jaqueth, Henderson Island, Kingston Refuge, Kyker Bottoms Refuge, Lick Creek

Bottoms, Nathan Bedford Forrest, Oak Ridge, Paint Rock Refuge, Rankin, Shelby Forest, Tellico Lake (McGhee-Carson and Niles Ferry Units only), and Yuchi Refuge at Smith Bend. Daily bag limit is 10 squirrels and the possession limit is 20. Hunting with dogs is not allowed, unless exception is noted.

12. Waterfowl hunting from temporary blinds-no blinds or decoys left overnight unless otherwise specified by rule or proclamation.
13. Feral hogs¹ may be taken during any big game hunt on wildlife management areas or refuges, unless otherwise specified. Wild boar seasons are open as indicated.
14. All game killed or crippled shall be retrieved if possible and retained in the custody of the hunter in the field. No game may be discarded on the premises of the management area.

B. Bag and Possession Limits

1. One deer may be taken on each managed hunt where a permit is required except as otherwise indicated. Deer taken on buck-only hunts must have antlers a minimum of three inches (3") in length.
2. Statewide bag and possession limits shall apply unless special exception is indicated.

C. Miscellaneous Regulations

1. Muzzleloading weapons legal on all Gun-Archery hunts except where indicated.
2. Possession of shotgun ammunition loaded with more than one solid ball is specifically prohibited while hunting deer, bear or boar.
3. Dogs allowed for small game hunting. Special regulations apply where indicated.
4. On all "Young Sportsman Hunts", youths must be 10-16 years of age and be accompanied by an adult. Adults must comply with fluorescent orange regulations, as specified for legal hunters when accompanying young sportsmen on "Young Sportsman Hunt", except as indicated.
5. If WMAs are designated as being open with the statewide season, then deer harvested count towards the statewide bag limit. If a specific hunt date and bag limit are listed, the deer are considered bonus deer and are not counted against the statewide bag limit unless otherwise noted. WMA bag limits listed are per hunt.
6. The placement or depositing of any type of food to feed or attract wildlife on WMAs is prohibited.
7. Where persons are required to wear fluorescent orange, they must wear on their upper body and head a minimum of 500 square inches of daylight fluorescent orange visible front and back.
8. Wheelchair bound hunts, zones, or blinds are open to hunters who are totally and permanently confined to a wheelchair as certified by a physician.

¹ Feral hogs are defined as any wild hog found in Tennessee, except on Catoosa, South Cherokee, Cove Mountain and Foothills WMAs.

9. On wheelchair bound deer hunts, each wheelchair bound hunter must be accompanied by a non-hunting assistant (age 16 years or older). On wheelchair bound waterfowl hunts, each wheelchair bound hunter must be accompanied by at least one, but not more than three assistants (at least one of whom must be age 16 years of age or older), who may also participate in hunting.
10. Persons already holding a blind permit may not participate in wheelchair blind permit drawings. If a wheelchair bound blind is not occupied by legal shooting hours, it may be occupied by another wheelchair bound hunter for that day. Applications for wheelchair bound waterfowl blind permits must be received by the appropriate regional office by noon on the 4th Friday in October.

SECTION II. WILDLIFE MANAGEMENT AREAS AND REFUGES – SEASON AND BAG LIMITS

The following areas or units are open to hunting as set out in the statewide seasons except as noted:

Alpine Mountain	Keyes-Harrison
Barkley Unit I (5)(6)(17)(22)(28)	Lick Creek (17)(22)
Barkley Unit II (12)(17)(22)	M.T.S.U. (17)
Bean Switch Refuge (10)(11)(17)(18)	Mt. Roosevelt
Big Sandy (5)(6)(17)(22)	New Hope (17)(22)
Camden Unit I (1)(6)(9)(17)(22)(28)	Normandy (17)
Camden Unit II (9)(12)(17)(22)	Obion River (17)(22)
Cedar Hill Swamp (8)(17)	Pickett
Chickasaw (17)(22)(26)(30)	Standing Stone (2)(15)
Cold Creek (17)(31)	South Fork Refuge (10)(17)(18)
Cove Creek (3)	Tigrett (1)(17)(22)
Cove Mountain (3)(23)(24)	Tumbleweed (17)
Cypress Pond Refuge (10)(11)(17)	Watts Bar (7)(16)
Doe Mountain (3)(14)(25)	West Sandy (1)(6)(9)(12)(17)(20)
Harmon Creek (9)(17)(22)	(22)(29)
Hop-In Refuge (10)(11)(17)(18)	White Lake Refuge (10)(11)(17)(18)
Horns Bluff Refuge (10)(17)	White Oak (4)(13)(17)(19)(22)(27)(30)
Jarrell Switch Refuge (10)(11)(17)	

1. Waterfowl hunting shall close at 3:00 P.M. (CST) each day of the regular statewide waterfowl seasons, except the last day of duck seasons and remaining goose seasons when hunting shall close at sunset.
2. No fox taking.
3. Season closed March 1 – August 22, except during turkey and spring squirrel season(s) where applicable. Dog training Sept. 1-Mar.1.
4. Retriever field trials permitted year-round.
5. Hunting of waterfowl during the late duck and goose seasons permitted only on Wednesday, Thursday, Saturday, Sunday, Monday, and the first and last day of each segment of the late duck and goose seasons. During the late duck season, all activities are prohibited in the subimpoundments when waterfowl hunting is closed.
6. All activities are prohibited in the subimpoundments six days prior to the opening day(s) of the statewide duck season.

7. Thief Neck Island Unit –Archery tackle only for deer hunting except the Young Sportsman hunts. Young Sportsman deer (Gun-Archery) hunt on Oct. 11-12. No hunter quota. One deer, either sex. Statewide archery season closed on-this-area during this hunt. Shotguns only for small game.
8. Firearms prohibited for deer hunting.
9. Dove hunting open with statewide seasons, except for restrictions on opening day as follows: Dove hunting allowed on designated fields only from staked positions only. No more than two adults or one adult and two youths (under 16) allowed at any staked position. Staked positions available first-come, first-served.
10. Closed to all hunting and dog training Nov. 1-Mar. 1.
11. Closed to waterfowl hunting.
12. Dog training open Sept. 1-Mar. 15, except closed during the late duck season.
13. Waterfowl hunting closes at 1:00 p.m. (CST) during the late duck season(s) and all types of water traffic prohibited after 2:00 p.m.
14. Coyote hunting with dogs prohibited.
15. Buck only bag limit during the muzzleloader seasons. Closed to county special season antlerless hunts:
16. Long Island Unit – Archery equipment, muzzleloader and shotguns only.
17. Squirrel hunting with dogs is permitted during the spring squirrel season.
18. No dove hunting.
19. Archery only deer hunting the second segment of Unit A Gun-Archery season.
20. Hunting restricted to wheelchair hunters and assistants only within the marked wheelchair hunting zone.
21. All deer hunting closed after Dec. 19.
22. Young Sportsman deer (Gun-Archery) hunt on Oct. 11-12. No hunter quota. One deer, either sex. Statewide archery season and all small game hunting closed on these areas during this hunt.
23. Wild boar – same as statewide deer seasons. No dogs permitted, except dogs allowed Sept. 29-Oct. 5, Nov. 17-18, Dec. 4-17.
24. Young Sportsman deer-boar (Gun-Archery) hunt Oct. 25-26. No hunter quota. One deer, either sex; one boar, either sex. Statewide archery season and all small game hunting closed on these areas during this hunt.
25. Young Sportsman deer (Gun-Archery) hunt Oct. 25-26. No hunter quota. One deer, either sex. Statewide archery season and all small game hunting closed on these areas during this hunt.

26. Closed to county special season antlerless hunts.
27. All water traffic prohibited six days prior to the opening day(s) of the statewide duck season.
28. Fishing, trapping, and hunting of all species other than waterfowl prohibited in the subimpoundments during the late duck season(s).
29. Waterfowl – wheelchair bound blind provided.
30. Not open to fall turkey hunting.
31. Regulations same as John Tully WMA

AEDC and Woods Reservoir Refuge

Beaver, Dove, Grouse, Quail, Opossum, Rabbit Raccoon, Snipe, Squirrel, Woodcock	Same as statewide season, except that beaver may be taken only during other small game hunts. Woods Reservoir Refuge – small game hunting closed Dec. 1 – Jan 31. Squirrel hunting with dogs allowed during spring squirrel season. Shotguns only.
Deer (Archery)	One 3-day hunt. Sept. 26-28. Hunter quota 1500. One deer, either sex. TN National Guard Training Area closed on this hunt.
Deer (Archery)	One 3-day hunt. Oct. 3-5. No hunter quota. One deer, either sex.
Deer (Shotgun-Muzzleloader-Archery) (Young Sportsman)	One 2-day hunt. Oct. 11-12. Hunter quota 750. One deer, either sex. TN National Guard Training Area closed on this hunt.
Deer (Shotgun-Muzzleloader-Archery)	One 2-day hunt. Oct. 15-16. Hunter quota 300. One deer, either sex. Hunting allowed in the National Guard Training Area and Rifle Range Safety Zone only. Scouting days: Oct. 13-14.
Deer (Shotgun-Muzzleloader-Archery)	Three 2-day hunts. Oct. 25-26, Nov 1-2, 29-30. Hunter quota 750. One deer, either sex.
Deer (Shotgun-Muzzleloader-Archery)	One 2-day hunt. Nov. 8-9. Hunter quota 750. One deer, either-sex. TN National Guard Training Area closed on this hunt.
Deer (Archery)	One 3-day hunt. Dec. 5-7. No hunter quota. One deer, either sex. Waterfowl hunting permitted during deer hunt.

