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January 17, 2020

Ms. Jacqueline Cowan
Arkansas Secretary of State, Rules & Regulation Filing
500 Woodlane Drive, Room 26
Little Rock, AR 72201
Via email only: register@sos.arkansas.gov

RE: Legal Notice for Proposed Rules or Regulations – February 2020 meeting

Dear Ms. Cowan:

Attached please find for filing and immediate publication on the Secretary of State's website the following:

Legal Notice for upcoming Commission Meetings to be held on February 19-20, which will run in the Arkansas Democrat-Gazette on January 19, 20, and 21, 2020.

Attached are the referenced AGFC Point System and Administrative License Suspension Process proposals that will be reviewed by the Commission at the upcoming meeting.

Should you have any questions or comments concerning this filing, please do not hesitate to contact me at (501) 223-6327 at your convenience.

Sincerely,

James F. Goodhart
General Counsel

Cc: Ms. Barbara Brown, Bureau of Legislative Research
brownb@blr.arkansas.gov

LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, February 20, 2020, at the Little Rock Office Complex, 2 Natural Resources Drive, Little Rock, AR 72205. At that time, regulations and business pertaining to the operation of the Game and Fish Commission and other fiscal and administrative matters will be considered and acted upon, and all interested persons are invited to attend. Additionally, Committee meetings attended by Commissioners and agency staff members will be held throughout the day on Wednesday, February 19, 2020, beginning at 9:00 a.m. at the same location, and all interested persons are invited to attend.

Items on the agenda for the February 20, 2020, meeting will include discussion of proposed regulations that previously were considered at the January 15-16, 2020, Commission Meetings, plus consideration of various Hunting and Fishing Regulations and regulations pertaining to the Enforcement Division of the Arkansas Game and Fish Commission, including, but not limited to:

Code Amendments for AGFC Point System, Administrative License Suspension Process, and Statute of Limitations – Revise existing regulations pertaining to the AGFC Point System and administrative license suspension process, and incorporate specific reference to the statute of limitations applicable to Commission regulations including, but not limited to:

- Add statement of express intent of the AGFC Point System and administrative license suspension civil process;
- Clarify the timing when points begin to take effect, and that points will remain viable for accumulation and tracking for 5 years;
- Revise point ranges for existing suspension thresholds (1, 2, 3, and 5 years) plus eliminate lifetime suspension and replace with 7-year suspension;
- Revise conditions of license suspension to include ineligibility to apply for any Commission permit hunts during the period of suspension, with limited exception for an owner of a private inholding to apply for WMA Hunting Permits for use only by persons who possess a valid hunting license;
- Clarify that all suspensions shall run consecutively;
- Identify contents of license suspension notice letter and designate methods for delivery of suspension and hearing notice letters;
- Require individuals who request a hearing to remain accountable for identifying proper contact information throughout the proceedings;
- Designate that all hearings be conducted in-person at the Commission's main headquarters, except if necessary for compelling reasons demonstrated in writing at the time the request for hearing is submitted;
- Allow the Administrative Hearing Officer to: reduce the suspension term by up to ½ when certain conditions are satisfied; designate the start-date for running a suspension; and, where reduction of the suspension term is granted, require completion of hunter education, boater education, or both;
- Identify relevant look-back period to be within last 15 years for any previous license suspension;

- Clarify that once a license suspension is issued, it will continue in effect during any appeal unless a court orders a “stay”; and
- Reference existing statutory law providing that a prosecution of an action alleging a violation of a Commission regulation may be commenced within the periods of limitation set forth in Ark. Code Ann. 5-1-109, specifically including 1 year after the commission of an offense that carries less than 9 points, or 3 years after the commission of an offense that carries 9 points or greater. Also, that certain exceptions as set forth in the Arkansas Code may extend the period of limitations in specific circumstances, including where the offense involves fraud or the accused cannot reasonably be located within Arkansas.

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the February 20, 2020, meeting (preferably by 4:30 p.m. on the day before). Any request to make an oral presentation at the meeting should be submitted in writing to this office on or before February 10, 2020. Copies of any proposed rules or regulations may be obtained at the Arkansas Game and Fish Commission main office, at www.agfc.com, or through a written request mailed to the address below.

PAT FITTS, DIRECTOR
Arkansas Game & Fish Commission
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2 Natural Resources Drive
Little Rock, Arkansas 72205