

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
John Thurston
500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



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

Name of Rule 03.10 – Acceptable Proof Of License, Permit, Stamp And Education Certificate

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 Does this proposed, amended, or repealed rule or regulation have a financial impact?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

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 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 ~~wildlife law enforcement officer~~ 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.

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 15th 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, 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