

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 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: 30.02 Sale Of Wild-Caught Aquatic Wildlife Transaction and Reporting 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.)

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 compliance with the Arkansas Administrative Act (ACA 25-15-201) (ACA 25-15-201)~~

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

501-223-6327

Phone Number

Signature

James.Goodhart@agfc.ar.gov

E-mail Address

General Counsel

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

30.02 Commercial Fishing By Non-Residents Prohibited

NEW TITLE: Sale of Wild-Caught Aquatic Wildlife And Transaction Requirements

It is unlawful to sell or attempt to sell Arkansas wild-caught commercial aquatic wildlife without a current Resident Commercial Fishing Permit and Sportfishing License. A bill of sale or receipt of transfer with a Resident Commercial Fishing Permit number must accompany all sales to fish markets, processors, or retailers of Arkansas commercial fish or fish parts in each transaction. Bills of sale must be retained by the purchaser for a period of 12 months and made available for inspection by the Commission.

PENALTY: Class 2

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

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

7. Compare this rule with federal and state counterparts:

ARKANSAS GAME AND FISH COMMISSION
 Little Rock, Arkansas

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

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.

	<u>STAFF APPROVAL</u>	<u>COMMISSION APPROVAL</u>
Submitted by:	<u>B. Batten</u> Ben Batten Chief	<u>Andrew Parker</u> Andrew Parker Chairman
Division:	<u>Fisheries</u>	<u>Joe Morgan</u> Joe Morgan Vice Chairman
Approved:	<u>Rob Finley</u> Director	<u>Bobby Martin</u> Bobby Martin Commissioner
Approved:	<u>A. F. Woodhart</u> Legal	<u>Stan Jones</u> Stan Jones Commissioner
Approved:	<u>James Miller</u> Fiscal	