



NR 28

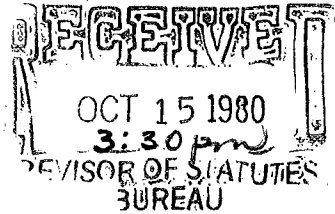
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Anthony S. Earl
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Anthony S. Earl, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. ES-16-80 was duly approved and adopted by this Department on August 21, 1980. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

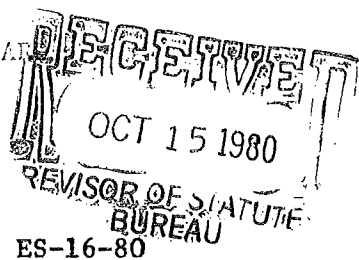
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 14th day of October, 1980.

Anthony S. Earl
Anthony S. Earl, Secretary

12-1-80

(SEAL)

CREATING RULES



.....
IN THE MATTER of creating chapter NR 28, .
Wisconsin Administrative Code pertaining .
to wild plants - ginseng .
.....

Analysis Prepared by Department of Natural Resources

Chapter NR 28, Wis. Adm. Code, is designed to implement Chapter 157, Laws of 1979 (revised s. 29.547, Stats.). Chapter NR 28 contains specifications relating to applications for and issuance of licenses for wild ginseng harvesters and dealers, reports required of wild ginseng dealers, and certification of out-of-state shipments of Wisconsin-grown wild ginseng. These are all new licenses and procedures; the harvest of wild ginseng has previously been unregulated. The rules also seek to clarify the inspection authority of the department which is necessary to assure the propriety of reports required under s. 29.547, Stats. Reports must be compared with inventory of the reporting dealer.

A dealer's license is not necessary for persons purchasing 8 ounces or less of ginseng annually. This permits a person to buy small amounts of ginseng for private use without the need for purchasing a ginseng dealer's license.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by section 29.547, Wisconsin Statutes, created by Chapter 157, Laws of 1979, and section 227.014, Wisconsin Statutes, the State of Wisconsin Natural Resources Board hereby creates rules interpreting section 29.547, Wisconsin Statutes, as follows:

Chapter NR 28

WILD PLANTS

NR 28.01 Definitions

NR 28.02 Scope and applicability

NR 28.03 Ginseng licenses

NR 28.04 Severability

NR 28.01 Definitions. As used in this chapter and in s. 29.547, Stats.:

(1) "Dealer" means any person engaged in the purchase of more than 8 ounces of wild ginseng annually.

(2) "Department" means the Wisconsin department of natural resources.

(3) "Ginseng" means the roots, seeds or other parts of American ginseng (Panax quinquefolium or Panax quinquefolius).

(4) "Green ginseng" means a ginseng root from which the moisture has not been removed by drying.

(5) "Harvest" means cutting, gathering, rooting up, severing, injuring, destroying, removing or carrying away any wild plant or parts thereof.

(6) "Own land" means ownership interest in property by deed or land contract.

(7) "Transaction" means purchase, gift, exchange or sale of wild ginseng.

NR 28.02 Scope and applicability. This chapter contains rules necessary to implement s. 29.547, Stats., and operate in conjunction with that statute to govern the harvest, transportation, possession, processing or sale of certain wild plants.

NR 28.03 Ginseng licenses. (1) Issuance. (a) Department action. The department shall issue wild ginseng harvest licenses and wild ginseng dealer's licenses in accordance with the provisions of and for the purposes authorized in s. 29.547, Stats.

(b) Applications. 1. Content. Wild ginseng harvest licenses and dealer's licenses shall be issued upon filing of an application accompanied by the appropriate license fee, and bearing:

- a. The applicant's signature;
- b. The applicant's residence and post office address;
- c. A description of the applicant;

d. A statement that the applicant has complied with all of the laws regulating the issuance and purchase of the license applied for; and

e. Such other facts as may be required by the department.

2. Free harvest license. Applications for a free harvest license under s. 29.547, Stats., must contain a description to the quarter section, township and range of the property where the applicant's wild ginseng harvest will occur.

(2) Harvest license. (a) Valid period. A harvest license shall be valid for and authorize the taking of wild ginseng during the period beginning August 15 and ending November 1, both dates inclusive.

(b) Sales by harvesters. Wild ginseng harvested in a lawful manner and with a valid harvest license may be sold by the licensee at any time.

(3) Dealer's license. All persons purchasing more than 8 ounces of wild ginseng annually, including those persons acting as agent or employe of a licensed dealer, must possess a wild ginseng dealer's license in their own name.

(4) Dealer's records. (a) Requirements. Each licensed wild ginseng dealer shall keep a complete and accurate record in the English language of each wild ginseng transaction. This record shall be on forms provided by the department and shall be kept intact for a period of 3 years after the expiration of the dealer's license.

(b) Purchase records. The dealer's record of each wild ginseng purchase shall include:

1. Date of purchase;
2. Name and address of seller;
3. Harvest license number or dealer's license number of seller;
4. Dry weight of wild ginseng root purchased;

5. Name of the county where purchased ginseng was harvested if purchased from a licensed harvester; and

6. Such additional information as may be requested by the department.

(c) Sales records. The dealer's record of each sale shall include:

1. Date of sale;

2. Name and address of buyer;

3. Dry weight of wild ginseng roots sold;

4. Year in which ginseng sold was harvested; and

5. Such additional information as may be requested by the department.

(d) Semi-annual report. A report of all transactions must be made to the department every 6 months by each licensed wild ginseng dealer on forms provided by the department. Such reports must be submitted to the department by July 10 during the license year and by January 10 following the end of the license year.

(e) Certification of shipments. Shipments of wild ginseng to points outside the state of Wisconsin must be accompanied by a certificate of state of origin. Such certificate shall be based upon the dealer's purchase records and made by the dealer on forms provided by the department. A copy of each shipping certificate shall be kept by dealers as part of their sales records.

(5) Inspection. (a) License. Any license issued under and pursuant to s. 29.547, Stats., and this section shall be carried on the person of the licensee and shown to the department or its agents upon request.

(b) Records. Records required to be maintained or submitted pursuant to s. 29.547, Stats., and this section shall be produced for inspection upon request of the department or its agents.

(c) Inventory. Dealers of wild ginseng upon request of the department or its agents shall make available for inspection all wild ginseng in their possession or under their control for purchases of confirming proper record maintenance or submission pursuant to s. 29.547, Stats., and this section.

Note: Application forms for licenses, shipping certificates and reporting forms under this chapter may be obtained without charge from the License Section, Department of Natural Resources, Box 7921, Madison, WI 53707.

NR 28.04 Severability. Should any section or portion of this chapter be declared invalid or unconstitutional for any reason, the remainder of the chapter shall not be affected thereby.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on August 21, 1980.

The rules contained herein shall take effect upon publication as provided in section 227.026(1) intro., Wisconsin Statutes.

Dated at Madison, Wisconsin 14 October 1980

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Anthony S. Earl
Anthony S. Earl, Secretary

(SEAL)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

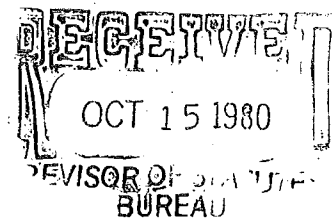
Anthony S. Earl
Secretary

October 15, 1980

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L



Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. ES-16-80. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Natural Resources and Tourism pursuant to s. 227.018, Stats. There were no comments.

You will note that this order takes effect upon publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

Anthony S. Earl
Secretary

Enc.