

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 James Goodhart, Chief Counsel E-mail james.goodhart@agfc.ar.gov Phone 501-223-6327

Statutory Authority for Promulgating Rules Amendment 35

Rule Title: Conservation Card (Hard Card)

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

January 20, 2019

February 20, 2019

NA

February 21, 2019

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

April M. Soman April.Soman@agfc.ar.gov Feb. 26, 2019
Contact Person E-mail Address Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

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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 cannot be 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.

James F. Goodhart
Signature

Phone Number

E-mail Address

General Counsel
Title

February 26, 2019
Date

Date

01-00-C

Conservation Card – A physical card that the Commission issues to a person and that is linked to that person’s AGFC licenses, permits, stamps, and tags. Before engaging in an activity requiring an AGFC license, permit, stamp, or tag, the cardholder must purchase and verify issuance and valid expiration date of all required AGFC licenses, permits, stamps, and tags via www.agfc.com or 1-800-364-GAME. The card itself is not a license and conveys no independent right or privilege beyond the extent of any license, permit, stamp, or tag that has been linked to the card by purchase and has not been suspended, revoked, or expired.

03.10 ACCEPTABLE PROOF OF LICENSE, PERMIT, STAMP, EDUCATION CERTIFICATE

- 02-85
01-17
- (A) When any Commission regulation requires a person to carry a Commission-issued license, permit, stamp, or hunter education or boater certificate “on the person,” possession of any of the following will be sufficient to establish compliance: (1) a physical or an electronic copy of said Commission-issued license, permit, stamp or hunter education or boater education certificate or (2) a Commission-issued Conservation Card that is linked to the required license, permit, stamp or hunter education or boater education certificate.
 - (B) For purposes of this regulation, “electronic copy” shall mean an electronic image produced on a person’s own cellular phone or other type of portable electronic device that clearly displays and accurately reproduces all of the information found on a Commission-issued license, permit, stamp, or hunter education or boater education certificate.
 - (C) For a state migratory waterfowl hunting stamp, an electronic copy of a person’s Commission-issued hunting license coded DSR or DSN, or a Commission-issued Conservation Card linked to same, will be sufficient to establish compliance with Code 03.05
 - (D) For Federal Migratory Bird Hunting E –Stamp, an electronic copy of a person’s Commission-issued hunting license coded FDE, or a Commission-issued Conservation Card linked to same, will be sufficient to establish compliance with Code 03.10 for up to 45 days from the date of purchase of the Federal Migratory Bird Hunting E-Stamp.
 - (E) For a Snow, Blue, or Ross’s Goose Registration Permit, the following will be sufficient to establish compliance with Code 04.04: (1) an electronic copy of a person’s Commission-issued hunting license coded with the Snow, Blue, or Ross’s Goose Registration Permit number, (2) separate electronic copies of both a person’s Commission-issued hunting license and a person’s Commission-issued Snow, Blue, or Ross’s Goose Registration Permit, or (3) a Commission-issued Conservation Card linked to one of the previous options.
 - (F) The presentment of proof of an electronic copy of a Commission-issued license, permit, stamp, or hunter education or boater education certificate does not:
 - (1) Authorize a search of any other content of an electronic device without a search warrant or probable cause; or
 - (2) Expand or restrict the authority of a wildlife law enforcement officer to conduct a search or investigation.

EXCEPTIONS:

- (1) Neither a Commission-issued Conservation Card nor electronic proof of tags shall be sufficient to establish compliance with any Commission regulation requiring a person to carry a Commission-issued tag “on the person.”
- (2) Neither a Commission-issued Conservation Card nor electronic proof of a Federal Migratory Bird Hunting Stamp coded DFS shall be sufficient to establish compliance with Code 10.03. A Federal Migratory Bird Hunting Stamp coded DFS must be possessed on the person in its original form and signed before harvesting waterfowl. See Code 10.03.
- (3) Neither a Commission-issued Conservation Card nor electronic proof of a Federal Migratory Bird Hunting E-Stamp coded FDE shall be sufficient to establish compliance with Code 10.03 beyond 45 days from the date of purchase. After 45 days from the date of purchase, the Federal Migratory Bird Hunting Stamp must be possessed on the person in its original form and signed to continue harvesting waterfowl. See Code 10.03.
- (4) Neither a Commission-issued Conservation Card nor electronic proof shall be sufficient to establish compliance with Chapter 9 or Code 10.02.

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

MINUTE ORDER No:	<u>19-017</u>	SUBJECT:	<u>Regulations for Hard Card & Proof of</u>
DATE PASSED:	<u>February 21, 2019</u>		<u>License, Permit, Stamp or Certificate</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 regulation amendments to make available an optional "hard card" license for the public and expand the forms of acceptable proof for possessing hunting and fishing licenses, permits, stamps, and education certificates; **and**

WHEREAS, the attached regulations have been communicated through a variety of media avenues to sportsmen and the general public throughout the state for review and comment for at least the past 30 days; **and**

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

NOW, THEREFORE, BE IT ORDERED this 21st day of February 2019, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, which shall become effective immediately upon public filing or as soon thereafter as possible.

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

STAFF APPROVAL
Submitted by: Brad Carner
Brad Carner
Chief

Division: Wildlife

Approved: [Signature]
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Approved: [Signature]
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