

1979 Assembly Bill 108

Date published: April 7, 1980

## CHAPTER 157, Laws of 1979

AN ACT to renumber 29.547 (1) to (4); to amend 29.547 (2) to (4), as renumbered; and to create 29.547 (1) and (6) to (9) of the statutes, relating to regulating the harvest of wild ginseng, granting rule-making authority, increasing appropriations and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. **Intent.** The legislature recognizes that wild ginseng is an important state resource which has been adversely affected by uncontrolled harvesting. The intent of this act is to provide for controlled harvesting of wild ginseng.

SECTION 2. 29.547 (1) to (4) of the statutes are renumbered 29.547 (2) to (5), and 29.547 (2) to (4), as renumbered, are amended to read:

29.547 (2) **CUTTING.** No person shall ~~may~~, between ~~the first day of January~~ November 1 and the ~~first day of following~~ August 15, cut, root up, gather or destroy wild ginseng growing in a wild or uncultivated state, except it be on the person's land.

(3) EVIDENCE. The purchase or sale of wild green ginseng between ~~the first day of January~~ November 1 and the ~~first day of following~~ August 15 shall be prima facie evidence of a violation of this section.

(4) PURCHASE WITH KNOWLEDGE. No person shall ~~may purchase wild ginseng, knowing the same to have been~~ if the person knows the ginseng was cut, rooted up, or gathered between the first day of January November 1 and the first day of following August 15. No person may purchase wild ginseng if the person knows that the vendor does not have a license to harvest ginseng or that the vendor has violated this section or a rule promulgated under this section.

SECTION 3. 29.547 (1) and (6) to (9) of the statutes are created to read:

29.547 (1) DEFINITION. "Wild ginseng" means ginseng growing in an uncultivated state. "Growing in an uncultivated state" means growing in any conditions except in tilled beds under the shade of artificial structures.

(6) HARVEST LICENSE. No person may cut, root up, gather or destroy wild ginseng unless the person has a license to harvest ginseng issued by the department. The department shall establish by rule the procedure for issuing licenses. The fee for a harvest license is \$5 except that no fee may be charged for a license issued to a person for cutting, rooting up, gathering or destroying wild ginseng only on the person's own land. A harvest license is valid from August 15 to November 1 for the year during which it is issued. The department may establish by rule limitations on the quantity of ginseng each person may harvest, restrictions on areas where ginseng may be harvested and regulations on the methods which may be used to harvest ginseng.

(7) DEALER'S LICENSE. No person may purchase wild ginseng unless the person has a ginseng dealer's license issued by the department. The department shall establish by rule the procedure for issuing licenses, keeping records and reporting transactions. The fee for a dealer's license is \$100. A dealer's license is valid from January 1 to December 31. A person who purchases ginseng shall maintain records of the quantity purchased, the name and harvest license number of the vendor and other information required by the department and shall make reports to the department as required.

(8) EXCEPTION. Subsection (6) does not apply to a person who cuts, roots up, gathers or destroys wild ginseng growing on the person's own land if the ginseng is not sold.

(9) PENALTY. A person who violates this section or a rule promulgated under this section is subject to a civil forfeiture of not more than \$500 and any license issued under this section may be revoked and future license applications denied for a period not to exceed 3 years.

SECTION 5. **Appropriation increases.** (1) The appropriation under section 20.370 (3) (mu) of the statutes, as affected by the laws of 1979, is increased by \$8,500 in fiscal year 1980-81 to enforce section 29.547 of the statutes, as affected by this act.

(2) The appropriation under section 20.370 (8) (mu) of the statutes, as affected by the laws of 1979, is increased by \$2,500 in fiscal year 1980-81 to administer section 29.547 of the statutes, as created by this act.

SECTION 6. **Effective dates.** (1) Except as provided in subsection (2), this act takes effect on the day following publication.

(2) Section 29.547 (6) to (9) of the statutes, as created by this act, shall take effect on July 1, 1980.