Wheelchair Bound Hunter Zone	Wheelchair bound hunters only in the old “Camp Forrest” area of A.E.D.C. (north of Wattendorf Hwy., west of Rifle Range Rd., and south of the railroad track) during the following hunts: Nov. 8-9, Nov. 29-30.
Dog Training (Daylight hours only)	Sept. 1- Mar.15
Waterfowl	Hunting from registered blind sites only on Woods Reservoir except during the early duck season; also, Canada goose hunting is allowed outside of blinds upstream from Morris Ferry bridge except during the duck season. Same as statewide seasons except open on Wednesday, Thursday, Saturday and Sunday of the late duck season and the first and last day of each segment of the late duck season. Waterfowl hunting allowed on Woods Reservoir during deer hunts when waterfowl season is open. During the September and October waterfowl seasons, hunting is permitted outside of registered blinds on Woods Reservoir except 150 yards out from the bank beginning at the Pumping Station and going west to Arnold Village slough and beginning at the Famcamp slough and going west to the Rowlands Creek causeway. During the youth waterfowl hunting season, hunting on Woods Reservoir allowed outside blinds upstream from Morris Ferry Bridge. Downstream from Morris Ferry registered blind sites only.
Closure	Public use of Woods Reservoir Refuge, including all forms of trespass, is prohibited Dec. 1-Jan.31, except as otherwise indicated.
Bark Camp Barrens	
Dove, Quail, Rabbit, Snipe, Squirrel Woodcock, Opossum, Raccoon, Deer	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season. All deer hunting closes after Dec. 19.
Crow	July – August. Fridays, Saturdays, and Sunday only.
Black Bayou Refuge	
Rabbit (Quota Hunt)	Four 1-day hunts. Oct. 11, 12, 18, 19. Six parties per hunt. Six hunters per party. Six dogs per party. Five rabbits per hunter. Nontoxic shot approved by the U.S. Fish & Wildlife Service only. Sign-up for hunt will be at the Reelfoot Lake WMA office parking lot at Reelfoot Lake, Sept. 13, between the hours of 9:00 am and 12:00 noon. A drawing for permits will be held immediately following the sign-up period.

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock	Same as statewide seasons, except closed to all hunting after Nov. 14. Nontoxic shot approved by the U.S. Fish & Wildlife Service only. Squirrel hunting with dogs allowed during spring squirrel season.
Deer	Same as statewide seasons, except closed after Nov. 14. Archery tackle only except for the Young Sportsman hunt.
Dog Training	Sept. 1- Nov. 14.

Bridgestone/Firestone Centennial Wilderness

No ATVs, ORVs, or horseback riding permitted.

Dove (Young Sportsman)	Sept. 1. Each Young Sportsman must be accompanied by a non-hunting adult. Hunting starts at noon.
Dove	Sept. 6, and the remainder of the statewide season.
Crow, Grouse, Rabbit, Snipe, Squirrel Waterfowl, Woodcock	Same as statewide seasons.
Opossum, Raccoon	Same as statewide season, except hunting will be limited to Friday and Saturday nights only. All hunting ends Jan. 4.
Deer (Archery)	Five 3-day hunts. Sept 27-29, Sept. 30-Oct. 2, 3-5, 6-8, 9-11. One deer, either sex.
Deer (Archery)	One 5-day hunt. Dec 15-19. No hunter quota. One deer, either sex
Deer (Gun-Archery)(Young Sportsman)	One two-day hunt. Nov. 1-2. No hunter quota. One deer, either sex.
Deer (Gun-Archery)	One 9-day hunt. Nov. 22-30. No hunter quota. Two deer, buck only. Deer counts toward statewide bag.
Dog Training	Sept. 1-Mar. 15

Buffalo Springs

Waterfall parking area closed one hour after sunset until one hour before sunrise.
Small game hunters (except waterfowl) must wear fluorescent orange during the big game gun hunts.

Dove Sept. 1, 6, noon until sunset only. Open every day thereafter during the statewide dove season. Hunter quota 55. Staked positions only. A random drawing will be held at 11 a.m. on Sept. 1. Otherwise, first come, first served.

Deer, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Waterfowl, Woodcock Same as statewide seasons.

Catoosa

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel, Waterfowl, Woodcock Same as statewide seasons, except walk-in hunting only from Feb. 1-29.

Opossum, Raccoon Sunset Nov. 1 to Sunrise Dec. 31

Deer/Boar (Archery) Three 3-day hunts. Oct. 18-20, 21-23, 24-26. No hunter quota. Area checking stations operated. Entire area open. One deer, either sex. Boar – no limit, either sex.

Deer/Boar (Muzzleloader-Archery) One 3-day hunt. Nov. 20-22. Station quota: Genesis 1,000; Bicolor 1,000. One deer, buck only. Boar – no limit, either sex.

Deer/Boar (Gun-Archery) Two 3-day hunts. Nov. 13-15, Dec. 11-13. Station quota: Genesis 1,250; Bicolor 1,250. One deer, buck only. Boar - no limit, either sex.

Deer/Boar (Young Sportsman)(Gun-Archery) One 2-day hunt. Nov. 1-2. Station quota: Genesis 400; Bicolor 400. One deer, either sex. Boar – no limit, either sex.

Deer/Boar (Gun-Archery) One 3-day hunt. Dec. 18-20. No hunter quota. Entire area open. One deer, buck only. Boar – no limit, either sex.

Boar (Gun-Archery)(Dogs Permitted) One 3-day hunt. Jan. 8-10. Station quota: Genesis 200; Bicolor 200. Entire area open. Boar - no limit, either sex.

Bullfrog Apr. 1- Sept. 1. No hunting during turkey hunts.

Special Regulations: Buck deer must have a minimum of 4 points on one antler on all hunts. Points must be at least 1 inch or longer. Catoosa WMA will be closed to all users Feb. 1 – last Friday in March, except walk-in hunters will be allowed Feb. 1 – last day of Feb. Guides prohibited on all hunts. ATV's and ORV's prohibited from May 15 to Sept. 15.

Dog Training (Daylight hours only)

Sept. 1 – Jan. 31.

Cheatham

Dove, Quail, Rabbit, Snipe, Squirrel, Deer
Raccoon, Opossum, Woodcock

Same as statewide seasons except deer hunting closes after Dec. 26. Squirrel hunting with dogs allowed during spring squirrel season.

Firing Range

Open as posted. Automatic weapons prohibited.

Archery Range

Open daily. Field points only.

Dog Training (Daylight Hours Only)

Sept. 1 –Mar. 15.

Cheatham Lake

Deer, Opossum, Quail, Rabbit, Raccoon, Snipe
Squirrel, Turkey, Waterfowl, Woodcock

Same as statewide seasons on Sycamore Creek upstream from railroad trestle, Harpeth River upstream from Highway 49, and on Johnson Creek upstream from Johnson Creek Bridge.

Hunting on remainder of Cheatham Lake WMA same as statewide season except during the late duck season when hunting is open only on Wednesday, Thursday, Saturday, Sunday, and the first and the last day of each segment of the late statewide duck season. Waterfowl hunting is permitted only from registered blind sites and from staked temporary blind sites during the late duck season.

Hunting on Harpeth Island, Marks Creek, and Bluff Creek wade-in areas is not restricted to registered or staked temporary sites. Night hunting, trapping, and fishing prohibited in waterfowl impoundments during the waterfowl season. The sub-impoundment units as posted are closed to all types of activity six days prior to the opening of the first segment of the late duck season.

Squirrel hunting with dogs allowed during spring squirrel season.

Waterfowl (Wheelchair-bound only blind site)

Applications must be received by TWRA Region II by noon on the 4th Friday in October. Persons holding a permit for another blind are not eligible.

Beaver

May be taken during any hunt.

Dove	Same as statewide. Hunting allowed from designated fields only.
Dog Training	Sept. 1-Mar. 15, except closed during duck seasons.

Cheatham Lake – Pardue Pond Refuge and Dyson Ditch Refuge

Deer (Archery)	Sept. 27- Oct. 12. Bag limit same as statewide.
Dog Training	Sept. 1- Mar.15, except closed Oct. 15-Feb.14.
Closure	Public use, including all forms of trespass, is prohibited from Oct. 15 through Feb. 14, except as otherwise indicated.

Cherokee²

Horseback riding on properties owned by the U.S. Forest Service shall be the same as U.S. Forest Service regulations. On those properties owned or leased by the TWRA, horseback riding is only allowed upon roads opened for vehicle travel: no riding off roads into openings, fields, trails, or through streams.

North Cherokee	That portion of the Cherokee WMA lying north of the Great Smoky Mountains National Park.
South Cherokee	That portion of the Cherokee WMA lying south of the Great Smoky Mountains National Park.
Ocoee Unit	That portion of the South Cherokee lying south of the Hiwassee River.
Tellico Unit	That portion of the South Cherokee lying north of the Hiwassee River, and south of the Little Tennessee River.

North Cherokee

On property that is owned or leased by TWRA, ATV and OHV operation is prohibited at all times at any location inside the boundaries of these properties.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel	Same as statewide seasons. ³ Small game hunting (shotguns only) allowed during all big game hunts, but small game hunters (except raccoon and opossum hunters between sunset and sunrise) must wear 500 sq. in. of fluorescent orange during big game hunts.
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² Bobcat hunting with dogs prohibited. Dog training prohibited, except for Bear Dog Training Season in Coker and Greene counties. The use of and/or possession of any tracking device from March 1 to August 31 is illegal. Hunting of coyotes with dogs prohibited.

Deer, Turkey	Same as statewide seasons, except closed to special county antlerless hunts-
Opossum, Raccoon	Same as statewide season, except the season is closed Nov. 17-18, Nov. 29-30, and Dec. 4-17 in all Bear Reserves.
Bear Dog Training Season (Cocke and Greene Counties only)	Sept. 2-17. No bears may be harvested. No weapons may be possessed. Daylight hours only. No training in bear reserves.
Bear	Same as statewide season. Feral hog hunting closed in bear reserves during bear season.
South Cherokee ⁴	
Special Weapons Regulations:	
1. .22 caliber short, long and long rifle are the only legal weapons on a raccoon hunt.	
2. It is illegal to possess firearms with any breed of dog other than pointing breeds during daylight hours, excluding Bear and Boar season, except as provided.	
Dove, Grouse, Quail, Rabbit, Snipe, Squirrel Waterfowl, Woodcock	Same as statewide seasons, except, no season shall open prior to Oct. 11. Small game hunting closed at sunset the day before and during big game hunts. When specified portions of the Cherokee are hunted, this closure applies only to those specific areas and to the Tellico Bear Reserve during bear hunts. Dogs permitted for squirrel hunting west of Hwy. 68 and north of Ocoee River Jan.1-Feb. 29.
Ocoee Unit	
Opossum, Raccoon	Same as statewide season, except closed at sunset the day before and during big game hunts.
Deer/Boar (Archery)	One 9-day hunt. Sept. 20-28. No hunter quota. One deer, either sex. One boar, either sex.
Deer/Boar (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 11-12, south of Ocoee River only. No hunter quota. One deer, either sex. One boar, either sex.

