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ITEM NO. VI(d)ARKANSAS GAME AND FISH COMMISSION
Little Rock, ArkansasBUREAU OF
LEGISLATIVE RESEARCH

MINUTE ORDER NO: 19-017 SUBJECT: Regulations for Hard Card & Proof of
 DATE PASSED: February 21, 2019 License, Permit, Stamp or Certificate
 PAGE 1 of 1 PAGES LOCATION: Statewide

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached regulation amendments to make available an optional "hard card" license for the public and expand the forms of acceptable proof for possessing hunting and fishing licenses, permits, stamps, and education certificates; **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 and AGFC staff, as well as comments received from the public, the Commission has determined that adopting the attached regulations promotes sound wildlife conservation and management and is 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 21st day of February 2019, 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 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.

STAFF APPROVAL

Submitted by: Brad Carner
 Brad Carner
 Chief

Division: Wildlife

Approved: [Signature]
 Director

[Signature]
 Legal

Approved: [Signature]
 Fiscal

COMMISSION APPROVAL

[Signature] [Signature]
 Ford Overton Bobby Martin
 Chairman Commissioner

[Signature] [Signature]
 Ken Reeves Stan Jones
 Vice Chairman Commissioner

[Signature] [Signature]
 Andrew Parker J. D. Neeley
 Commissioner Commissioner

[Signature] [Signature]
 Joe Morgan
 Commissioner

01-00-C

Conservation Card – A physical card that the Commission issues to a person and that is linked to that person's AGFC licenses, permits, stamps, and tags. Before engaging in an activity requiring an AGFC license, permit, stamp, or tag, the cardholder must purchase and verify issuance and valid expiration date of all required AGFC licenses, permits, stamps, and tags via www.agfc.com or 1-800-364-GAME. The card itself is not a license and conveys no independent right or privilege beyond the extent of any license, permit, stamp, or tag that has been linked to the card by purchase and has not been suspended, revoked, or expired.

03.10

ACCEPTABLE PROOF OF LICENSE, PERMIT, STAMP, EDUCATION CERTIFICATE

02-85

01-17

- (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 wildlife law enforcement officer to conduct a search or investigation.

EXCEPTIONS:

- (1) 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."
- (2) 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.
- (3) 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.
- (4) Neither a Commission-issued Conservation Card nor electronic proof shall be sufficient to establish compliance with Chapter 9 or Code 10.02.

FINANCIAL/ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

(Attach additional pages if needed)

DEPARTMENT: Arkansas Game and Fish Commission

BUREAU: Wildlife Management

PERSON COMPLETING THIS STATEMENT: Brad Carner

TELEPHONE #: 501-223-6362 **FAX #:** 501-223-6452

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SHORT TITLE OF THIS RULE: Regulations for Hard Card as acceptable proof of license, permit, stamp or certificate.

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: Hunters/Anglers desiring to purchase this voluntary product

Effect on Party Subject to Rule: N/A – this is a voluntary option for proof of license, permit, stamp or certificate

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

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