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 Con	unsel	E-mail_james.goodhart@agfc.ar.gov_Phone_5	01-223-6327
Statutory Authority for Promulga	ting Rule	es Amendment 35	
Rule Title: 35.14 Add	litional F	Penalty	
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) Other January 1, 2021 (Must be more than 10 days after filing date.)		Final Date for Public Comment	October 14, 2020
		Reviewed by Legislative Council	. <u>NA</u>
		Adopted by State Agency	October 15, 2020
Electronic Copy of Rule e-mailed from:	(Required	d under ACA 25-15-218)	
April M. Soman	April.Son	nan@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

u 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 filling of all regulations adopted by the Commission.

/s/ James F. Ge	oodhart		in the second
501-223-6327	Signature James,Goodh	nart@agfc.ar.gov	02:00/100
Phone Number		E-mail Address	
	General Counsel	<i>80.</i> 4.	
	Title	, , , , , , , , , , , , , , , , , , ,	
October 19	, 2020		1 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1
	Date		4 · * * * * * * * * * * * * * * * * * *

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 All laws, rules, regulations, or orders in conflict with the regulations in this Code Book are hereby repealed by the Arkansas State Game and Fish Commission.

35.14 Additional Penalty

Any shipments found to be in violation of this Code Chapter <u>35.00</u> will be escorted back to the in-state originating source, or to the state line for non-resident sources, and will not be allowed to re-enter the state until in compliance with this Code Chapter.

FINANCIAL / ECONOMIC IMPACT STATEMENT

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

DEPARTMENT: Arkansas Game & Fish Commission

PERSO TELE ben.ba	TION: Fisheries ON COMPLETING TI PHONE #: 501-223-636 Atten@agfc.ar.gov TTTLE OF THIS RU	00	FAX #: 501-2	23-6372 EM	AIL:	
1.	Does this proposed, am Yes:	iended, oi No: X	r repealed rule or re	gulation have a fina	ancial imp	eact?
2.	Do you believe that the prohibitive? Yes:			impact statement is s", please explain:	so specul	ative as to be 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.					
	Federal Funds Cash Funds	\$ \$ \$ \$ \$ \$	N/A	Next Fiscal Year General Revenue Federal Funds Cash Funds Special Revenue Other (Identify) Total	\$ \$ \$ \$ \$	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.					
	Current Fiscal Year: Party Subject to Rule: Li	\$ ive Fish T	N/A rade Industry	Next Fiscal Year:	\$	N/A
one-tin	Effect on Party Subject to ne with no renewal fee.		•	25 for license fee rei	newal; for	merly the fee was
5.	What is the total estimation financial benefit to the				ent this rul	le? Explain the
	Current Fiscal Year:	\$	N/A	Next Fiscal Year:	\$	N/A
	Financial Benefit to Ag	ency: N/A	A			
6.	Do alternative means exburdensome to small bu			jectives of the rules No: \mathbf{X}	that migh	nt be less
	Why were such alternat	ives not p	proposed:			
7.	Compare this rule with	federal an	nd state counterpart	s:		

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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 Commis rade regulations; a	sion and its staff have proposed the		
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 recommendat Regulations Committee, as well as comme Commission has determined that the attached conservation and management and are cons Arkansas Constitution and that these regula application statewide.					nments received from the public, the hed regulations promote sound wildlife consistent with Amendment 35 of the			
						020, that the Arkansas Game and Fish, which shall become effective January		
filing the at	ttached	regi	ulations w	vith the Secret		d to proceed with legally certifying and te Library, and Bureau of Legislative and Addendum.		
Submitted I	ubmitted by: Ben Batten Chief		COMMISSION Andrew Parke Chairman	J. D. Neeley				
Division:	<u>F</u>	isher	ries		of Morgan Vice Chairma	Anne Marie Doramus Commissioner		
Approved:	É	irect	or to	₽	Bobby Martin	Rob Finley		
Approved:	o L	11 egal	Door	dhart	Commissione fan (Stan Jones	Jone bygo		

Commissioner

Approved: