

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: 35.03 Fish Farmer Bill Of Lading And Paperwork Requirements

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 the Arkansas Administrative Act, ACA 25-15-204 et seq.~~

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

35.03 Fish Farmer Bill Of Lading And Paperwork Requirements

It is unlawful to transport live aquatic species or fertilized eggs into or through the State of Arkansas without meeting the following requirements:

- A. A bill of sale (invoice) must be immediately supplied to each purchaser of aquaculture species. The bill of sale must indicate the species, number and/or weight of species/eggs sold, name of the purchaser, and name and permit number of the fish farmer, fish dealer, or independent live hauler making the transaction and accompanying the shipment to its final destination.
- B. A true bill of lading indicating the species, number and/or weight of species/eggs sold, source of each species/eggs, final destination of each species/eggs, name and address of each purchaser, and name, address, and permit number of the fish farmer, fish dealer, or independent live hauler making the transaction and accompanying the shipment to its final destination during intrastate and interstate commerce.
- C. When required, valid health certificates need to accompany all live fish shipments including eggs (see AGFC Codes 35.11 and 35.12, Addendum Chapter I1.00). Health certification requirements for all other aquatic wildlife species must comply with Code Chapter 09.00 and Addendum Chapter F1.00

PENALTY: Class 1

ARKANSAS GAME AND FISH COMMISSION
Little Rock, Arkansas

MINUTE ORDER NO: 20-052 SUBJECT: 2021 Live Fish Trade 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 live fish trade 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 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.

STAFF APPROVAL

Submitted by: *BBB*
Ben Batten
Chief

Division: Fisheries

Approved: *Rob Finley*
Director

Approved: *A.F. Woodhart*
Legal

Approved: *Jamie Sheer*
Fiscal

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