

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



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



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

- Emergency (ACA 25-15-204)
 10 Days After Filing (ACA 25-15-204)
 Other _____
(Must be more than 10 days after filing date.)

Date

- Legal Notice Published _____
 Final Date for Public Comment _____
 Reviewed by Legislative Council _____
 Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

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In Substantial Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. Pursuant to 2011 decision rendered by the Pulaski County Circuit Court and 2000 opinion by the Arkansas Attorney General, the rulemaking requirements in the Arkansas Administrative Procedures Act cannot be constitutionally applied to the AGFC. Nevertheless, the AGFC does substantially comply with the rulemaking provisions under Ark. Code Ann. section 25-15-204 for public notice, opportunity for comment, and filing of all regulations adopted by the Commission.

Signature

Phone Number E-mail Address

Title

Date

38.03 RESERVED

RESERVED.

Arkansas Game and Fish Commission
Little Rock, Arkansas

MINUTE ORDER NO: 20-018 SUBJECT: 2020 Regulations Review Project
 DATE PASSED: May 21, 2020 Approval
 PAGE 1 of 1 PAGES LOCATION: Statewide


WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached regulations for the 2020-2021 Hunting Seasons and the 2020 Fishing Year, along with several miscellaneous updates to the AGFC Code of Regulations; **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 Commission staff, 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 21st day of May 2020, 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 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:	<u>Chris Racey</u> Deputy Director	<u>Ken Reeves</u> by C.C. <u>Stan Jones</u> by C.C. Chairman Commissioner
Division:	<u>Administration</u>	<u>Andrew Parker</u> by C.C. <u>J. D. Neeley</u> by C.C. Vice Chairman Commissioner
Approved:	<u></u> Director	<u>Joe Morgan</u> <u>Anne Marie Doramus</u> by C.C. Commissioner Commissioner
Approved:	<u>Legal</u>	<u>Bobby Martin</u> by C.C. Commissioner
Approved:	<u>Fiscal</u>	

FINANCIAL/ECONOMIC IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY
(Attach additional pages if needed)

DEPARTMENT: Arkansas Game and Fish Commission
DIVISION: Administration
PERSON COMPLETING THIS STATEMENT: Chris Racey
TELEPHONE #: 501-978-7336
EMAIL: chris.racey@agfc.ar.gov
SHORT TITLE OF THIS RULE: 2020 Regulations Review Project.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: **X** No:
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, Trappers, Commercial Baitfish Dealers

Effect on Party Subject to Rule: Generally, this is a positive effect as the proposed regulations simplify, clarify or reduce regulatory barriers.

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:** \$0

Financial Benefit to Agency: Past reducing enforcement effort in some areas, there is little financial benefit to the agency. The benefit is largely social in nature, by providing less regulation complexity for our users and staff.

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



Chris Colclasure
Deputy Director

Arkansas Game and Fish Commission

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Director

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Deputy Director

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General Counsel

Christian N. Parks
Assistant General Counsel

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Phone: 501-223-6327

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Assistant General Counsel
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May 28, 2020

Ms. Kayla Sansom, Rules & Regulation Filing
Office of the Arkansas Secretary of State
500 Woodlane Drive, Room 26
Little Rock, AR 72201

RE: Arkansas Game and Fish Commission Regulation Adopted on May 21, 2020

Dear Ms. Sansom:

Attached please find a link to the 93 regulations approved by the Arkansas Game and Fish Commission on April 23, 2020. Also included for each individual regulation is the required transmittal sheet, and applicable Financial Impact Statement and the signed Minute Order. The Commission respectfully requests that these regulation become effective 10 days after filing.

Notices for the proposed regulations were published in the Arkansas Democrat-Gazette on March 22, 23, and 24, 2020, and April 19, 20, and 21, 2020.

Hard copies of the approved regulations will be in the mail in the next day or so. **Kindly notify April Soman at april.soman@agfc.ar.gov to confirm receipt of both the electronic submission and hard copies.** Should you have any questions or concerns regarding this filing, please do not hesitate to contact me at (501) 223-6327 at your convenience.

Sincerely,

James F. Goodhart
General Counsel

JFG/as
Enclosures
cc: register@sos.arkansas.gov