ARKANSAS REGISTER



Transmittal Sheet

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

Secretary of State John Thurston

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Use Only:		
Effective Date	Code Number	
Name of Agency Arkansas Game ar	nd Fish Commission	
Department Legal Division		
Contact James Goodhart, General Coun	selE-mail_james.goodhart@agfc.ar.gov_F	Phone 501-223-6327
Statutory Authority for Promulgatin	ng Rules Amendment 35	
Rule Title: 35.03 Fish F	Farmer Bill Of Lading And Paperwork Ro	equirements
Intended Effective Date		Date
Emergency (ACA 25-15-204)	Legal Notice Published	Aug. 15-18, Sept. 23-15, 2020
10 Days After Filing (ACA 25-15-2	04) Final Date for Public Comment	October 14, 2020
Other January 1, 2021 (Must be more than 10 days after filin	Reviewed by Legislative Council	NA
`	Adopted by State Agency	October 15, 2020
Electronic Copy of Rule e-mailed from: (I	Required under ACA 25-15-218)	
	pril.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

n 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 rkansas Attorney General, the rulemaking requirements in the Arkansas Administrative Procedures Act cannot be constitutionally applied to the AGFC. Nevertheless, the AGFC does substantially omply 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	Signature James, Goodhar	t@agfc.ar.gov	_ ~~ ., ~~ . <u>, ~~ .</u>
Phone Number		E-mail Address	- 177 0 - 177
	General Counsel		-10.9
0 -4 -1 10	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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.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 <u>35.11</u> and <u>35.12</u>, Addendum Chapter <u>I1.00</u>). Health certification requirements for all other aquatic wildlife species must comply with Code Chapter <u>09.00</u> and Addendum Chapter F1.00

PENALTY: Class 1

FINANCIAL / ECONOMIC IMPACT STATEMENT

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

	RTMENT: Arkansas SION: Fisheries	Game &	Fish Commission	l			
PERS TELE ben.ba	ON COMPLETING TO THE COMPLETING TO THE PROPERTY OF THE PROPERTY OF THIS REPORTED THE PROPERTY OF THIS RESERVED THE PROPERTY OF THIS RESERVED THE PROPERTY OF T	300	FAX #: 501-2	223-6372	EMAIL:		
SHOL		CEE. EI	vorish rrade Reg	diamons racopu	On		
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:						cost
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.					cost	
	Current Fiscal Year General Revenue Federal Funds Cash Funds Special Revenue Other (Identify) Total	\$ \$ \$ \$ \$	N/A	Next Fiscal Ye General Revenue Federal Funds Cash Funds Special Revenue Other (Identify Total	ue \$ \$ \$ ie \$	N/A	
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.					ng, vith	
	Current Fiscal Year:	\$	N/A	Next Fiscal Ye	ear: \$	N/A	
	Party Subject to Rule: I	ive Fish T	Trade Industry				
one-tin	Effect on Party Subject ne with no renewal fee.		Yearly increase of \$	25 for license fee	e renewal; fo	ormerly the fee	e was
5.	What is the total estim	ated cost leagency fi	by fiscal year to the rom implementing	e agency to implethis rule.	ement this r	ule? Explain t	he
	Current Fiscal Year:	\$	N/A	Next Fiscal Ye	ar: \$	N/A	
	Financial Benefit to A	gency: 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 alterna	atives not 1	proposed:				

Compare this rule with federal and state counterparts:

7.

ITEM NO.	IV(c)	
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Rob Finley Commissioner

ARKANSAS GAME AND FISH COMMISSION Little Rock, Arkansas

MINUTE ORDER NO: DATE PASSED:		20-052 October 15, 2020		SUBJECT:	2021 Live Fish Trade Regulations		
							
PAGE 1	of	1	PAGES	LOCATION:	Statewide		
WHEREAS,				nd Fish Commise rade regulations; a	sion and its staff have proposed the		
WHEREAS, the attached regulations have been communicated through a variet avenues to sportsmen and the general public throughout the state for comment for at least the past 30 days; and				olic throughout the state for review and			
WHEREAS, after carefully considering the recommendations of Commission staff and a Regulations Committee, as well as comments received from the public, a Commission has determined that the attached regulations promote sound wildle conservation and management and are consistent with Amendment 35 of a Arkansas Constitution and that these regulations should now be approved application statewide.					nments received from the public, the hed regulations promote sound wildlife consistent with Amendment 35 of the		
Now, THERE Commission I 1, 2021.	FORE, Barreby ap	E IT ORD	ERED this 15th d adopts the att	day of October 2 ached regulations	020, that the Arkansas Game and Fish, which shall become effective January		
filing the atta	iched reg	ulations	with the Secreta	staff is authorize ary of State, Stat ission Code Book	d to proceed with legally certifying and te Library, and Bureau of Legislative and Addendum.		
Submitted by	· <u> </u>	FAPPRO Batten	VAL	COMMISSION Andrew Parke Chairman	J. D. Neeley		
Division:	Fishe	ries	 7	log Morgan Vice Chairma	Anne Marie Doramus Commissioner		

Bobby Martin Commissioner

Stan Jones Commissioner

Approved:

Approved:

Approved: