

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
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Name of Department Arkansas Game and Fish Commission

Agency or Division Name Legal Division

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person Sarah Milligan

Contact E-mail Sarah.Milligan@agfc.ar.gov

Contact Phone 501-223-6327 Legal Division

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Name of Rule 01.00-B – Duties And Authorities of Wildlife Officers

Newspaper Name Arkansas Democrat Gazette

Date of Publishing May 14-16, 2023

Final Date for Public Comment June 15, 2023

Location and Time of Public Meeting 2 Natural Resources Drive, Little Rock AR 72205, 9:00 a.m.

## **Summary**

### **Purpose:**

To amend miscellaneous regulations for the purpose of replacing all references to “Wildlife Officer” or “Enforcement Officer” in the AGFC Code Book with the term “Game Warden”. On April 13, 2023, Governor Sarah Huckabee Sanders signed Act 852 (a/k/a HB1813) approving legislative intent to change all similar references to AGFC Wildlife or Enforcement Officers in existing statutes to “Game Wardens.”

Act 852 will become effective approximately July 31, 2023, and it is AGFC staff’s recommendation to implement the complementary changes in the AGFC Code Book during this same timeframe to facilitate accuracy and consistency, and promote public understanding.

### **Affected Codes:**

The codes to be amended include 01.00-B, 03.10, 05.04, 05.29, 05.31, 09.10, 09.11, 33.01, 35.02, 36.02, 37.03, and O1.01.

## FINANCIAL/ECONOMIC IMPACT STATEMENT

### PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

**DEPARTMENT:** Arkansas Game and Fish Commission

**DIVISION:** Enforcement

**PERSON COMPLETING THIS STATEMENT:** Briana Zuber

**TELEPHONE #:** 501-382-9055 **FAX #:** 501-382-9055

**EMAIL:** Briana.zuber@agfc.ar.gov

**SHORT TITLE OF THIS RULE:** Amend AGFC Codebook to refer to officer(s) as “game warden(s)”

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 Does this proposed, amended, or repealed rule or regulation have a financial impact?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

<u>Current Fiscal Year</u>		<u>Next Fiscal Year</u>	
General Revenue	\$	General Revenue	\$
Federal Funds	\$	Federal Funds	\$
Cash Funds	\$	Cash Funds	\$
Special Revenue	\$	Special Revenue	\$
Other (Identify)	\$	Other (Identify)	\$
Total	\$	Total	\$

4. 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:** NA

**Next Fiscal Year:** Unknown

Party Subject to Rule: N/A

Effect on Party Subject to Rule: N/A

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: No

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

## **01.0 General Information**

01.00-A Amendment No. 35

01.00-B Duties And Authorities Of ~~Wildlife Officers~~ Game Wardens

01.00-C Definition Of Terms

01.00-D Confiscation And Seizure

01.00-E Statute of Limitations and Conviction Defined

01.00-F Prima Facie Evidence

01.00-G Burden Of Proof For Violation Exceptions

01.00-H Restitution

01.00-I Penalties Upon Conviction

01.00-J Enhanced Penalties

01.00-K Point System For Violations of Commission Regulations

01.00-L Denial, Suspension, Or Revocation Of Licenses, Permits, Tags, And Stamps

01.00-M Reward System

01.00-N Exemption While Performing Official Duties

01.00-O Closure Of Public Access And/Or Zones Due To Emergency Condition 01.00-P No Liability For Wildlife Damages

01.00-Q Interstate Wildlife Violator Compact

~~Wildlife Officers-Game Wardens~~ shall be commissioned by the Commission and shall have the right to apprehend persons detected of violating any of the laws or regulations of the State enacted for the protection of game, fish, furbearing animals and other wildlife, and to take such offenders before any court having jurisdiction in the county where such offense is committed. ~~Wildlife Officers-Game Wardens~~ shall be authorized to serve all processes issued by a court of competent jurisdiction relating to the enforcement of all laws and regulations pertaining to game, fish, furbearing animals, and other wildlife of the State; to go upon any property outside of private dwellings, posted or otherwise, in the performance of their duties; to carry firearms while performing duties; and to conduct searches with or without a warrant according to law. Additionally, ~~Wildlife Officers-Game Wardens~~ lawfully present in any place may, in the performance of their duties, stop and detain any person who they reasonably suspect is, or recently has been, involved in any hunting, fishing, or trapping activity to conduct an administrative inspection to determine whether the person is in compliance with the laws and regulations of the State enacted for the protection of game, fish, furbearing animals, and other wildlife. ~~Wildlife Officers-Game Wardens~~ may request that the person stopped and detained immediately surrender the following items for inspection: all killing devices, licenses, permits, tags, stamps, check sheets, ice chests, game bags, game vests, wildlife, fishing tackle, equipment used for hunting or fishing, or containers that can reasonably hold wildlife (Code [05.30](#)).

Sheriffs, constables and other law enforcement officers certified by the State of Arkansas, and special agents and employees of the U.S. Fish and Wildlife Service, National Park Service and U.S. Forest Service who have been authorized to enforce laws and regulations administered by the U.S. Department of the Interior or U.S. Department of Agriculture shall, upon request by the Commission and upon proper oath or affirmation, have authority to make arrests, searches and seizures for violations of State game and fish laws and regulations. They shall serve without compensation from the Commission in the discharge of those duties. ~~Wildlife Officers-Game Wardens~~ may be appointed as special agents by the U.S. Fish and Wildlife Service and shall have the additional authority conferred upon them by that agency. They shall serve without extra compensation in the discharge of those duties.

## LEGAL NOTICE

The regular monthly meeting of the Arkansas Game and Fish Commission will be held beginning at 9:00 a.m. Thursday, June 15, 2023, at the Arkansas Game and Fish Commission Headquarters located at 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. Additionally, Committee meetings attended by Commissioners and agency staff members will be held throughout the day on Wednesday, June 14, 2023, beginning at 8:00 a.m. at the Arkansas Game and Fish Commission Headquarters located at 2 Natural Resources Drive, Little Rock, AR 72205. All interested persons are invited to attend these meetings.

The Commission meeting on June 15<sup>th</sup> will be live-streamed and a link for easy viewing access will be available on the agency website. Please visit the Arkansas Game and Fish Commission website at <https://www.agfc.com> for additional up-to-date details as the May meeting dates draw closer.

Items on the agenda for the June 15, 2023 meeting will include discussion and/or adoption of proposed regulations that previously were considered at the May 17-18, 2023 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:

- Amending the codebook to reflect changes from Act 852 which concludes that AGFC officers should henceforth be referred to as “Game Wardens.”

All persons wishing to be heard on these subjects should submit comments in writing to this office before the start of the June 15, 2023 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 June 10, 2023. Copies of any proposed rules or regulations may be obtained at the Arkansas Game and Fish Commission main office and at [www.agfc.com](http://www.agfc.com), or through a written request mailed to the address below.

AUSTIN BOOTH, DIRECTOR  
Arkansas Game & Fish Commission  
Game & Fish Commission Building  
2 Natural Resources Drive  
Little Rock, Arkansas 72205