

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.



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Deputy Director

## Arkansas Game and Fish Commission

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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](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)

# 01.00-K -- Point System For Violations of Commission Regulations

## Proposed Regulation

- A. The Commission has determined that certain violations of its regulations, or a series of violations, are so harmful to the fish and wildlife resources of the State that they warrant a suspension of an individual's hunting and fishing rights, privileges and related licenses. The Commission regards such action as a valid means of protecting the fish and wildlife resources of the State. Under subsection B of this Code, points are assigned for the various offenses. When a person cited for such an offense pleads guilty or no contest, forfeits an appearance bond, or otherwise is convicted by a court of competent jurisdiction, the Commission assesses the points on that person's hunting and fishing violation record. The accumulation of a certain number of points within the time specified can result in administrative suspension of hunting and fishing rights, privileges and related licenses for a specific period of time.
- B. The Commission shall assign violation points to:
1. A person convicted of violating a Commission regulation;
  2. A person convicted of violating a federal wildlife law or regulation in Arkansas; and
  3. In accordance with Code 01.00 (/regulations/01.00)-Q, an Arkansas resident convicted of a wildlife offense in another state that is a member of the Interstate Wildlife Violator Compact.

Violation point values for Commission regulations are as follows:

- Class 1 Offense = 6 Points
- Class 2 Offense = 12 Points
- Class 3 Offense = 18 Points
- Class 4 Offense = 30 Points
- Class 5 Offense = 99 Points
- Unclassified Offense = 0 points

The violation point value for a federal wildlife law or regulation violation shall be equal to the violation point value for the most similar Commission regulation violation. If a court imposes an enhanced penalty pursuant to Code 01.00 (/regulations/01.00)-J, the Commission shall assign corresponding violation points for the higher class of offense.

- C. For administration of this Point System, the Commission shall assign violation points as of the date of a person's conviction for an offense, and such convictions and violation points will remain on a person's AGFC violation record indefinitely. However, violation points associated with an offense for which a conviction resulted will expire 5 years after the date of conviction for that offense and shall not thereafter be considered by the Commission for the purpose of determining a person's eligibility for suspension or revocation under Code 1.00-L.

**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**

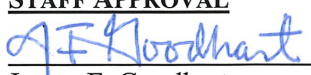
**WHEREAS,** additionally, the amendments codify into the AGFC Code of Regulations the existing statute of limitations applicable to certain violations of AGFC regulations, as set forth in Ark. Code Ann. § 5-1-109(b)(3)(B)(ii), which the Arkansas General Assembly adopted as Act 1009 of 2015 and has been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



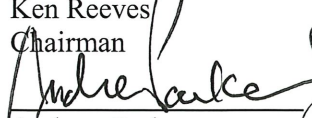
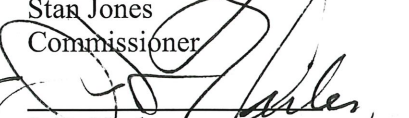
**NOW, THEREFORE, BE IT ORDERED** this 20<sup>th</sup> day of February 2020, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, which shall become effective immediately upon public filing or as soon thereafter as possible.

**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

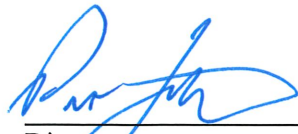
**COMMISSION APPROVAL**

	
Ken Reeves Chairman	Stan Jones Commissioner
	
Andrew Parker Vice Chairman	J. D. Neeley Commissioner

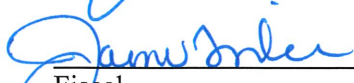
MINUTE ORDER NO: I(f)


PAGE 2 of 2 PAGES

Approved:

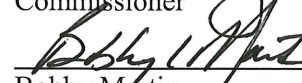
  
\_\_\_\_\_  
Director

Approved:

  
\_\_\_\_\_  
Fiscal

  
\_\_\_\_\_  
Joe Morgan  
Commissioner

  
\_\_\_\_\_  
Anne Marie Doramus  
Commissioner

  
\_\_\_\_\_  
Bobby Martin  
Commissioner



**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