³ Only pointing breed dogs are allowed in the bear reserve one day before and during bear hunts.

⁴ No feral hog hunting on South Cherokee WMA; boar hunting is allowed as indicated.

Deer/Boar (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 25-26. No hunter quota. One deer, either sex. One boar, either sex.
Deer/Boar (Muzzleloader-Archery)	One 3-day hunt. Oct. 31-Nov. 2. No hunter quota. One deer, either sex. One boar, either sex.
Deer/Boar (Gun-Archery)	One 3-day hunt. Nov. 7-9. No hunter quota. One deer, buck only. One boar, either sex.
Deer/Boar (Gun-Archery)	One 9-day hunt. Nov. 22-30. No hunter quota. Two deer, buck only. One boar, either sex.
Boar (Gun-Archery)(Dogs Permitted)	Two 4-day hunts. Oct. 13-16, 17-20. No hunter quota. One boar, either sex. Between Ocoee River and Hiwassee River.
Bear/Boar (Gun-Archery)(Dogs Permitted)	One 2-day hunt. Nov 17-18. No hunter quota. One bear, either sex; one boar, either sex. Between Ocoee River and Hiwassee River.
Bear/Boar (Gun-Archery)(Dogs Permitted)	One 14-day hunt. Dec. 4-17. No hunter quota. One bear per person per year. One boar either sex. Between Ocoee River and Hiwassee River.
Deer/Boar (Gun-Archery)	One 14-day hunt. Nov. 27-Dec. 10. No hunter quota. Two deer, buck only. One boar, either sex. South of Ocoee River on Tellico Unit
Tellico Unit	
Bear reserves are closed to all big game hunting when the bear season is open on the Tellico Unit.	
Opossum, Raccoon (Raccoon hunters must wear fluorescent orange during bear season)	Nov. 3-16, Dec. 4-17, Dec. 22-Jan. 17. Tellico bear reserve sunset Dec. 22-Jan. 17 only.
Deer/Boar (Archery)	One 9-day hunt. Sept. 20-28. No hunter quota. Two deer, either sex. One boar either sex.
Deer/Boar (Gun-Archery)	One 9-day hunt. Nov. 22-30. No hunter quota. Two deer, buck only. One boar either sex.
Deer/Boar (Muzzleloader-Archery)	One 3-day hunt. Oct. 3-5. No hunter quota. One deer, buck only. One boar either sex.
Deer/Boar/Bear (Muzzleloader-Archery)	One 3-day hunt. Dec. 19-21. No hunter quota. One deer, buck only. One boar either sex. One bear, either sex. Hunting confined to that area outside of the Tellico Bear Reserve.
Deer/Boar/Bear (Young Sportsman)(Gun-Archery)	One 2-day hunt. Nov. 1-2. No hunter quota. One deer, either sex. One boar either sex. One bear, either sex. Hunting confined to that area outside of the Tellico Bear Reserve.

Boar (Gun-Archery)(Dogs Permitted)	Two 4-day hunts. Oct. 13-16, 17-20. One boar, either sex. Hunting confined to that area outside the Tellico Bear Reserve and the party dog area.
Bear/Boar (Gun-Archery)(Dogs Permitted)	One 2-day hunt. Nov. 17-18. One bear, either sex; one boar, either sex. Hunting confined to that area outside the Tellico Bear Reserve and the party dog area.
Bear/Boar (Gun-Archery)(Dogs Permitted)	One 14-day hunt. Dec. 4-17. No hunter quota. One bear per person per season. One boar, either sex. Hunting confined to that area outside the Tellico Bear Reserve and the party dog area.
Deer/Boar (Gun-Archery)(Party Still Hunts) (No Dogs Allowed)	One 3-day hunt. Oct. 24-26. One party permitted in each of the following areas: Jake Best, Double Camp, North Fork Citico and South Fork Citico. One deer, either sex. One boar, either sex.
Boar (Gun-Archery) (Party Dog Hunts)	One 3-day hunt. Oct. 24-26. One boar either sex. One party permitted in each of the following areas: Upper Tellico, Lower Tellico, Upper Bald River, Lower Bald River.
Bear/Boar (Gun-Archery) (Party Dog Hunts)	Two 2-day hunts. Oct. 9-10, Dec. 2-3. One bear per person per season. One boar, either sex. One party permitted in each of the following areas: Upper Tellico, Lower Tellico, Upper Bald River, Lower Bald River.

Chickamauga

(Soddy Creek, Sale Creek, Mud Creek, New Bethal, Moon Island, Cottonport, Washington Ferry, Goodfield Creek, Gillespie Bend, Agency Creek, Sugar Creek, South Mouse Creek Units)

Deer, Dove, Furbearers, Quail, Rabbit, Snipe Squirrel, Waterfowl, Woodcock	Same as statewide hunting and trapping seasons. No waterfowl hunters allowed on Units from two hours after legal shooting hours have ended until 4:00 a.m. the following day during the late duck season(s).
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(Candies Creek, Rogers Creek, Yellow Creek, Johnson Bottoms Units)

Deer, Dove, Furbearers, Quail, Rabbit, Snipe Squirrel, Waterfowl, Woodcock	Same as statewide hunting and trapping except closed to non-waterfowl species during the late duck season. Waterfowl hunting permitted only on Tuesday, Thursday, Saturday and Sunday and the opening and closing day of the duck season. No trapping during the duck season. No waterfowl hunters allowed on Units from two hours after legal shooting hours have ended until 4:00 a.m. the following day during the late duck season(s).
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Dog Training Sept. 1- Mar. 15, except closed during late duck season.

Chuck Swan

Guides, deer driving, loud noises, and harassment on all deer hunts, and entering the wildlife management area from Norris Lake during the deer and turkey hunts prohibited.

Dove, Rabbit, Squirrel, Waterfowl

Same as statewide seasons.

Raccoon

Six 1-day hunts. Nov. 4, 6, 8, 10, 12, 14. Hunters must check out by 2:00 A.M. All raccoons must be checked out.

Deer (Archery)

Two 2-day hunts. Oct. 17-18, 24-25. Hunter quota 800. One deer, either sex.

Deer (Gun-Archery)(Young Sportsman)

One 2-day hunt. Nov. 1-2. Hunter quota 200. One deer, either sex. Deer counts towards statewide bag limit.

Deer (Gun-Archery)

Two 2-day hunts. Dec. 5-6, 12-13. Hunter quota 750. One deer, buck only.

Deer (Archery)

One 2-day hunt. Dec. 19-20. Hunter quota 800. One deer, either sex.

Deer (Muzzleloader-Archery)

One 2-day hunt. Nov. 28-29. Hunter quota 750. One deer, buck only.

Turkey (Shotgun-Archery)

Three 2-day hunts. Oct. 3-4, 10-11, Jan 2-3. Hunter quota 125. One turkey, either sex.

Dog Training (Daylight hours only)
Pointing breed dogs prohibited

Sept. 1-Mar. 15.

Cordell Hull

Includes all property posted and painted with Corps of Engineers and/or TWRA WMA signs.

Deer, Small Game, Waterfowl

Same as statewide seasons except deer hunting ends Dec. 19. Wheelchair bound hunter zone open to wheelchair bound hunters only. Deer bag limit is either-sex in the wheelchair bound zone on November 22-23.

Wheelchair-Bound Hunter Zone

That area in the old "Corps of Engineers Roaring River Campground" area of Cordell Hull WMA (north of Hwy. 135, north of Roaring River, south and east of Hwy. 85, and west of old Roaring River Iron Bridge Road.

Cordell Hull Refuge

Squirrel	Aug. 23-Nov. 12 and the spring squirrel season.
Dove	Sept. 1-12, noon until sunset
Canada Goose	Sept. 1-15.
Wood duck/teal	Same as the September Wood duck/Teal season.
Deer (Archery)	Sept. 29-Oct. 31. Bag limit same as Unit A archery season.
Deer (Archery) (Wheelchair Bound Only)	Sept. 27-28. No quota. One deer, either sex.
Deer (Gun-Archery)(Wheelchair Bound Only)	Nov. 8-9. No hunter quota. One deer, either sex.
Closure	Public use, including all forms of trespass, is prohibited from Nov. 15-Mar. 1, except as otherwise indicated. Public entry and fishing permitted while on the main river channel passing through the refuge.
Dog Training	Sept. 1-Nov. 14, daylight hours only.

Cumberland Springs

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock, Waterfowl	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Deer (Archery)	One 14-day hunt. Sept. 27-Oct. 10. No hunter quota. Two deer, either sex.
Deer (Gun-Archery)	Four 2-day hunts. Oct. 11-12, 18-19, 25-26, Nov. 29-30. Hunter quota 375. One deer, either sex.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Nov. 1-2. No hunter quota. One deer, either sex.

Eagle Creek

Dove, Opossum, Quail, Rabbit, Raccoon Snipe, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Deer (Archery)	One 14-day hunt. Sept. 27-Oct. 10. No hunter quota. Two deer, either sex. No area checking station operated.

