

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

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Contact Phone 501-223-6327 Legal Division

Name of Rule 05.31 – Fleeing A Wildlife Officer Prohibited

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 Does this proposed, amended, or repealed rule or regulation have a financial impact?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

05.00 – General Hunting And Fishing Regulations

05.01 Hunting Wildlife In Closed Season Prohibited

05.02 Night Hunting Prohibited

05.03 Use Of Artificial Lights To View Or Locate Wildlife Prohibited

05.04 Selling Wildlife Restrictions

05.05 Hunting From A Public Road Or Levee Prohibited

05.06 Transporting Firearms In A Boat At Night Restricted

05.07 Hunting Wildlife From Aircraft Prohibited

05.08 Prohibited Methods For Hunting Wildlife

05.09 Hunting Wildlife Fleeing From Fire Or Flood Prohibited

05.10 Depredation Permit Requirement

05.11 Hunting Prohibited In State And National Parks

05.12 Loaded Firearms In Corps Recreation Areas Prohibited

05.13 Waterfowl Hunting Restrictions On Lake Catherine And Lake Hamilton

05.14 Transportation Or Control Of Illegally Taken Wildlife Prohibited

05.15 Hunting Near A Residence Prohibited

05.16 Hunting From A Moving, Motorized Land Vehicle Prohibited

05.17 Alligator, Bear, Deer, And Turkey Tagging Requirements

05.18 Big Game Checking Requirements

05.19 Possession Of Handguns Restricted On Commission Property Or While Hunting, Fishing, Or Trapping On Private Property

05.20 Hunter Orange/Safety Green Clothing Requirements

05.21 Wasting Edible Or Marketable Portions Of Wildlife Prohibited

05.22 Requirements To Possess Another's Wildlife

05.23 Shipping Wildlife Requirements

05.24 Wildlife Records Requirements for Commercial Facilities and Taxidermists Receiving, Processing or Storing Wildlife

05.25 Littering Prohibited

- 05.26 Importation Of Cervid Carcasses, Parts, And Products Prohibited
- 05.27 Endangered Species Protected
- 05.28 Predator Control Permit Requirement
- 05.29 Immediate Disclosure Of Possession Of Concealed Handgun Required
- 05.30 Interfering With Commission Employees, Operations Or Activities Prohibited
- 05.31 Fleeing A ~~Wildlife Officer~~ Game Warden Prohibited
- 05.32 Aiding Or Abetting Prohibited
- 05.33 Hunting Or Fishing While Rights Are Suspended Or Revoked Prohibited
- 05.34 Suspension Of Commercial Wildlife Permit Rights
- 05.35 Hunting, Fishing, Trapping, Releasing Hunting Dogs Or Pursuing Wildlife With Dogs Without Landowner/Lessee Permission Prohibited
- 05.36 Hunting/Fishing Endangerment Prohibited
- 05.37 Obstruction Of Hunting, Fishing Or Trapping Prohibited
- 05.38 Failure To Report A Hunting Or Trapping Related Incident
- 05.39 Violation Of Commission Regulations While Accompanying A Youth Prohibited
- 05.40 Use Of Natural Deer Urine Or Other Bio Fluids Prohibited

05.31 -- Fleeing A ~~Wildlife Officer~~ Game Warden Prohibited

It is unlawful to flee from a ~~wildlife officer~~ Game Warden to avoid imminent inspection, detention or arrest. Fleeing a ~~wildlife officer~~ Game Warden is a separate offense and shall not be considered a lesser included offense.

PENALTIES:

- Class 2
- Class 3: Fleeing resulting in property damage
- Class 4: Fleeing resulting in personal injury or death
- Class 5: Fleeing resulting in death

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 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 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, or through a written request mailed to the address below.

AUSTIN BOOTH, DIRECTOR
Arkansas Game & Fish Commission
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