

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.

### 03.10 -- Acceptable Proof Of License, Permit, Stamp, And Education Certificate

- A. When any Commission regulation requires a person to carry a Commission-issued license, permit, stamp, or hunter education or boater education certificate “on the person,” possession of any of the following will be sufficient to establish compliance:
  - 1. a physical or an electronic copy of said Commission-issued license, permit, stamp, or hunter education or boater education certificate; or
  - 2. a Commission-issued Conservation Card that is linked to the required license, permit, stamp, or hunter education or boater education certificate.
- B. For purposes of this regulation, “electronic copy” shall mean an electronic image produced on a person's own cellular phone or other type of portable electronic device that clearly displays and accurately reproduces all of the information found on a Commission-issued license, permit, stamp, or hunter education or boater education certificate.
- C. For a state migratory waterfowl hunting stamp, an electronic copy of a person’s Commission-issued hunting license coded DSR or DSN, or a Commission-issued Conservation Card linked to same, will be sufficient to establish compliance with Code 03.05
- D. For Federal Migratory Bird Hunting E-Stamp, an electronic copy of a person's Commission-issued hunting license coded FDE, or a Commission-issued Conservation Card linked to same, will be sufficient to establish compliance with Code 03.10 for up to 45 days from the date of purchase of the Federal Migratory Bird Hunting E-Stamp.
- E. For a Snow, Blue, or Ross's Goose Registration Permit, the following will be sufficient to establish compliance with Code 04.04:
  - 1. an electronic copy of a person's Commission-issued hunting license coded with the Snow, Blue, or Ross's Goose Registration Permit number;
  - 2. separate electronic copies of both a person's Commission-issued hunting license and a person's Commission-issued Snow, Blue, or Ross's Goose Registration Permit; or
  - 3. a Commission-issued Conservation Card linked to one of the previous options.
- F. The presentment of proof of an electronic copy of a Commission-issued license, permit, stamp, or hunter education or boater education certificate does not:
  - 1. Authorize a search of any other content of an electronic device without a search warrant or probable cause; or
  - 2. Expand or restrict the authority of a Game Warden to conduct a search or investigation.

#### EXCEPTIONS:

- A. Neither a Commission-issued Conservation Card nor electronic proof of tags shall be sufficient to establish compliance with any Commission regulation requiring a person to carry a Commission-issued tag “on the person.”
- B. Neither a Commission-issued Conservation Card nor electronic proof of a Federal Migratory Bird Hunting Stamp coded DFS shall be sufficient to establish compliance with Code 10.03. A Federal Migratory Bird Hunting Stamp coded DFS must be possessed on the person in its original form and signed before harvesting waterfowl. See Code 10.03.
- C. Neither a Commission-issued Conservation Card nor electronic proof of a Federal Migratory Bird Hunting E-Stamp coded FDE shall be sufficient to establish compliance with Code 10.03 beyond 45 days from the date of purchase. After 45 days from the date of purchase, the Federal Migratory Bird Hunting Stamp must be possessed on the person in its original form and signed to continue harvesting waterfowl. See Code 10.03.
- D. Neither a Commission-issued Conservation Card nor electronic proof shall be sufficient to establish compliance with Chapter 09.00 or Code 10.02.

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

MINUTE ORDER NO: 23-028 SUBJECT: Regulation Amendments -References  
 DATE PASSED: June 15, 2023 to AGFC Game Wardens  
 PAGE 1 of 1 PAGES LOCATION: Statewide

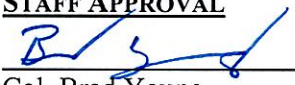
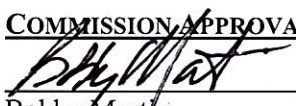

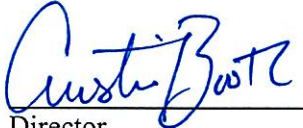
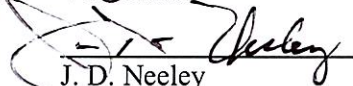
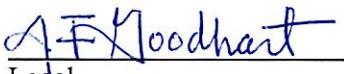
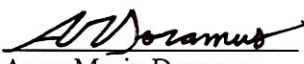

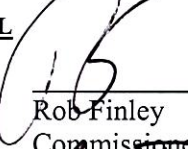
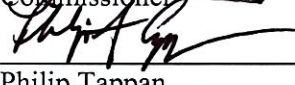
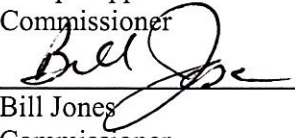
**WHEREAS,** the Arkansas Game and Fish Commission and its staff have proposed the attached, amended regulations for the purpose of replacing all references to "Wildlife Officer" or "Enforcement Officer" in the AGFC Code Book with the term "Game Warden" for accuracy and consistency; **and**

**WHEREAS,** the attached 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 15<sup>th</sup> day of June 2023, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, as amended, 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.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>
Submitted by:	 Col. Brad Young Chief	 Bobby Martin Chair
Division:	Enforcement	 Stan Jones Vice Chair
Approved:	 Director	 J.D. Neeley Commissioner
Approved:	 Legal	 Anne Marie Doramus Commissioner
Approved:	 Fiscal	 Rob Finley Commissioner
		 Philip Tappan Commissioner
		 Bill Jones Commissioner

## 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

## 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 9:00 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 June 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 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” for accuracy and consistency.

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