Turkey (Archery)	Open during all archery only seasons. No hunter quota. One turkey, either sex.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 11-12. No hunter quota. One deer, either sex.
Deer (Gun-Archery) (Wheelchair Bound only)	One 1-day hunt. Oct. 25. No hunter quota. One deer, either sex. "Wheelchair Bound Hunt Zone" only.
Wheelchair Bound Hunter Zone	Wheelchair bound hunters only on roads #2 through #10 on Oct. 25.
Deer (Gun-Archery)	Three 4-day hunts. Oct. 16-19, Oct. 30-Nov. 2, Nov. 27-30. No hunter quota. One deer, buck only.
Deer (Gun-Archery)	One 2-day hunt. Dec. 6-7. Hunter quota 600. One deer, either sex.
Fall Turkey	One 3-day hunt. Dec. 12-14. Hunter quota. One turkey, either sex.

Eagle Lake Refuge

Dove Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock	Open Mondays, Wednesdays and Saturdays within statewide seasons. Small game hunting allowed during deer seasons.
Closure	Eagle Lake Refuge is closed to all hunting Nov. 1-Mar. 1. Waterfowl hunting prohibited. Non-toxic shot approved by the U.S. Fish & Wildlife Service required for small game hunting. Access to the south end of Shelby Forest WMA through Eagle Lake Refuge will be allowed during hunting seasons.

Edgar Evins State Park

Deer, Opossum, Quail, Rabbit, Raccoon	Same as statewide seasons.
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Ernest Rice, Sr.

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock, Deer	Same as statewide seasons, except: deer seasons closed after Dec. 19. Archery tackle only for deer after Nov. 30.
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Fall Creek Falls State Park

Vehicle parking restricted to designated parking areas only during the hunting season. No parking allowed at all on roadside grass. All deer hunters must sign register at horse stables before hunting.

Grouse, Squirrel	Dec. 1-Jan. 31. Shotguns only.
Deer (Archery)	One 3-day hunt. Nov. 1-3. Hunter quota 300. Two deer, no more than one antlered
Deer(Archery)	One 6-day hunt. Nov. 4-9. No hunter quota. One deer, either sex.

Flintville Hatchery

Dove, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Deer	Same as Unit A deer season. Archery equipment only.
Deer (Young Sportsman)(Shotgun-Muzzleloader-Archery)	One 2-day hunt. Nov. 1-2. No hunter quota. One deer, either sex. Deer counts toward statewide bag.
Dog Training (Daylight hours only)	Sept. 1- Mar. 15.

Foothills

Motorized vehicles and horseback riding prohibited. All small game hunters must wear 500 square inches of blaze orange during big game seasons. Small game hunters must use shotguns only during big game seasons.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel Waterfowl, Woodcock	Same as statewide seasons.
Opossum, Raccoon (Raccoon hunters must wear fluorescent orange during bear season)	Sept. 30-Nov. 21, Dec. 18-Jan. 18.
Deer/Boar (No dogs permitted)	Same as statewide deer seasons, except closed during Oct. 25-26 Young Sportsman hunt.
Bear/Boar (Gun-Archery)(No dogs permitted)	One 2-day hunt. Nov. 29-30. No hunter quota. Bag limit same as statewide.
Bear/Boar (Gun-Archery)(Dogs permitted)	Sept. 29--Oct. 5, Nov. 17-18, Dec. 4-17. No hunter quota. Bag limit same as statewide.
Deer/Boar (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 25-26. No hunter quota. One deer, either sex. One boar, either sex.

Forks of the River

Area closed one hour after sunset to one hour before sunrise except for raccoon and opossum hunters and scheduled events. Bicycles are restricted to greenway trail from Sept. 1- Feb. 29. Paintball guns and accessories prohibited. All animals accompanied by a non-hunting person are required to be leashed.

Dove	Sept. 1, 6, and every day thereafter during the statewide dove season. Hunting from noon to sunset only on Sept. 1, 6.
Deer, Quail, Rabbit, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons.
Opossum, Raccoon	Sept. 30-Nov. 12.
Crow	Sept. 6- Feb. 29 (Fridays, Saturdays and Sundays only).
Arms and Ammunition	Shotguns and Archery equipment only.

Fort Loudoun

Waterfowl	Same as statewide seasons, except open only on Monday, Wednesday, and Friday, one half hour before sunrise until noon. Nontoxic shot, size BBB or smaller required.
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Fourth Fractional Township

ATVs and motorcycles prohibited.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons. Small game hunting with shotguns only with No. 6 shot or smaller. Beagles and pointing breeds only.
Deer	Same as statewide seasons, archery tackle only.
Deer/Bear/Feral Hog (Archery)	Nov. 27-Dec. 10. No hunter quota. One deer, either sex; One bear, either sex; No limit on feral hogs, either sex..
Dog training	Year-round, beagles and pointing breeds only.

Gallatin Steam Plant

Deer/Turkey (Archery Only)	Four 2-day hunts. Sept. 27-28, Oct. 4-5, 18-19, Dec. 6-7. Hunter quota 50. Two deer, either sex. One turkey, either sex.
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C.M. Gooch

Dove, Opossum, Quail, Rabbit, Raccoon
Snipe, Squirrel, Woodcock

Same as statewide seasons, except Units "A" and "E" are closed during the waterfowl seasons and are closed to all activities six days prior to the first opening of the late duck season. Squirrel hunting with dogs allowed during spring squirrel season.

Waterfowl

Same as statewide season except Gooch waterfowl hunting closes at 3:00 p.m. on Units "A" and "E". Waterfowl hunting on the last day of each segment of the duck and remaining goose seasons shall close at sunset. Fishing and trapping is prohibited in Units "A" and "E" during the waterfowl season.

Deer

Same as statewide season, except closed six (6) days prior to and during statewide waterfowl seasons on Gooch Unit A and Gooch Unit E. and closed to statewide archery hunt during the Young Sportsman deer hunt on Oct. 11-12.

Deer (Gun-Archery)(Young Sportsman)

One 2-day hunt. Oct. 11-12. No hunter quota. One deer, either sex.

Haley-Jaqueth

Dog Training (daylight hours only)

Sept. 1- Mar. 15.

Haynes Bottom

Opossum, Quail, Rabbit, Raccoon, Snipe
Squirrel, Turkey, Waterfowl, Woodcock

Same as statewide seasons except during the late duck season when hunting is open only on Wednesday, Thursday, Saturday, Sunday, and the first and last day of each segment of the late statewide duck season. Waterfowl hunting permitted only from registered blind sites beginning with the first day of the late duck season. Night hunting, trapping, dog training, and fishing prohibited in the waterfowl impoundments during waterfowl season. Participating waterfowl hunters only in the bottoms during waterfowl seasons. Squirrel hunting with dogs allowed during spring squirrel season.

Dove

Same as statewide season, on designated fields only.:

Deer

Same as statewide seasons, except all deer hunting closed after Dec. 19.

Crow

July – August. Fridays, Saturdays, and Sundays only.

Henderson Island Refuge

Horses prohibited.

Dove	Sept. 1, 6, 10. Hunting from noon to sunset only.
Squirrel	Sept. 1-10, Oct. 13-31, Feb. 1-29. Shotguns only.
Quail, Rabbit	Feb. 1-29. Shotguns only.
Deer (Muzzleloader-Shotgun)(Young Sportsman)	Three 1-day hunts. Sept. 13, 20, Nov. 8. Hunter quota 20. One deer, either sex. Sign up for drawing will be held at the Jefferson County courthouse in Dandridge between 9:00 a.m. and 11:00 a.m. on Aug. 9. Youth must be present at sign up and drawing.
Deer/Turkey (Archery)	Sept. 27-Oct. 12. Bag limit same as statewide. Deer counts toward statewide bag.
Canada Goose	Sept. 2-5, 7-12. Bag limit 5 geese per day.
Raccoon	Sept. 30-Nov. 8.
Dog Training	Feb. 1-Mar. 15.
Closure	Public use, including all forms of trespass, is prohibited from Nov. 16 through Feb. 1, except as otherwise indicated. Public entry and fishing permitted while on the main river channel passing through the refuge.

Hickory Flats

Dove, Quail, Rabbit, Snipe, Squirrel Woodcock, Opossum, Raccoon, Deer	Same as statewide seasons. Squirrel Squirrel hunting with dogs allowed during the spring squirrel season. All deer hunting closes after Dec. 19.
Crow	July – August. Fridays, Saturdays, and Sunday only.

Hiwassee Refuge (Nontoxic shot required for small game hunting)

Dove	Sept. 1, 6. Noon to sunset only. No access permitted by boat.
Squirrel	To include all of the Hiwassee Refuge except Hiwassee Island. Aug. 23-Sept. 13. Spring squirrel season same as statewide, dogs prohibited.
Canada Goose	Sept. 1-15. No goose hunters allowed on refuge from two hours after shooting hours have ended until 4:00 a.m. the following day.

Wood duck/teal	Same as Sept. Wood duck/Teal season. No duck hunters allowed on the refuge from two hours after shooting hours have ended until 4:00 a.m. the following day
Deer (Archery)	One 3-day hunt. Sept. 27-29. Hunter quota 250. Two deer, either sex.
Deer (Archery)	One 3-day hunt. Oct. 10-12. No hunter quota. Two deer, either sex.
Deer (Muzzleloader)	One 3-day hunt. Oct. 24-26. Hunter quota 200. Two deer, either sex.
Deer (Shotgun-Muzzleloader)(Young Sportsman)	One 2-day hunt. Sept. 20-21. Hunter quota 100. Two deer, either sex.
Retriever (Field Trials)	Pre-approved by area manager at least 30 days in advance of trial dates.
Closure	Refuge is closed to all forms of public use, including all forms of trespass, from Nov. 1 through last day of February. Public entry and fishing is permitted while on the main river channel passing through the refuge.
Dog Training (Daylight hours only)	Sept. 1-Oct. 14, Mar. 1-15.

