

115-17-3. Commercial fish bait permit; requirement, application, and general provisions. (a) A commercial fish bait permit shall be required for the harvest, sale, or purchase for resale of fish bait, except that a commercial fish bait permit shall not be required ~~for the harvest or sale of crayfish harvested in this state,~~ for the harvest or sale of annelids or insects, or for the purchase of annelids or insects for resale.

(b) Any person may apply to the secretary for a commercial fish bait permit. The application shall be submitted on forms provided by the department ~~and each applicant shall provide the following information:~~

~~(1) The name of the applicant;~~

~~(2) the address of the applicant;~~

~~(3) the telephone number of the applicant;~~

~~(4) the business address of the applicant;~~

~~(5) the telephone number of the business;~~

~~(6) the species of wildlife proposed for harvest, purchase for resale, or sale; and~~

~~(7) other information as required by the secretary and completed in full by the applicant. Each~~

incomplete application shall be returned to the applicant.

(c) Each commercial fish bait permit shall be valid for only those wildlife species specified in the permit.

(d) ~~Subject to all federal and state laws and rules and regulations, a~~ Each commercial fish bait permit shall authorize a the permittee to perform any of the following:

(1) Sell fish bait to any person for use as fish bait;

(2) purchase fish bait for resale as fish bait, if the purchase is made from a person who meets at least one of the following requirements:

(A) Possesses a valid commercial fish bait permit;

(B) possesses a valid game breeders permit;

(C) is a commercial fish grower, as defined by K.S.A. 1989 Supp. 32-974 and amendments thereto; or

(D) is authorized by another state to export and sell fish bait; or

(3) import fish bait for sale as fish bait.

(e) Each permittee harvesting or purchasing fish bait shall maintain records of the following information; and, if requested by the secretary, shall provide a report to the department containing the following information:

(1) The permittee's name ~~of the permittee;~~

(2) the permit number;

(3) the number, location, and species of wildlife harvested; ~~and~~

(4) the number and species of wildlife sold;

(5) for each permittee purchasing fish bait, the name, address, and phone number of each individual distributor or producer from whom the permittee purchased; and

~~(6)~~ for each permittee purchasing fish bait, the delivery date of each purchase.

(f) Each permittee shall make records required under the permit available for inspection by any law enforcement officer or department employee upon demand.

(g) Each permittee shall make the fish and the distribution or retail holding tanks that are subject to sample testing pursuant to K.A.R. 115-17-2a available for inspection by any law enforcement officer or department employee upon demand.

(h) Each permittee shall respond to any survey regarding activities conducted under the permit if requested by the secretary.

~~(h)~~ (i) In addition to other penalties prescribed by law, a commercial fish bait permit or application may be denied or revoked by the secretary if either of the following conditions is met:

(1) The application is incomplete or contains false information;~~or,~~

(2) The permittee fails to meet permit requirements or violates permit conditions.

~~(i)~~ (j) Each commercial fish bait permit shall expire on December 31 of the year for which the permit is issued.

~~(j)~~ (k) A permittee may possess and sell legally acquired wildlife for fish bait for not more than 30 days following expiration of the permit.

~~(k)~~ This regulation shall be effective on and after January 1, 1991 2012. (Authorized by K.S.A. ~~1989 Supp.~~ 32-807 and K.S.A. ~~1989 Supp.~~ 32-941; implementing K.S.A. ~~1989 Supp.~~ 32-807; and K.S.A. ~~1989 Supp.~~ 32-941, K.S.A. ~~1989 Supp.~~ 32-1002, K.S.A. ~~1989 Supp.~~ 32-1004 and K.S.A. ~~1989 Supp.~~ 32-1005; effective Jan. 1, 1991; amended P-_____.)