

115-17-2. Commercial sale of fish fishing bait. (a) The following live species of wildlife may be commercially sold in Kansas for fishing bait:

(1) The following species of fish:

(A) Black bullhead (*Ameiurus melas*);

(B) bluegill (*Lepomis macrochirus*), including hybrids;

(C) fathead minnow (*Pimephales promelas*), including “rosy reds”;

(D) golden shiner (*Notemigonus crysoleucas*);

(E) goldfish (*Carassius auratus*), including “black saltys”;

(F) green sunfish (*Lepomis cyanellus*), including hybrids; and

(G) yellow bullhead (*Ameiurus natalis*);

(2) only species of annelids native to or naturalized in the continental United States;

(3) the following species of crayfish:

(A) Virile crayfish (*Orconectes virilis*);

(B) calico crayfish (*Orconectes immunes*); and

(C) white river crayfish (*Procambarus acutus*); and

(4) only species of insects native to or naturalized in Kansas.

(b) The following species of wildlife Gizzard shad (*Dorosoma cepedianum*) may be

commercially sold only if dead:

(1) Bighead carp (*Hypophthalmichthys nobilis*);

(2) emerald shiners (*Notropis atherinoides*);

(3) gizzard shad (*Dorosoma cepedianum*);

(4) silver carp (*Hypophthalmichthys molitrix*);

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(5) skipjack herring (*Alosa chrysochloris*); and

(6) threadfin shad (*Dorosoma petenense*).

(c) Wildlife listed in K.A.R. 115-15-1 or in K.A.R. 115-15-2 or prohibited from importation pursuant to K.S.A. 32-956, and amendments thereto, shall not be sold.

(d) Live aquatic bait shall be certified free of the following pathogens before import, according to K.A.R. 115-17-2a:

- (1) Spring viremia of carp virus;
- (2) infectious pancreatic necrosis virus;
- (3) viral hemorrhagic septicemia virus; and
- (4) infectious hematopoietic virus.

(e) Each distribution tank and each retail tank shall utilize a source of potable water or well water.

This regulation shall be effective on and after January 1, ~~2019~~ 2022. (Authorized by and implementing K.S.A. ~~2018~~ 2020 Supp. 32-807; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012; amended Jan. 1, 2017; amended Jan. 1, 2018; amended Jan. 1, 2019; amended P-_____.)

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-17-2
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This regulation sets the parameters for the commercial sale of bait. The proposed changes would allow the sale of additional species of bait so long as the species were dead.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)*

This is not a federal mandate. Missouri, Oklahoma, Colorado and Nebraska all have varying regulations for the commercial sale of bait.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The regulation proposal would not likely substantially restrict business activities and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

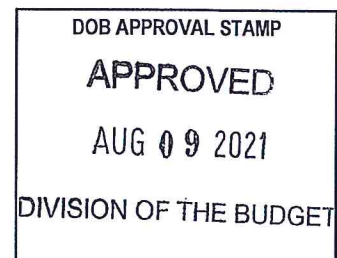
The regulation changes would not have a significant negative economic effect.

C. Businesses that would be directly affected by the proposed rule and regulation;

Bait dealers.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The proposed changes should benefit bait dealers by allowing the commercial sale of additional species so long as they are dead.



- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

The proposal would likely have no negative economic impact in Kansas.

- F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

There are no implementation or compliance costs expected to be incurred by business or local governments.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs expected to be incurred by business or local governments.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

None. The proposal would allow additional species of bait to be sold, so long as the bait were dead.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

The agency held a public hearing on this regulation on June 17 in Wichita, where at least 9 members of the public attended and August 5 virtually, where at least 7 members of the public attended. The agency will also hold hearings on September 23 in Beloit and November 18 in Oakley.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

Not applicable.



- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.