Jackson Swamp

Crow, Deer, Dove, Opossum, Rabbit, Raccoon Squirrel, Waterfowl, Woodcock	Same as statewide seasons.
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Kingston Refuge

Nontoxic shot required for small game hunting. Access by boat only.	
Dove	Sept. 1, 6. Noon to sunset only. No dove hunters allowed on refuge prior to 60 minutes before legal shooting time.
Deer (Archery)	One 2-day hunt. Sept. 27-28. Hunter quota 100. One deer, either sex.
Canada Goose	Sept. 1-15.
Wood duck/Teal	Same as Sept. Wood duck/Teal seasons.
Closure	Public use, including all forms of trespass, is prohibited from Oct. 15 through Feb. 1.

Dog Training (Daylight hours only)	Sept. 1-Oct. 14, Feb. 2-Mar. 15.
Deer (Shotgun-Muzzleloader) (Young Sportsman)	Two 2-day hunts. Oct. 4-5, 11-12. Hunter quota 50. One deer, either sex.

Kyker Bottoms Refuge

Shotguns, Muzzleloaders, and Archery only. Non-toxic shot required for small game hunting. Closed to all use Nov. 1-Feb. 14, except in designated observation areas. All small game hunting is Young Sportsman (ages 10-16)/Adult only. Each youth must be accompanied by a licensed adult who also may hunt.

Deer	Same as statewide seasons, except closes Oct. 31.
Quail, Rabbit	Saturday and Sunday only Feb. 15--29. Bag limit 3 each, per day.
Grouse, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons, except closed Nov. 1- Feb. 14.
Dove	Sept 6 and Sept 13 + . Oct. 11-26. Shooting from staked positions on first come first serve. Opens at noon each day.
Raccoon	Feb. 20 and 27. Sunset to sunrise. Bag limit 2 per person.
Dog Training	Sept. 1-Oct. 31, Feb. 15-Mar. 15. Daylight hours only.

Land Between the Lakes

Squirrel	The third Saturday in August through the fourth Friday in September and December 1 through the last day of February. Spring squirrel season same as statewide, dogs allowed.
Dove, Snipe, Woodcock	According to state and federal regulations, open on small game hunt dates that coincide with state seasons.
Fox, Quail, Rabbit	Dec. 1 through the last day of February.
Coyote	May be taken during daylight hours only by legally licensed hunters during any open season with weapons specified for that season.
Opossum, Raccoon	Dec. 1-Jan. 31. Sunset to sunrise. One raccoon per person per night. Some hunt areas may be closed to hunting as posted at designated hunter check stations.

Crow	Open during any LBL small game season that coincides with the statewide crow season.
Fox Chasing	From sunset to sunrise, third Saturday in Aug. through the third Saturday in Sept. LBL Hunter Use Permit required.
Geese	Same as the statewide goose season, except closed on deer gun hunt dates.
Ducks	Early duck season same as statewide season.
Waterfowl hunting will be allowed during the statewide season throughout the Tennessee portion of LBL except on designated, signed, refuge areas and public use areas, and on deer gun hunt dates. Permanent blinds will not be permitted.	
Dog Training (Quail, Rabbit and Raccoon chasing only)	Oct. 1 – Oct. 31 LBL Hunter Use Permit required. Training allowed only in designated areas.
Bullfrog	May 15-Aug 31. Gigs only. Bag limit 15.
Small Game (Archery Only)	Squirrel, groundhog, and fox may be taken during deer archery season only by legally licensed and equipped deer archery hunters. Statewide limits apply. Arrows must be equipped with broad-heads according to deer regulations.
Deer/Turkey (Archery)	Sept. 27 through Jan. 19, except closed during Quota hunts and one day immediately before each Quota hunt. One turkey, either sex. Two white-tailed deer, no more than one antlered.
Deer (Gun)(Young Sportsman)	One 2-day hunt. Oct. 25-26. Hunter quota 800. One white-tailed deer, either sex. Young sportsman 10-15 years of age. Each youth must be accompanied by an adult.
Deer (Gun/Muzzleloader)	One 2-day hunt. Nov. 14-15. Hunter quota 1,000. One white-tailed deer, including 700 buck-only and 300 either-sex permits.
Deer (Gun/Muzzleloader)	One 2-day. hunt. Nov. 29-30. Hunter quota 1,000. One white-tailed deer, including 600 buck-only and either-sex permits.

Baiting: The placement of any bait to attract wildlife, including food or mineral substances is prohibited on LBL.

Areas open to hunting:

All areas lying in Tennessee portion are open to hunting except:

1. Designated, signed, refuge areas and public use areas.
2. The back half of Rushing Bay is closed to all activity Nov. 1-Mar. 15

Field Trials:

Raccoon Field Trials, Bird Dogs, Beagles
And Retriever Field Trials

July 1-Mar. 31. Forest Service Special
Use permit required.

Trapping Season

Fourteen consecutive days beginning the second
Monday in January.

L.B.L. Hunt Areas 12 and 14 designated problem areas
as assigned. All species to conform with statewide
regulations. Trappers must report their harvest in
accordance to L.B.L. instructions.

Beaver Trapping

Feb. 1 – 28. All areas open except areas shaded in
gray on LBL legal Road Map or posted as no hunting.

Legal Traps: According to statewide regulations.

Laurel Hill

Dove

Same as statewide during the first segment of the
statewide dove season. All fields open. Dove hunting
permitted during the second and third segments of the
statewide dove season on days open to quail hunting.

Quail

Nov. 8 - Jan. 11.

Rabbit,
Squirrel, Woodcock

Same as statewide seasons.
Squirrel hunting with dogs allowed during the spring
squirrel season.

Beaver

May be taken on any hunt day.

Opossum, Raccoon

Nov. 21-Feb. 7. One raccoon per party, per night.

No Fox Chasing Allowed

Dog Training (Daylight hours only)

Sept. 1-Mar. 15.

Deer*/Turkey (Archery)

Two 2-day hunts. Sept. 27-28, 29-30. No hunter quota.
One deer, either sex.

Deer* (Muzzleloader-Archery)

Two 2-day hunts. Oct. 2-3, 4-5.-Hunter quota 500.
One deer, either sex.

Deer* (Gun-Archery)(Young Sportsman)

One 2-day hunt. Oct. 11-12. No hunter quota. One
deer, either sex.

Deer* (Gun-Archery) Three 3-day hunts. Oct. 17-19, Oct 31- Nov. 2, Nov. 14-16 Hunter quota 500. One deer, either sex

Fall Turkey One 3-day hunt. Dec. 12-14. Hunter quota 200. One turkey, either sex.

*Special buck regulations apply on all hunts. Bucks must be spikes or have at least nine antler points. Antler points must be one inch or longer.

Shields Farm Unit Same as statewide seasons. Centerfire rifles and handguns prohibited.

Lick Creek Bottoms

Nontoxic shot is required for small game hunting as posted. No blinds or decoys left overnight. Dove fields open as posted. Small game hunters must wear fluorescent orange during the deer gun hunts.

Deer, Opossum, Quail, Rabbit, Raccoon, Squirrel, Turkey Waterfowl, Woodcock Same as statewide seasons.

Dove Sept. 1, 6, and the remainder of the dove season. Hunting from noon to sunset only on Sept. 1, 6.

Joachim Bible Refuge Unit (that portion Of Lick Creek WMA between Murray Bridge Road and Bibles Chapel Road.

Dove Sept. 1, 6-26. Oct 11-26. Hunting from noon to sunset only on Sept. 1,6.

Squirrel Sept. 15-Oct. 31, Feb. 15-29.

Quail, Rabbit Feb. 15-29. Saturdays and Sundays only--All small game hunting is Young Sportsman (ages 10-16)/Adult only. Each youth must be accompanied by a licensed adult who may also hunt.

Lovell Field

Deer (Archery Only) Six 3-day hunts. Sept. 26-28, Oct 10-12, 24-26, Nov. 14-16, 28-30, Dec '12-14. Hunter Quota 10. One deer, either sex. Sign up for the drawing will be held at Chester Frost Park (shelter # 4) in Chattanooga between 9:00AM and noon on August 16. Hunters must be present at the sign up and drawing.

Special Regulations: Scouting dates Sept. 20, Nov. 8, Dec. 6 from 8:00 A.M. to 1:00P.M. for permit holders only. Deer must be checked at the nearest county checking station.

Maness Swamp Refuge

Coyote, Opossum, Quail, Rabbit, Raccoon Squirrel, Woodcock, Waterfowl	Same as statewide seasons, except all seasons closed Nov. 1-Feb. 14. Squirrel hunting with dogs allowed during spring squirrel season.
Closure	Public use, including all forms of trespass, is prohibited from Nov. 1. Feb. 14, except as otherwise indicated.
Dog Training	Sept. 1-Oct. 31, Feb. 15-29.
Deer	Same as statewide seasons, except closed to statewide archery during Young Sportsman deer hunt on Oct. 11-12 and during Nov. 1-Feb. 14.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 11-12. No hunter quota. One deer, either sex.

Moss Island

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide season. Squirrel hunting with dogs allowed during spring squirrel season.
Deer	Same as statewide seasons except closed after Dec. 19. Archery tackle only after Nov 30.

Natchez Trace

Bobcat, Crow, Dove, Opossum, Quail, Rabbit Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
North of I-40	
Deer (Archery) No hunter quota. Same bag limit as statewide.	Sept. 27-Oct. 10, Oct. 13-31, Nov. 10-21, Dec. 15-19.
Deer (Muzzleloader-Archery)	Nov. 3-6, Dec. 8-14. No hunter quota. Same bag limit as statewide.
Deer (Gun-Archery)(Young Sportsman)	Two 2-day hunts. Oct. 11-12, Nov. 1-2. No hunter quota. Same bag limit as statewide.
Deer (Gun-Archery)	Nov. 26-30, Dec. 22-Jan.4. No hunter quota. Same as statewide.

South of I-40

Deer (Archery)	Sept. 27-Oct. 10, Oct. 13-31, Nov. 10-21, Dec. 15-19. No hunter quota. Same bag limit as statewide.
Deer (Muzzleloader-Archery)	Nov. 7-9. No hunter quota. Same bag limit as statewide.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 11-12. No hunter quota. One deer, either sex.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Nov. 1-2. No hunter quota. Same bag limit as statewide.
Deer (Gun-Archery)	Dec. 1-7, Dec. 21-Jan. 4. No hunter quota. Same bag limit as statewide.

