ARKANSAS REGISTER



Transmittal Sheet

Use only for FINAL and EMERGENCY RULES

Secretary of State John Thurston

500 Woodlane, Suite 026 Little Rock, Arkansas 72201-1094 (501) 682-5070



www.sos.arkansas.gov

Effective Date	Code Number	
Name of Agency		
Department		
Contact	E-mailF	Phone
Statutory Authority for Pror	nulgating Rules	
Rule Title:		
Intended Effective Date (Check One)		Date
Emergency (ACA 25-15-2	04) Legal Notice Published	
10 Days After Filing (ACA	25-15-204) Final Date for Public Comment	
Other(Must be more than 10 da	Reviewed by Legislative Council	
(Must be more than 10 days after filing date.)	Adopted by State Agency	
Electronic Copy of Rule e-mailed f	rom: (Required under ACA 25-15-218)	
Contact Person	E-mail Address	Date
CEI	RTIFICATION OF AUTHORIZED OFFIC	ER
IXXXXXXX	I Hereby Certify That The Attached Rules Were Adopted XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	XXXXX
Attorney General, the rulemaking requirement	s in the Arkansas Administrative Procedures Act. Fursuant to 2011 decision rendered by the Fi Ann. section 25-15-204 for public notice, opportunity for comment, and filing of all reg	o the AGFC. Nevertheless, the AGFC does su
	Signature	
	Phone Number E-mail Address	



Chris Colclasure Deputy Director

Arkansas Game and Fish Commission Pat Fitts Director

Chris Racey Deputy Director

James F. Goodhart General Counsel Christian N. Parks
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John P. Marks
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Rob Brown

Phone: 501-223-6327

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February 24, 2020

Ms. Kayla Sansom, Rules & Regulation Filing Office of the Arkansas Secretary of State 500 Woodlane Drive, Room 26 Little Rock, AR 72201

RE: Arkansas Game and Fish Commission Regulations Adopted on February 20, 2020

Dear Ms. Sansom:

Enclosed please find hard copies of the Regulation Amendments for the AGFC Point System, Administrative License Suspension Process, and Statute of Limitations (AGFC Codes 01.00-E, 01.00-K, 01.00-L, and 01.00-R) that were approved as a combined package by the Arkansas Game and Fish Commission on February 20, 2020. Also included are the two Financial Impact Statements and the signed Minute Order. The Commission respectfully requests that these final regulations become effective ten (10) days from filing.

Notices for the proposed regulations were published in the Arkansas Democrat-Gazette on December 8, 9 and 10, 2019, and January 19, 20, and 21, 2020.

Kindly notify April Soman at april.soman@agfc.ar.gov to confirm receipt of the hard copies. Should you have any questions or concerns regarding this filing, please do not hesitate to contact me at (501) 223-6327 at your convenience.

Sincerely,

James F. Goodhart General Counsel

JFG/as Enclosures

cc: register@sos.arkansas.gov

ITEM NO.	I(f)	
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ARKANSAS GAME AND FISH COMMISSION

Little Rock, Arkansas

MINUTE ORDER NO:	20-008	SUBJECT:	Code Amendments for AGFC Point
DATE PASSED:	February 20, 2020		System, Admin. License Suspension
			Process, and Statute of Limitations
PAGE 1 of	2 PAGES	LOCATION:	Statewide
WHEREAS,	attached AGFC Code ame the Agency's existing P	endments for the coint System a	sion and its staff have proposed the e purpose of making improvements for and administrative license suspension formity, and consistency; and
WHEREAS,	existing statute of limit regulations, as set forth i	tations applica in Ark. Code A	o the AGFC Code of Regulations the ble to certain violations of AGFC Ann. § 5-1-109(b)(3)(B)(ii), which the Act 1009 of 2015 and has been in effect
WHEREAS,		nen and the g	een communicated through a variety of eneral public throughout the state for 30 days; and
WHEREAS,	staff and the Regulations public, the Commission I sound wildlife conserve	Committee, as nas determined ation and ma kansas Constitu	endations of the Director, Commission is well as comments received from the that the attached regulations promote imagement and are consistent with action, and that these regulations should be.
Commission hereby		attached regula	2020, that the Arkansas Game and Fish ations, which shall become effective
filing the attached re		y of State, Sta	ed to proceed with legally certifying and te Library, and Bureau of Legislative k and Addendum.
Submitted by:	FF APPROVAL	COMMISSION	VAPPROVAL Stanlar

