

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Game and Fish Commission

Department Legal Division

Contact Jim Goodhart, Esq. E-mail james.goodhart@agfc.ar.gov Phone 501-223-6327

Statutory Authority for Promulgating Rules Amendment 35

Rule Title: Amendment of AGFC Code 05.19 - Possession of Handguns

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

November 19, 2017

January 18, 2018

NA

January 18, 2018

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

April M. Soman april.soman@agfc.ar.gov

1/23/2018

Contact Person

E-mail Address

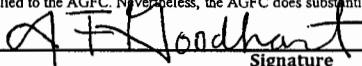
Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

~~IN COMPLIANCE WITH THE ARKANSAS ADMINISTRATIVE PROCEDURE ACT (ACA 25-15-204)~~

In Substantial Compliance with Act 434 of 1967, the Arkansas Administrative Procedures Act. Pursuant to 2011 decision rendered by the Pulaski County Circuit Court and 2000 opinion by the Arkansas Attorney General, the rulemaking requirements in the Arkansas Administrative Procedures Act are not constitutionally applied to the AGFC. Nevertheless, the AGFC does substantially comply with the rulemaking provisions under Ark. Code Ann. section 25-15-204 for public notice, opportunity for comment, and filing of all regulations adopted by the Commission.



Signature

223-6327

james.goodhart@agfc.ar.gov

Phone Number

E-mail Address

Chief Counsel

Title

January 23, 2018

Date

ARKANSAS GAME AND FISH COMMISSION
 Little Rock, Arkansas

MINUTE ORDER NO:	<u>18-001</u>	SUBJECT:	<u>Amendment of AGFC Code 05.19</u>
DATE PASSED:	<u>January 18, 2018</u>		<u>- Possession of Handguns</u>
PAGE <u>1</u> of <u>1</u> PAGES		LOCATION:	<u>Statewide</u>

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached amendment to AGFC Code 05.19 Code for the purpose of clarifying the conditions for possessing handguns on Arkansas Game and Fish Commission-owned or -controlled property or while hunting, fishing, or trapping on private property; **and**

WHEREAS, the attached regulation amendment has been communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and comment for approximately 60 days; **and**

WHEREAS, after carefully considering the recommendations of Commission staff and the Regulations Committee, as well as comments received from the public, the Commission has determined that the attached regulation amendment promotes sound wildlife conservation and management and is consistent with Amendment 35 of the Arkansas Constitution and that this regulation should now be approved for application statewide.

NOW, THEREFORE, BE IT ORDERED this 18th day of January 2018, that the Arkansas Game and Fish Commission hereby approves and adopts the attached amendment to AGFC Code 05.19 Code, which shall become effective immediately upon public filing or as soon thereafter as possible.

BE IT FURTHER ORDERED that the Commission staff is authorized to proceed with legally certifying and filing the attached regulation with the Secretary of State, State Library, and Bureau of Legislative Research and incorporating it into the Commission Code Book and Addendum.

Submitted by: AF Goodhart
 Jim Goodhart
 General Counsel

Division: Legal

Approved: [Signature]
 Director

Approved: [Signature]
 Fiscal

COMMISSION APPROVAL

[Signature]
 Steve Cook
 Chairman

[Signature]
 Ford Overton
 Vice Chairman

[Signature]
 Ken Reeves
 Commissioner

[Signature]
 Andrew Parker
 Commissioner

[Signature]
 Joe Morgan
 Commissioner

[Signature]
 Bobby Martin
 Commissioner

[Signature]
 Stan Jones
 Commissioner

CURRENT

05.19

CONCEALED CARRY PERMIT HOLDER PROVISIONS

04-11

Holders of a valid state-issued concealed handgun permit recognized and honored by the State of Arkansas in accordance with Arkansas Code Title 5, Chapter 73, Subchapter 3, may possess the handgun covered by the permit, except in places where otherwise prohibited under federal, state or local law or where disallowed by a landowner in accordance with applicable law. Nothing in this exception is intended to supersede or limit the regulations of any federal, state or local authorities that prohibit the possession of concealed handguns on their property, including, but not limited to, the U.S. Army Corps of Engineers, the USDA Forest Service, the U.S. Fish and Wildlife Service and the National Park Service. Full time certified or retired Arkansas law enforcement officers, meeting the requirements of Arkansas State Law 5-73-304 or full time certified or retired law enforcement officers nationwide meeting those requirements under Federal Law 18 U.S. Code 926B, 926C, carrying valid I.D. issued by their agency.

PENALTY: Class 2

PROPOSED

05.19

POSSESSION OF HANDGUNS RESTRICTED ON COMMISSION PROPERTY OR WHILE HUNTING, FISHING, OR TRAPPING ON PRIVATE PROPERTY

It is unlawful to possess a handgun (as defined in Ark. Code Ann. § 5-73-120) on Commission-owned or -controlled property or while hunting, fishing, or trapping on private property unless:

(A) the handgun is:

- (1) for personal protection and is not employed for hunting; or
 - (2) a legal killing device under Commission regulations (Codes 06.02, 06.03, 06.06, 06.07, 06.10, 06.11, 08.06, 20.02);
- and

(B) the handgun is otherwise lawfully possessed.

PENALTY: Class 1

PLEASE ANSWER ALL QUESTIONS COMPLETELY
(Attach additional pages if needed)

7. Compare this rule with federal and state counterparts: