

CR 83-129

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

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Revisor of Statutes
Bureau

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES) ss

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, 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. ER-25-83 was duly approved and adopted by this Department on November 16, 1983. 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 3rd day of January, 1984.

Carroll D. Besadny

Carroll D. Besadny, Secretary

(SEAL)

2740J

3-1-84

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

REPEALING, RENUMBERING, AMENDING AND CREATING RULES

.....
IN THE MATTER of repealing s. NR 28.03(4)(e); .
renumbering s. NR 28.03(5); amending ss. .
NR 28.01(1) and 28.03(2)(b), (4)(c) (intro), .
(4)(d) & (6)(c); and creating s. NR 28.03(5) . ER-25-83
of the Wisconsin Administrative Code pertaining .
to record keeping by wild ginseng harvesters .
and dealers .
.....

Analysis Prepared by Department of Natural Resources

Wisconsin has been notified by the U.S. Fish and Wildlife Service, acting as Management Authority for the United States under the Convention on International Trade in Endangered Species, that beginning in 1983 Wisconsin wild ginseng will not be approved for export without a more accountable record keeping system for licensed wild ginseng dealers and harvesters. To accomplish this, ch. NR 28, Wis. Adm. Code, must be modified. Recording and shipping certificate requirements are strengthened in the proposed revisions. To simplify procedures under the new reporting requirements, licensed ginseng dealers will file annual reports, rather than bi-annual reports, with the department. These changes need to be implemented and new forms provided licensees by the opening of the ginseng season on August 15 to allow export at that time.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 29.547 and 227.014(2)(a), Stats., the State of Wisconsin Natural Resources Board hereby repeals, renumbers, amends and creates rules interpreting s. 29.547, Stats., as follows:

SECTION 1. NR 28.01(1) is amended to read:

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

SECTION 2. NR 28.03(2)(b) is amended to read:

(b) Sales by harvesters. 1. Wild ginseng harvested in a lawful manner and with a valid harvest license may be sold by the licensee at any time.

2. Wild ginseng shipped out of state by licensees shall be accompanied by a shipping certificate.

SECTION 3. NR 28.03(4)(c)(intro.) is amended to read:

(c) Sales records. The dealer's record of each sale when not accompanied by a shipping certificate shall include:

SECTION 4. NR 28.03(4)(d) is amended to read:

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

SECTION 5. NR 28.03(4)(e) is repealed.

SECTION 6. NR 28.03(5) is renumbered NR 28.03(6) and (6)(c) as renumbered is amended to read:

(c) Inventory. Dealers and harvesters 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~~ purposes of confirming proper record maintenance or submission ~~pursuant-to~~ under s. 29.547, Stats., and this section.

SECTION 7. NR 28.03(5) is created to read:

(5) CERTIFICATION OF SHIPMENTS. (a) Requirements. Shipments of wild ginseng to points outside the state of Wisconsin by dealers or harvesters shall be accompanied by a certificate of origin, except as provided in par. (c). Certificates shall be based upon the licensees' harvest, purchase and sales records and made by licensees on forms provided by the department. A copy of each shipping certificate shall be kept by licensees as part of their records.

(b) Certificates. Shipping certificate forms shall be issued by the department at no cost to any licensed harvester or licensed dealer on request. Certificates are serially numbered and valid only for the time period stated on the certificate. Licensees accepting certificates from the department shall be required to account for the disposition of each form issued to them.

(c) Domestic use. Licensed dealers selling wild ginseng to persons solely for the purpose of retail sales to consumers within the United States shall keep a record as provided in sub. (4)(c) and shall file a copy of their record with the department within 30 days of the transaction.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on November 16, 1983.

The rules contained herein shall take effect as provided in s. 227.026(1) (intro.), Stats.

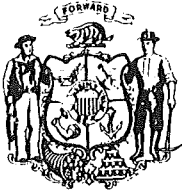
Dated at Madison, Wisconsin

January 3, 1984

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

January 4, 1984

IN REPLY REFER TO: 1020

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

RECEIVED

JAN 9 1984

Revisor of Statutes
Bureau

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. ER-25-83. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Energy and Environmental Resources pursuant to s. 227.018, Stats. There were no objections. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are not enclosed as these rules completed the review process prior to the effective date of Act 90 (January 1, 1984).

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

Sincerely,

C. D. Besadny
Secretary

Enc.
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