Nathan Bedford Forrest State Park

Deer (Muzzleloader)	One 3-day hunt. Oct. 17-19. Hunter quota 100. One deer, either sex.
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Nolichucky

Area closed to all hunting and access from Byrds Bridge Access Area to the Nolichucky Dam one week before and during the late statewide duck season.

Dove	Sept. 1, 6, 13. Hunting from noon to sunset only.
Deer, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons, except closed one week before and during the late duck season.
Waterfowl	Same as statewide season except closed one week before and during late duck season.
Dog Training	Sept. 1-Mar. 15.

North Chickamauga Creek (Hixson, North Chickamauga Creek State Natural Area, Thrasher Bottoms, Vandergriff, Varner and Williams Island Units)

No motorized vehicles outside parking areas. Area closed after sunset except opossum and raccoon hunters. On North Chickamauga Creek State Natural Area no dogs are allowed and all state natural area regulations regarding ATV's and mountain bikes will be enforced. Hunting allowed on Tuesdays, Thursdays, and Saturdays only. All hunting ends on January 31. Shotguns loaded with #4 shot or smaller only (except waterfowl).

Snipe, Squirrel, Woodcock	Same as statewide seasons. Crow hunting closed on North Chickamauga Creek State Natural Area.
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Rabbit	Same as statewide seasons Bag limit is 3 per person per day.
Dove (All units except Varner and Hixson)	Sept. 1-2 and on each Tuesday, Thursday, and Saturday during the statewide season from noon till sunset only. Bag limit 10.
Dove (Varner Unit only)	Sept. 1-2 and on each Tuesday, Thursday, and Saturday during the statewide season from noon till sunset only. Hunting from staked positions only. Drawing for staked positions will be held Saturday, August 23 in the parking are of the unit. Sign up for the drawing will be from 9 am to noon. Hunters must be present at the sign up and drawing. Bag limit 10.
Dove (Young Sportsman) (Hixson Unit)	Sept. 13 only. Juveniles must be accompanied by one adult (21 years old or older). Hunting from staked positions only on a first –come first-served basis. Adults may hunt with accompanying juvenile. Bag limit 10.
Deer (excluding Williams Island)	Same as statewide seasons. Archery tackle only. Archers must comply with the big game hunter orange requirements -during the statewide deer gun or muzzleloader hunts-
Deer (Williams Island)	Same as statewide seasons. Archery tackle only. No more than one antlered deer per year
Opossum, Raccoon	Same as statewide season. Bag limit – 1 raccoon per party per night. Hunting from sunset to sunrise only.
Waterfowl	Open each Tuesday, Thursday, Saturday, and the first and last day of the statewide season. Hunting ends at noon each day. Hunting from temporary blinds only. Decoys to be removed each day.
Trapping	Nov. 15-Jan. 31. Traps must be checked each day.
Dog Training (all breeds)	Sept. 15-Jan. 31.

Oak Ridge

Deer (Shotgun-Muzzleloader)(Gun zones only)	One 2-day hunt. Oct. 18-19. Hunter quota 550. One deer, either sex.
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Deer (Archery)(Park City Road, Chestnut Ridge Zone)	One 2-day hunt. Oct. 18-19. Hunter quota 175. One deer, either sex.
Deer (Archery)(Poplar Creek Road Zone)	One 2-day hunt. Oct. 18-19. Hunter quota 100. One deer, either sex.
Deer (Archery)(Tower Sheilding)	One 2-day hunt. Oct. 18-19. Hunter quota 175. One deer, either sex.
Deer (Shotgun-Muzzleloader)(Gun zones only)	One 2-day hunt. Nov. 8-9. Hunter quota 550. Two deer, no more than one antlered.
Deer (Archery)(Tower Sheilding)	Two 2-day hunts. Nov 8-9, Dec 6-7. Hunter quota 175. Two deer, no more than one antlered.
Deer (Archery) Park City Road, Chestnut Ridge Zone)	Two 2-day hunts. Nov. 8-9, Dec. 6-7. -Hunter quota 175. Two deer, no more than one antlered.
Deer (Shotgun-Muzzleloader)(Gun Zones only)	One 2-day hunt. Dec. 6-7. Hunter quota 550. Two deer, no more than one antlered.
Deer (Archery)(Poplar Creek Road Zone)	Two 2-day hunts. Nov 8-9, Dec. 6-7. Hunter quota 100. Two deer, no more than one antlered.

Special Regulations: Antlered deer must have a minimum of 4 points on one antler or a 15 inch minimum outside spread on all hunts. Scouting dates—6:00 a.m. to 4:00 p.m. Oct. 11 for the Oct. 18-19 permit holders only. Nov. 1 for the Nov.8-9 permit holders only. Nov. 29 for the Dec. 6-7 permit holders only. No access by boat, except for the Haw Ridge Park Unit. Dog training prohibited. All hunters must wear fluorescent orange during all hunts, including archery hunters in the Archery Only zones. Hunters must carry, at all times, hunting license and permit, valid picture identification, and signed current hunt map.

Old Hickory

Beaver may be taken on any hunt.

Unit I (Hwy 109 upstream to River Mile 267)

The sub-impoundment units as posted are closed to all types of activity six days prior to the opening of the first segment of the late duck season.

Opossum, Quail, Rabbit, Raccoon,
Snipe, Squirrel, Turkey, Woodcock

Same as statewide seasons except closed after 3:00 p.m. (CST) during the late duck season. Squirrel hunting with dogs allowed during spring squirrel season.

Dove

Hunting during the first statewide segment only. Use of nontoxic shot required.

Dog Training	Sept. 1-Mar. 15, except closed during duck seasons.
Waterfowl	Hunting is permitted only from registered blind sites and staked temporary blind sites during the late duck season. Same as statewide season except waterfowl hunting shall cease at 3:00 p.m. (CST) during the late duck season except hours same as statewide on the last day of each segment of the late duck season. Raccoon and opossum hunting, trapping, and fishing are prohibited in sub-impoundments during the waterfowl season. From Hwy. 231 bridge downstream to River Mile 258.5 (Headquarters Slough), the area south of the river channel is closed to waterfowl hunting during the first segment of the dove season.
Waterfowl (Wheelchair-bound only blind site)	Applications must be received by TWRA Region II by noon on the 4 th Friday in October. Persons holding a permit for another blind are not eligible.
Deer	Same as statewide.
Unit II – (Hwy 109 downstream to Old Hickory Dam)	
Dove, Deer, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Waterfowl	Same as statewide seasons. Hunting from registered blind sites only except during the early duck season. All goose hunting is from registered blinds only.
Unit III – (River Mile 267 upstream to River Mile 281)	
Deer, Dove, Opossum, Quail, Rabbit Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.
Waterfowl	Same as statewide seasons. Hunting from temporary blinds only. Decoys must be picked up each day.
Old Hickory Lock 5 Refuge	
Deer (Archery)	Sept. 27- Oct. 31. Bag limit same as statewide.
Closure	Public use, including all forms of trespass, is prohibited from Nov. 1 through Jan 31, except as otherwise indicated. Public entry and fishing permitted while on the main river channel passing through the refuge.

Spring squirrel Same as statewide, dogs allowed.

Dog Training Sept. 1- Oct. 14, Feb.1-Mar. 15.

Paint Rock Refuge

Closed to all forms of public use, including all forms of trespass, from Oct. 15 through Feb. 1, except as otherwise indicated. Public entry and fishing permitted while on the main river channel through the refuge.

Canada goose Sept. 1-12.

Wood Duck/Teal Same as Sept. Wood duck/Teal season.

Dog Training (Daylight hours only) Sept. 1-Oct. 14, Feb. 2-Mar. 15.

Pea Ridge

Crow, Dove, Opossum, Rabbit, Raccoon, Squirrel, Waterfowl, Woodcock Same as statewide seasons.

Deer Same as statewide season, except buck only during the muzzleloader seasons.

Quail Dog training only. Sept. 1- Mar. 15.

Percy Priest

Beaver May be taken only during small game hunts.

Unit I

All activities except dove hunts on designated fields and scheduled field trials prohibited on Fridays, Saturdays, and Sundays from Sept. 19-Apr. 25.

Dove Sept. 1, and each Saturday and Sunday thereafter during the statewide season. Shooting from staked positions only. On September 1, staked positions will be assigned by a drawing held on site at 10:00 A.M. and hunters must check out at the conclusion of their hunt

Squirrel Same as statewide season. Squirrel hunting with dogs allowed during spring squirrel season.

Deer, Turkey (Archery Only) Same as statewide seasons.

Quail, Rabbit (Young Sportsman) Oct. 4-Dec. 29. Shotguns only. Each adult must possess a valid hunting license and an area permit.

Dog Training	Sept. 1-April 15. Small game permit required. Training from horseback prohibited prior to Oct. 1. Participants of sanctioned field trials may train 72 hours prior to and after scheduled dates without a small game permit. Blank ammunition only.
Retriever Dog Training and Trials. Year-round in designated areas only. Trials must be scheduled with Area Manager and special field trial permits must be obtained from the Region II Office at least 30 days in advance of trial dates. Participants of sanctioned field trials may train 72 hours prior to and after scheduled dates without a small game hunt permit.	
Bird and Rabbit Dog Trials	Oct. 1-April 15. Trials must be scheduled with Area Manager and special field trial permits must be obtained from the Region II Office at least 30 days in advance of trial dates. Field trial gallery must be kept out of standing or planted crops by marshals provided by sponsoring club.
Horseback Riding	Horses permitted on all areas except freshly planted and standing crops, and special areas as posted.
Unit II	No Permit Required. Muzzleloader, archery, and shotguns with rifled slugs only for deer.
Deer, Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.
Waterfowl	Same as statewide seasons. Temporary blinds only. Blinds and decoys must be removed each day. No waterfowl hunting in the Poole Knobs Rest Area.
Dog Training	Sept. 1-Mar 15. No hunting or training from horseback.
Archery Practice	Open year-round designated range site (Poole Knobs) only. Target arrows only.

Prentice Cooper

ORV's, horseback riding, bicycles, and all other vehicles are restricted to roads marked "open to vehicular traffic". Organized competition events for motorized/non-motorized vehicles prohibited. Maximum noise limit of 86 dBa for all motorized vehicles, as measured 50 feet from the exhaust.

Reckless operation of motorized and non-motorized vehicles prohibited. Reckless operation is defined as operating a vehicle in a reckless or negligent manner as to endanger the life, limb, or property of any person or damage TWRA property or developments. Speed limit is 25 mph.

Dove, Grouse, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons
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Opossum, Raccoon	First Friday in Nov. – Jan. 30, except hunting will be limited to Friday and Saturday nights only. All hunting ends Jan. 30. Bag limit is 1 per person per night.
Deer (Archery)	One 3-day hunt. Sept. 20-22. Hunter quota 500. One deer, either sex.
Deer (Archery)	Two 3-day hunts. Sept. 23-25, 26-28. No hunter quota. One deer, either sex. No area checking station opened.
Deer (Muzzleloader)	One 3-day hunt. Oct. 23-25. No hunter quota. One deer, buck only.
Deer (Gun-Archery)	One 2-day hunt. Nov. 14-15. No hunter quota. One deer, buck only.
Deer (Gun-Archery)	One 6-day hunt. Nov. 29-Dec. 4. No hunter quota. Two deer, buck only.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Nov 1-2. No hunter quota. One deer, either sex.

Presidents Island

Deer (Archery Only) (Excluding Ensley Unit)	Two 3-day hunts. Oct. 17-19, 24-26. Hunter quota 100 each hunt. Bag limit two deer, which may be antlerless or spike bucks. Scouting dates - Oct. 16 for the Oct. 17-19 permit holders only; Oct. 23 for the Oct. 24-26 permit holders only.
	One 3-day hunt. Dec. 5-7. Hunter quota 50. One deer, either sex. Bucks must have at least nine antler points. Antler points must be one inch or longer. Scouting date – Dec. 4 for the Dec. 5-7 permit holders only. Hunters must check in at hunter check station before hunting and check out at completion of each day's hunt. Permit will be held while hunters hunt. Access permitted from Farm Road only. No access permitted from Mississippi River, McKellar Lake, or from the Causeway.
Deer (Archery only)(Ensley Unit)	One 3-day hunt. Dec 5-7. Hunter quota 30. One deer, buck only. Bucks must have at least nine antler points. Antler points must be one inch or longer. Scouting date – Dec. 4 for the Dec. 5-7 permit holders only. Access permitted from Shelby Drive only.

Rankin

No blinds or decoys left overnight. Shotguns only for small game hunting.

Deer, Dove, Grouse, Opossum, Quail,
Rabbit, Raccoon, Snipe, Squirrel
Turkey, Waterfowl, Woodcock

Same as statewide seasons. Waterfowl hunting allowed during deer season. Small game hunters (except waterfowl) must wear fluorescent hunter orange during big game hunts.

Reelfoot

Dove, Quail, Rabbit, Snipe, Squirrel,
Woodcock

Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.

Opossum, Raccoon

Sept. 15-Dec. 31. No bag limit.

Deer (Archery)

Three hunts. Sept. 27-Oct. 31, Nov. 3-18, Nov. 26-Jan. 4. No hunter quota. Three deer, either sex. Small game hunting open during archery hunts.

Deer (Gun-Archery)(Young Sportsman)

One 2-day hunt. Nov. 1-2.

Deer (Gun-Archery)

One 4-day hunt. Nov. 22-25. No hunter quota. One deer, buck only.

Waterfowl

Same as waterfowl zone seasons. Waterfowl hunting closed at 3:00 p.m. (CST) except for last day of each segment of the late duck and the remaining Reelfoot goose seasons when hunting shall cease at sunset.

Waterfowl (Wheelchair-bound only blind sites)

Application must be received by the TWRA Region I Office by noon on the 4th Friday in October. Persons holding a permit for another blind are not eligible to compete in the wheelchair-bound blind drawing. If blind is not occupied by shooting time, another wheelchair-bound hunter and 1 to 3 assistants (at least one assistant must be age 16 or older) may occupy the blind for that day. Hunting restricted to wheelchair hunters and assistants only from TWRA established blinds within the marked wheelchair hunting zone.

Royal Blue

All users should be aware that hazards associated with mining (deep and strip) exist on this area. Public use is allowed during all hunts. During daylight hours, all users outside of an enclosed vehicle or out of camp must wear fluorescent orange during the deer gun and muzzleloader seasons.

No person shall remove minerals, including coal, trees, plants (including vines), or building stone from the area without specific authorization.

Camping is allowed on the entire area.

ORV, horseback riding, bicycles, and all other vehicles are restricted to roads marked “open to vehicular traffic”.

Ginseng season – Same as statewide.

Night-time use by the general public and raccoon hunters is permitted area-wide.

Organized competition events for motorized/non-motorized vehicles prohibited.

Maximum noise limit of 86 dBa for all motorized vehicles, as measured 50 feet from the exhaust.

Reckless operation of motorized and non-motorized vehicles prohibited-reckless operation is defined as operating a vehicle in a reckless or negligent manner as to endanger the life, limb, or property of any person or damage TWRA property of developments. Speed limit is 25 mph.

Hunting Seasons:

Grouse, Opossum, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide except hunting season closed March 1 to Aug. 22, except for turkey hunts and spring squirrel season.
Deer	Same as statewide seasons.
Dog Training	Sept. 1- Mar. 1.

Shelby Forest

Special Squirrel Hunt (Young Sportsman)	Aug. 16.
Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Woodcock	Open Mondays, Wednesdays, and Saturdays within statewide seasons, except no spring squirrel season. Small game hunting allowed during deer seasons. Small game hunters must wear legal hunter orange during deer gun hunts. Raccoon and opossum open Mondays, Wednesdays and Saturdays sunset to sunrise.
Dog Training	Open Monday, Wednesday, and Saturday, Sept. 1- Mar. 15.
Field Trials	Sept. 1- Apr. 30.
Deer	Open Monday, Wednesday and Saturday during statewide seasons. Successful hunters must check out at nearest county checking station. Statewide bag limits apply. Counts towards Unit A bag limit. Closed to special season antlerless hunts.
Waterfowl	Open Monday, Wednesday and Saturday within the statewide duck season and the last seven days of the statewide duck season, except Sunday. Waterfowl

	hunting allowed during all deer hunts. No permanent blinds. No decoys left overnight.
Beaver	Open during any hunt date.
Arms and Ammunition	Shotgun, muzzleloader, and archery equipment only.

Sundquist

All users should be aware that hazards associated with mining (deep and strip) exist on this area. Public use is allowed during all hunts. During daylight hours, all users outside of an enclosed vehicle or out of camp must wear fluorescent orange during the deer gun and muzzleloader seasons.

Organized events for motorized/non-motorized events prohibited.

Ginseng season- same as statewide

Hunting Seasons:

Grouse, Opossum, Rabbit, Raccoon, Quail Snipe, Squirrel, Waterfowl, Woodcock, Deer	Same as statewide except hunting season closed March 1 to Aug. 22, except for turkey hunts and spring squirrel season
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Dog Training	Sept. 1- Mar. 1.
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Tellico Lake (Field Trial Permit Required.)

Deer, Dove, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	All areas except Chota, Niles Ferry, and McGhee-Carson Units are the same as statewide seasons. No blinds or decoys left overnight.
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McGhee-Carson Unit - (that peninsula of Ft. Loudoun Historic Park at LTRM 21.0)

Dove	Sept 13-14 Shooting from staked positions on first come first serve. Opens at noon each day.
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Rabbit, Squirrel (Young Sportsman/Adult) (Shotguns and Archery only)	Each Saturday and Sunday during the statewide season, except closed during scheduled field trials, and big game hunts. Adults who accompany a young sportsman may hunt.
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Field Trials- Retriever	Year-round in designated areas only. Trials must be scheduled with Area Manager and special field trial permit must be obtained from the Region IV Office at least 30 days prior to trial dates.
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Dog Training	Year-round, except closed during field trials and big game hunts.
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Horses	Horses permitted, except in freshly planted and standing crops and special areas as posted.
Deer (Shotgun only)(Young Sportsman)	One 1-day hunt. Nov. 8. Hunter quota 35. One deer, either sex.
Deer (Shotgun-Archery) (Wheelchair-bound Only)	One 2-day hunt. Nov. 22-23. One deer, either sex.
Chota Refuge Unit –(that portion from LTRM 26.0 upstream to the Hiwassee – Alcoa Powerline at LTRM 29.7)	
Deer, Dove, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide except all seasons closed Nov. 1- Feb. 14. Dove hunting allowed in fields as posted; non-toxic shot required.
Dog Training	Sept. 1- Mar. 15, except closed Nov. 1-Feb. 14.
Field Trials	Feb. 15-Oct. 31. Trials must be scheduled with Area Manager and special field trial permit must be obtained from the Region IV Office at least 30 days prior to trial dates.
Niles Ferry Unit (that portion of the Niles Ferry Industrial Park at LTRM 18.0 as posted).	
Dove	Sept. 6-7 and Sept 13-14.
Deer (Shotgun-Muzzleloader) (Young Sportsman)	Four 1-day hunts. Nov. 8, 9, 15, 16. Hunter quota 35. One deer, either sex. Access by Industrial Rd. only. Sign up for drawing will be held at the Tellico Lake WMA Office between 9:00 a.m. and 11:00 a.m. on Oct. 4. Youth must be present at sign up and drawing.
Small game (Falconry Only)	Jan. 1-Feb. 2.
Wears Bend Unit (That portion of Tellico Reservoir Development Agency Industrial Park at LTRM 18.)	
Deer, Dove, Grouse, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Waterfowl, Woodcock	Same as statewide seasons.
Horses	Horses permitted, except in freshly planted and standing crops and special areas as posted.

