

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: 30.09 Possession Of Game Fish By Commercial Fishers Prohibited

Intended Effective Date
(Check One)

Date

Emergency (ACA 25-15-204)

Legal Notice Published

Aug. 15-18, Sept. 23-15, 2020

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment

October 14, 2020

Other January 1, 2021
(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 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.~~

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_____/s/ James F. Goodhart

501-223-6327

Signature

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

30.09 Seining At Night Prohibited

NEW TITLE: Possession of Game Fish by Commercial Fishers Prohibited

It is unlawful for a commercial fisher to sport-fish in the same waters or possess game fish while engaged in commercial fishing or while possessing commercial tackle or commercial fish.

EXCEPTIONS:

- A. Catfish.
- B. Paddlefish.
- C. Bream for bait in compliance with Codes 26.18 and 26.27.

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 1 of 1 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: *B Batten*
Ben Batten
Chief

Division: Fisheries

Approved: *Rob Finley*
Director

Approved: *A F Hoodhart*
Legal

Approved: *Jane Diller*
Fiscal

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