

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



Revised 7/2015 to reflect new legislation passed in the 2015 Regular Session (Act 1258). This act changed the effective date from 30 days to 10 days after filing the rule.



Chris Colclasure  
Deputy Director

## Arkansas Game and Fish Commission

Pat Fitts  
Director

Chris Racey  
Deputy Director

James F. Goodhart  
General Counsel

Christian N. Parks  
Assistant General Counsel

John P. Marks  
Sr. Assistant General Counsel  
Phone: 501-223-6327

Rob Brown  
Assistant General Counsel  
Fax: 501-223-6463

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](mailto: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](mailto:register@sos.arkansas.gov)

**ARKANSAS GAME AND FISH COMMISSION**  
Little Rock, Arkansas

MINUTE ORDER NO:	<u>20-008</u>	SUBJECT:	<u>Code Amendments for AGFC Point</u>
DATE PASSED:	<u>February 20, 2020</u>		<u>System, Admin. License Suspension</u>
			<u>Process, and Statute of Limitations</u>
PAGE <u>1</u> of <u>2</u> PAGES		LOCATION:	<u>Statewide</u>

**WHEREAS,** the Arkansas Game and Fish Commission and its staff have proposed the attached AGFC Code amendments for the purpose of making improvements for the Agency's existing Point System and administrative license suspension process to provide greater efficiency, uniformity, and consistency; **and**

**WHEREAS,** additionally, the amendments codify into the AGFC Code of Regulations the existing statute of limitations applicable to certain violations of AGFC regulations, as set forth in Ark. Code Ann. § 5-1-109(b)(3)(B)(ii), which the Arkansas General Assembly adopted as Act 1009 of 2015 and has been in effect since July 22, 2015; **and**

**WHEREAS,** the attached amended 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, Commission staff and the Regulations Committee, as well as comments received from the public, the Commission has determined that the attached regulations promote sound wildlife conservation and management and are 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 20<sup>th</sup> day of February 2020, 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 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.

**Submitted by:** James F. Goodhart  
General Counsel

**Division:** Legal

**COMMISSION APPROVAL**

Ken Reeves  
Chairman

Stan Jones  
Commissioner

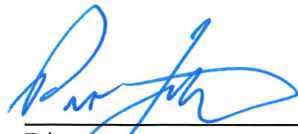
Andrew Parker  
Vice Chairman

J. D. Neeley  
Commissioner


MINUTE ORDER NO: I(f)


PAGE 2 of 2 PAGES

Approved:

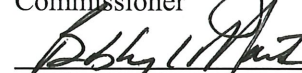
  
Director

Approved:

  
Fiscal

  
Joe Morgan  
Commissioner

  
Anne Marie Doramus  
Commissioner

  
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
3. 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.

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

**SHORT TITLE OF THIS RULE:** Code Amendments for Statute of Limitations  
Applicable to Commission Regulations

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