ARKANSAS REGISTER



April M. Soman

Contact Person

Transmittal Sheet

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

Secretary of State John Thurston

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October 19, 2020

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: 35.11 Viral Hemorrhagic Septicemia Virus Fish Importation Regulation Intended Effective Date Date (Check One) Aug. 15-18, Sept. 23-15, 2020 Emergency (ACA 25-15-204) Legal Notice Published October 14, 2020 10 Days After Filing (ACA 25-15-204) Final Date for Public Comment Other January 1, 2021 NA Reviewed by Legislative Council..... (Must be more than 10 days after filing date.) October 15, 2020 Adopted by State Agency Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

CERTIFICATION OF AUTHORIZED OFFICER

E-mail Address

April.Soman@agfc.ar.gov

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.

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/s/ James F. Goodhart			<u>- 54</u> 3% 22 8	. المحدد
501-223-6327	Signature James,Good	hart@agfc.ar.gov		12 :00 ⁽⁷⁾
Phone Number		E-mail Address		
	General Counsel		60.0	
_	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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

35.11 Viral Hemorrhagic Septicemia Virus Fish Importation Regulation

It is unlawful to import, transport, or otherwise receive into Arkansas live fish or fertilized eggs from any Viral Hemorrhagic Septicemia Virus (VHSV)-positive state without a valid Fish Farm Health Inspection Permit issued by the Commission and in compliance with the provisions of the permit, the requirements in Addendum Chapter I1.00, and the following requirements:

- A. Any person shipping live fish or fish eggs into Arkansas from VHSV-positive states must obtain the Fish Farm Health Inspection Permit and a copy of the permit must accompany all shipments into the state, even if the fish are transported by a third party.
- B. Any person hauling live fish through Arkansas from VHSV-positive states is prohibited from discharging water from fish-hauling tanks in Arkansas.
- C. All shipments of live fish or eggs coming into Arkansas must be accompanied by appropriate permits (Code <u>35.01</u>) and paperwork requirements (Code <u>35.03</u>).

PENALTY: Class 3

FINANCIAL / ECONOMIC IMPACT STATEMENT

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

DEPARTMENT: Arkansas Game & Fish Commission

Compare this rule with federal and state counterparts:

7.

PERSO TELE ben.ba	HON: Fisheries ON COMPLETING T PHONE #: 501-223-63 atten@agfc.ar.gov TTITLE OF THIS R	800	FAX #: 501-2	23-6372 EN	MAIL:	
1.	Does this proposed, an	nended, or No: X	repealed rule or re	gulation have a fir	nancial impa	act?
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:					
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.					
4 .	Current Fiscal Year General Revenue Federal Funds Cash Funds Special Revenue Other (Identify) Total What is the total estimates	\$ \$ \$ ated cost by	V/A y fiscal year to any	Next Fiscal Year General Revenue Federal Funds Cash Funds Special Revenue Other (Identify) Total party subject to the	\$ \$ \$ \$ \$ \$	N/A d, amended, or
	repealed rule? (Estima equipment, constructio compliance.) Identify	ted cost in n, labor, pi	cludes fees, admin rofessional service	istrative penalties, s, revenue loss, or	reporting, rother costs	record keeping, associated with
	Current Fiscal Year:	\$	N/A	Next Fiscal Year	: \$	N/A
	Party Subject to Rule: L	ive Fish T	rade Industry			
one-tin	Effect on Party Subject to the with no renewal fee.	to Rule: Yo	early increase of \$2	25 for license fee r	enewal; for	merly the fee was
5.	What is the total estimation in the state of				nent this rule	e? Explain the
	Current Fiscal Year:	\$	N/A	Next Fiscal Year	: \$	N/A
	Financial Benefit to Ag	gency: N/A	Λ			
6.	Do alternative means e burdensome to small bu			jectives of the rule No: $f X$	es that migh	t be less
	Why were such alterna	tives not p	roposed:			

ITEM NO.	IV(c)	
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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 attached 2021 live fish trad		sion and its staff have proposed the		
Whereas,	-	the general pub	municated through a variety of media dic throughout the state for review and		
Whereas,	Regulations Committee, a Commission has determine conservation and manager	as well as comments received from the public, the ned that the attached regulations promote sound wildlife gement and are consistent with Amendment 35 of the ned that these regulations should now be approved for			
Now, Therefore, Bi Commission hereby ap 1, 2021.	E IT ORDERED this 15th daproves and adopts the attack	y of October 20 ned regulations,	020, that the Arkansas Game and Fish, which shall become effective January		
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.					
STAF	F APPROVAL	COMMISSION	APPROVAL		