Ken Reeves

Andrew Parker Wice Chairman

Phairman

Stan Jones Commissioner

J. D. Neeley Commissioner

James F. Goodhart

General Counsel

Legal

Division:

		MINUTE ORDER	MINUTE ORDER NO:		
		PAGE 2	of	2	PAGES
Approved:	Non John	Cart Ma	AN	Jozamu	N
	Director	Jee Morgan		Marie Do	oramus
		Commissioner	Comm	issioner	
Approved:	Jame Inles	Doby 11 put,			
	Fiscal	Bobby Martin			
		Commissioner '			

01.00-E -- Statute of Limitations and Conviction Defined

Proposed Regulation

- A. 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, as follows:
 - 1. 1 year after the commission of an offense that carries less than 9 points; or
 - 2. 3 years after the commission of an offense that carries 9 points or greater.

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.

- B. For the purposes of this Code of Regulations, "conviction" or "convicted" means any of the following:
 - 1. An adjudication of guilt, a plea of guilty or nolo contendere accepted by a court of competent jurisdiction;
 - 2. Forfeiture of bail or collateral deposited to secure the person's appearance in court; or
 - Payment of a fine, court cost, or court order, regardless of whether sentencing or imposition of sentencing has been deferred or suspended or the adjudication of guilt or the sentence is withheld by the court.

FINANCIAL / ECONOMIC IMPACT STATEMENT

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

DEPARTMENT: Arkansas Game and Fish Commission

DIVISION: Legal

PERSON COMPLETING THIS STATEMENT: Jim Goodhart, General Counsel

TELEPHONE #: 501-223-6327 **FAX** #: 501-223-6463

EMAIL: <u>james.goodhart@agfc.ar.gov</u>

SHORT TITLE OF THIS RULE: Code Amendments for Statute of Limitations

Applicable to Commission Regulations

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?

Yes: No: X

- 2. Do you believe that the development of a financial impact statement is so speculative as to be cost prohibitive? Yes:

 No: X

 If "Yes", please explain:
- 3. If the purpose of this rule is to implement a **federal** rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year		Next Fiscal Year	
General Revenue	\$ N/A	General Revenue	\$ N/A
Federal Funds	\$ N/A	Federal Funds	\$ N/A
Cash Funds	\$ N/A	Cash Funds	\$ N/A
Special Revenue	\$ N/A	Special Revenue	\$ N/A
Other (Identify)	\$ N/A	Other (Identify)	\$ N/A
Total	\$ N/A	Total	\$ N/A

What is the total estimated cost by fiscal year to any **party** subject to the proposed, amended, or repealed rule? (Estimated cost includes fees, administrative penalties, reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.) Identify the **party** subject to the proposed rule, and explain how they are impacted.

Current Fiscal Year: \$ N/A Next Fiscal Year: \$ N/A

Party Subject to Rule: General Public, particularly Hunters and Anglers.

Effect on Party Subject to Rule: The periods of limitation set forth in Ark. Code Ann. § 5-1-109(b)(3)(B)(ii) was adopted by the Arkansas General

Assembly as Act 1009 of 2015, and has been in effect since July 22, 2015. This amendment is simply to codify the existing legal standard in the AGFC Code of Regulations. No additional costs to the regulated public are anticipated.

5. What is the total estimated cost by fiscal year to the **agency** to implement this rule? Explain the financial benefit to the agency from implementing this rule.

Current Fiscal Year: \$N/A Next Fiscal Year: \$ N/A

Financial Benefit to Agency: N/A. The AGFC will continue to enforce the existing law without expectation of any additional cost.

6. Do alternative means exist for accomplishing the objectives of the rules that might be less burdensome to small business? Yes: No: X

Why were such alternatives not proposed: N/A

7. Compare this rule with federal and state counterparts: N/A