

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State
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 Little Rock, Arkansas 72201-1094
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For Office
 Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Game and Fish Commission

Department Legal Division

Contact James Goodhart, General Counsel E-mail james.goodhart@agfc.ar.gov Phone 501-223-6327

Statutory Authority for Promulgating Rules Amendment 35

Rule Title: 26.28 Alligator Gar Tag Requirement

Intended Effective Date (Check One)		Date
<input type="checkbox"/> Emergency (ACA 25-15-204)	Legal Notice Published	Aug. 15-18, Sept. 23-15, 2020
<input type="checkbox"/> 10 Days After Filing (ACA 25-15-204)	Final Date for Public Comment	October 14, 2020
<input checked="" type="checkbox"/> Other <u>January 1, 2021</u> (Must be more than 10 days after filing date.)	Reviewed by Legislative Council	NA
	Adopted by State Agency	October 15, 2020

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

April M. Soman April.Soman@agfc.ar.gov October 19, 2020
Contact Person E-mail Address Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

~~IN COMPLIANCE WITH THE ARKANSAS ADMINISTRATIVE PROCEDURES ACT, ACA 25-15-204~~
 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 AGPC. 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.

/s/ James F. Goodhart

501-223-6327
 Phone Number

James.Goodhart@agfc.ar.gov
 Signature E-mail Address

General Counsel
 Title

October 19, 2020
 Date

FILED
 AN REGISTER DIV.
 2020 OCT 20 PM 12:00
 SECRETARY OF STATE

Arkansas Game and Fish Commission

Code Book

The regulations in this Code Book are hereby adopted by the Arkansas State Game and Fish Commission under authority of Amendment 35 to the Constitution of the State of Arkansas. All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

26.28 Alligator Gar Tag Requirement

It is unlawful for any person to harvest an alligator gar 36 inches in length or greater without a valid Alligator Gar Tag in their possession and complying with the following:

- A. Immediately after harvesting an alligator gar 36 inches in length or greater and before moving it, each fisherman must attach a temporary Alligator Gar Possession Tag to the dorsal fin; and
- B. Each fisherman must check each alligator gar 36 inches in length or greater within 12 hours of harvest by contacting the Commission and following all tag requirements furnished by the Commission before the season.

PENALTY: Class 1

FINANCIAL / ECONOMIC IMPACT STATEMENT

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

DEPARTMENT: Arkansas Game & Fish Commission

DIVISION: Fisheries

PERSON COMPLETING THIS STATEMENT: Ben Batten

TELEPHONE #: 501-223-6300

FAX #: 501-223-6372

EMAIL:

ben.batten@agfc.ar.gov

SHORT TITLE OF THIS RULE: 2021 General Fishing Regulation Change Proposals

- 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	\$ N/A	Cash Funds	\$ N/A
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: \$ N/A Next Fiscal Year: \$ N/A

Party Subject to Rule: Anglers and aquatic recreationalists

Effect on Party Subject to Rule: Neutral

- 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:

- 7. Compare this rule with federal and state counterparts:

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

MINUTE ORDER NO: 20-051 SUBJECT: 2021 Fishing Regulations
 DATE PASSED: October 15, 2020
 PAGE 1 of 1 PAGES LOCATION: Statewide

WHEREAS, the Arkansas Game and Fish Commission and its staff have proposed the attached 2021 fishing 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 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 15th day of October 2020, that the Arkansas Game and Fish Commission hereby approves and adopts the attached regulations, which shall become effective on January 1, 2021.

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>Ben Batten</u> Ben Batten Chief	<u>Andrew Parker</u> Andrew Parker Chairman
Division:	<u>Fisheries</u>	<u>J. D. Neeley</u> J. D. Neeley Commissioner
Approved:	<u>Director</u> Director	<u>Joe Morgan</u> Joe Morgan Vice Chairman
Approved:	<u>Legal</u> Legal	<u>Anne Marie Doramus</u> Anne Marie Doramus Commissioner
Approved:	<u>Fiscal</u> Fiscal	<u>Bobby Martin</u> Bobby Martin Commissioner
		<u>Stan Jones</u> Stan Jones Commissioner