

# ARKANSAS REGISTER

## Transmittal Sheet Use only for FINAL and EMERGENCY RULES



Secretary of State  
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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: 30.01 Resident Commercial Fishing Permit Requirements

**Intended Effective Date**  
(Check One)

- Emergency (ACA 25-15-204)
- 10 Days After Filing (ACA 25-15-204)
- Other January 1, 2021  
(Must be more than 10 days after filing date.)

	Date
Legal Notice Published .....	Aug. 15-18, Sept. 23-15, 2020
Final Date for Public Comment .....	October 14, 2020
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

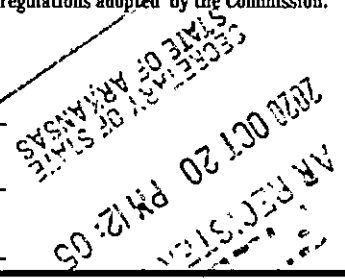
### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted

~~in accordance with the Arkansas Administrative Procedures Act (ACA 25-15-204) and~~

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.

\_\_\_\_\_/s/ James F. Goodhart\_\_\_\_\_  
 Signature  
 501-223-6327 James.Goodhart@agfc.ar.gov  
 Phone Number General Counsel E-mail Address  
 \_\_\_\_\_  
 Title  
 October 19, 2020  
 Date



# 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.

### **30.01 Resident Commercial Fishing Permit Requirements**

It is unlawful to purchase commercial tackle tags or to operate commercial tackle without a current Resident Commercial Fishing Permit and Resident Fisheries Conservation License.

#### **EXCEPTIONS:**

- A. Youths or individuals 65 years of age or older are required to purchase a Junior/Senior Commercial Fishing Permit instead of a Resident Commercial Fishing Permit and Resident Fisheries Conservation License.
- B. A person with a Resident Commercial Fishing Helper's Permit and a valid Resident Fisheries Conservation License in their immediate possession may operate the properly tagged tackle of the permitted commercial fisher for whom they hold the permit. The holder of a Resident Commercial Fishing Permit and a Resident Fisheries Conservation License shall be fully responsible for the actions of the person using the Resident Commercial Fishing Helper's Permit.
- C. In compliance with Codes 03.07 and 03.08.

**PENALTY:** Class 2



**ARKANSAS GAME AND FISH COMMISSION**  
Little Rock, Arkansas

MINUTE ORDER NO:	20-053	SUBJECT:	2021 Commercial Fishing
DATE PASSED:	October 15, 2020		Regulations
PAGE <u>1</u> of <u>1</u> PAGES		LOCATION:	Statewide

**WHEREAS,** the Arkansas Game and Fish Commission and its staff have proposed the attached 2021 commercial 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, with the exception of the changes to 30.03 Commercial Fishing Reporting Requirements which will take effect on January 1, 2022.

**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.

**Submitted by:** Ben Batten  
Ben Batten  
Chief

**Division:** Fisheries

**Approved:** [Signature]  
Director

**Approved:** [Signature]  
Legal

**Approved:** [Signature]  
Fiscal

**COMMISSION APPROVAL**  
[Signature]  
Andrew Parker  
Chairman

[Signature]  
Joe Morgan  
Vice Chairman

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Bobby Martin  
Commissioner

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Stan Jones  
Commissioner

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Commissioner

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Anne Marie Doramus  
Commissioner

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Rob Finley  
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