John Tully

Dove, Opossum, Raccoon, Quail, Rabbit, Snipe, Squirrel, Woodcock	Same as statewide seasons.
Waterfowl	Same as statewide seasons, except shooting ends at 3:00 P.M. Temporary blinds only and decoys must be removed at the completion of each days hunt.

Deer	Same as statewide season except antlered deer must be spikes or must have 9 points or more. Antlered points must be one inch or longer.
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Note: All deer taken on John Tully WMA must be checked out at Cold Creek Grocery, Woodard's Grocery, or Lauderdale County Sheriff's Dept. and count toward the Unit A bag limit.

Whites Mill Refuge

Closed to all forms of public use, including all forms of trespass, from Nov. 1-Feb. 15, except as otherwise indicated. Horseback riding prohibited.

Dog Training	Feb. 15-29.
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Bullfrog	July 1-Aug. 31, gigs only.
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Williamsport

Open 1 hour before sunrise until 1 hour after sunset on hunt days.

Quail, Rabbit, Squirrel, Woodcock	Same as statewide seasons. Squirrel hunting with dogs allowed during the spring squirrel season.
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Dove	Same as statewide season, except during the first segment which is open the first day and Saturday only. Designated fields only.
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Deer (Archery)	Two 3-day hunts. Sept. 27-29, Oct. 3-5. No hunter quota. One deer, either sex. Deer counts toward statewide bag.
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Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 11-12. No hunter quota. One deer, either sex.
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Deer (Muzzleloader-Archery)	One 3-day hunt. Oct 31-Nov 2. Hunter quota 100. One deer, either sex.
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Deer (Gun-Archery)	Three 3-day hunts. Nov 14-16, Dec. 5-7, Dec 19-21. Hunter quota 100. One deer, either sex.
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Dog Training (Daylight hours only)	Sept. 1-Mar. 15.
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Wolf River

Crow, Dove, Furbearers, Squirrel, Waterfowl Rabbit, Quail, Woodcock	Same as statewide seasons; with the following exceptions; quail season closes Dec. 31; rabbit season closes Jan. 31; all small game hunting closed during youth-only hunts; waterfowl hunting will close at 3:00 p.m. each day of the late duck season.
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Waterfowl hunting from temporary blinds only which must be removed at the end of each day. Decoys must be removed each day. Squirrel hunting with dogs allowed during spring squirrel season. Hunting or use for access to hunt is prohibited from boardwalk structure.

Deer	Same as statewide seasons except closed Nov. 8-9 and archery tackle only after Nov. 10. Fluorescent orange must be worn by archers from Nov. 22 through the remainder of the season. Tree stands must be marked with hunter's TWRA ID number.
Deer (Gun-Archery)(Young Sportsman)	One 2-day hunt. Oct. 11-12. No hunter quota. One deer, either sex. Archery season and small game hunting closed during this hunt.
Dog Training	Sept. 1- Mar. 15, except closed during deer gun hunts.
Field Trials	By permit from Area Manager.

Yanahli

Dove, Opossum, Quail, Rabbit, Raccoon, Snipe, Squirrel, Turkey, Woodcock, Waterfowl	Same as statewide seasons. Squirrel hunting with dogs allowed during spring squirrel season.
Deer	Same as statewide seasons, except all deer hunting closes after Dec. 19.
Dog Training	Sept. 1- Mar. 15.

Yuchi Refuge at Smith Bend

Nontoxic shot only in wetland zones. No boat access. No ATV, ORV, or horse-back riding permitted. Small game hunting closes at sunset the day before and during scheduled big game hunts.

Dove	Sept. 1. Young Sportsman only. Bag limit 10 per day. Noon till sunset only. Sept. 6-24. Noon till sunset only. Bag limit 10 per day.
Squirrel	Aug. 23-Dec. 31. Upland Zone only after Nov. 14. Bag limit 5 per day.
Opossum, Raccoon	Same as statewide except hunting permitted on Wednesdays and Thursdays only, sunset to sunrise. Closed after Nov. 12. All dogs need to be removed

	from the area prior to sunrise on Friday. Bag limit on raccoons, one per party per night. No limit on opossums.
Rabbit	Nov. 8-Jan. 31. Upland Zone only after Nov. 14. Bag limit 3 per day.
Dog Training	Sept. 1-Mar. 15 in Upland Zone. Sept. 1-Nov. 14 and Mar. 1-15 in Wetland Zone. Daylight hours only. No fox or coyote chasing.
Retriever Field Trials	Pre-approved by area manager at least 30 days in advance of trial dates.
Wood Duck/Teal	Same as Sept. Wood duck/Teal season except hunting ends at noon. No waterfowl hunters on the area after 2:00 P.M. until 4:00 A.M. the following day.
Deer (Gun-archery)(Young Sportsman)	Two 2-day hunts. Sept. 27-28, Nov. 1-2. Hunter quota 75 each hunt. Two deer, only one antlered.
Deer (Archery)	Two 2-day hunts. Sept. 20-21, Oct. 4 18-19. Hunter quota 100 each hunt. Two deer, no more than one antlered.
Deer (Muzzleloader)	One 2-day hunt. Oct. 25-26. Hunter quota 50. One deer, buck only.
Deer (Gun/Muzzleloader)	One 2-day hunt. Nov.8-9. Hunter quota 50. One deer, buck only.
Deer (Wheelchair Bound Only)	One 2-day hunt. Nov. 15-16. No hunter quota. One deer, either sex. Upland Zone only.
Arms and Ammunition	Nontoxic shot only in Wetland Zone.
Closure	Wetland Zone closed to all forms of public use, including all forms of trespass from Nov. 15 through the last day of Feb.

Special Regulations: Antlered deer must have a minimum of 4 points on one antler or a 15 inch minimum outside antler spread on all hunts.

The following wildlife management areas are open to trapping as set out in the statewide Season, unless otherwise indicated:

(Small Game WMA permit is required to trap on all areas that require a small game hunt permit.)

Note: Red Fox may be taken during Statewide Trapping Season

AEDC	Cold Creek	Obion River
Alpine Mountain	Cordell Hull	Old Hickory
Bark Camp Barrens	Cove Creek	Pea Ridge
Barkley Unit I	Doe Mountain	Percy Priest (Unit II)
Barkley Unit II	Ernest Rice, Sr.	Pickett
Big Sandy	Foothills	Prentice Cooper (7)
Bridgestone/Firestone (7)	Harmon Creek	Rankin
Buffalo Springs	Haynes Bottom (1)	Reelfoot (15)
Camden Unit I (1)	Hickory Flats	Royal Blue (11)
Camden Unit II	Laurel Hill (5)	Shelby Forest (10)
Catoosa (6)	LBL	Standing Stone (4)
Cedar Hill Swamp	Lick Creek	Sundquist
Cheatham (5)	Lick Creek Bottoms	Tigrett
Cheatham Lake	Long Pond	John Tully
Cherokee-North Unit	Moss Island	Tumbleweed
Cherokee-South Unit (12)	Mt. Roosevelt	Watts Bar (9)
Chickamauga (8)	MTSU	West Sandy
Chickasaw	Natchez Trace (2)	White Oak
Chuck Swan (13)	New Hope	Wolf River
C.M. Gooch (3)	Normandy	Yanahli

1. No trapping during duck season.
2. Dec. 6-Feb. 5. All areas open except Pin Oak Lake.
3. No trapping during the duck season in Units "A" and "E".
4. No Fox Trapping.
5. Jan. 6- Feb. 6.
6. Jan. 1-31.
7. Dec. 18-30.
8. No trapping during the duck season on Candies Creek, Johnson Bottoms, Rogers Creek, and Yellow Creek Units.
9. No trapping during the duck season on the Long Island Unit.
10. Beaver trapping by special permit only. Trapping of all other species prohibited.
11. Beaver trapping prohibited.
12. Jan. 1- Feb. 15.
13. No raccoons. Jan. 10- Feb. 2. Quota 1 party per compartment. Trappers must apply at WMA office. No snares or conibear traps. Trappers must report catch annually.
14. Trapping season is fourteen consecutive days beginning the second Monday in January. LBL Hunt Areas 12 and 14 and designated problem areas as assigned. All species to conform with statewide regulations. Trappers must report their harvest in accordance to LBL instructions. Beaver trapping in Feb. 1-28. All areas open except areas shaded in gray on LBL legal Road Map or posted as no hunting. Legal Traps: According to statewide regulation.
15. A Reelfoot Preservation Permit is required instead of a Small Game WMA permit.

SECTION III. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation No. 02-8, dated May 30, 2002.

Proclamation No. 03-14 received and recorded this 3rd day of June, 2003. (06-07)

TENNESSEE WILDLIFE RESOURCES COMMISSION - 1660**PROCLAMATION 03-16
AMENDING PROCLAMATION 81-9
PROCLAIMING CHEROKEE WILDLIFE MANAGEMENT AREA BEAR RESERVES, PARTY HUNT
AREAS, DOG REGULATIONS**

Pursuant to the authority granted by Tennessee Code Annotated Sections 70-4-107 and 70-5-108, the Tennessee Wildlife Resources Commission hereby amends Proclamation 81-9 by deleting the second sentence of Section I and inserting the following sentence:

“It shall be unlawful to take bear in the bear reserves except as specifically provided by Commission Proclamation.”

So that amended Section I, first paragraph shall read:

The following areas on the Cherokee Wildlife Management Area are designated bear reserves. It shall be unlawful to take bear in the bear reserves except as specifically provided by Commission Proclamation.

Proclamation No.03-16 received and recorded this 3rd day of June, 2003. (03-16)

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CERTIFICATE OF APPROVAL

As provided by T.C.A., Title 4, Chapter 5, I hereby certify that to the best of my knowledge, this issue of the Tennessee Administrative Register contains all documents required to be published that were filed with the Department of State in the period beginning June 2, 2003 and ending June 30, 2003.


RILEY C. DARNELL
Secretary of State

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