

2-2-93 (P.159)
Sub Comm. Natural Res.
Vande Noef, Grig, May

(P.36) 2-17-93 Amend/Do Pass w/H3079
(P.465) 3-1-93 Senate Natural Resources

FEB 1 1993

NATURAL RESOURCES AND
OUTDOOR RECREATION

See Page Copy

HOUSE FILE

89

BY HANSON of Delaware and SPEAR

Passed House, (P.421) Date 4/24/93
Vote: Ayes 100 Nays 0
Approved _____

Passed Senate, (P.1157) Date 4-14-93
Vote: Ayes 46 Nays 4

A BILL FOR

1 An Act providing penalties for the harvesting of wild ginseng out
2 of season.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 89

H-3079

- 1 Amend House File 89 as follows:
- 2 1. Page 1, line 10, by striking the figure "15"
- 3 and inserting the following: "15 1".

By COMMITTEE ON NATURAL RESOURCES
AND OUTDOOR RECREATION
KISTLER of Jefferson, Chairperson

H-3079 FILED FEBRUARY 17, 1993

(P.421) Adopted 2/24/93

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H F 89

1 Section 1. Section 456A.24, subsection 11, Code 1993, is
2 amended to read as follows:

3 11. Establish a program governing the harvesting and sale
4 of American ginseng subject to the convention on international
5 trade in endangered species of wild fauna and flora and adopt
6 rules providing for the time and conditions for the harvesting
7 of the ginseng, the registration of dealers and exporters, the
8 records kept by dealers and exporters, and the certification
9 of legal taking. The time for harvesting of wild ginseng
10 shall not begin before September 15 or extend beyond November
11 1. A person violating this section or rules adopted by the
12 department pursuant to this section is subject to a scheduled
13 fine pursuant to section 805.8.

14 Sec. 2. Section 481A.130, Code 1993, is amended by adding
15 the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. In addition to any other
17 penalty, a person convicted of unlawfully harvesting wild
18 ginseng in violation of section 456A.24 shall reimburse the
19 state at one hundred fifty percent of the ginseng's market
20 value, as determined by the department.

21 Sec. 3. Section 805.8, Code 1993, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 5A. For a violation of section 456A.24,
24 subsection 11, the scheduled fine is one hundred dollars.

25 EXPLANATION

26 Section 456A.24 requires the department of natural
27 resources to establish a program governing the harvesting and
28 sale of American ginseng that is a plant of the genus Panax.
29 The section provides that the time for harvesting wild ginseng
30 shall not begin before September 15 or extend beyond November
31 1.

32 Section 805.8 provides a number of scheduled violations and
33 fines for each violation. This bill includes the harvesting
34 of wild ginseng as a scheduled violation. The scheduled fine
35 is \$100.

4/7/93 Amate - Co Pass

HOUSE FILE 89
BY HANSON of Delaware and SPEAR

(As Amended and Passed by the House February 24, 1993)

Passed House, Date _____ Passed Senate, ^(P. 1157) Date 4-14-93
Vote: Ayes _____ Nays _____ Vote: Ayes 46 Nays 4
Approved April 26, 1993

A BILL FOR

1 An Act providing penalties for the harvesting of wild ginseng out
2 of season.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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5 House Amendments _____

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1 Section 1. Section 456A.24, subsection 11, Code 1993, is
2 amended to read as follows:

3 11. Establish a program governing the harvesting and sale
4 of American ginseng subject to the convention on international
5 trade in endangered species of wild fauna and flora and adopt
6 rules providing for the time and conditions for the harvesting
7 of the ginseng, the registration of dealers and exporters, the
8 records kept by dealers and exporters, and the certification
9 of legal taking. The time for harvesting of wild ginseng
10 shall not begin before September 15 1 or extend beyond
11 November 1. A person violating this section or rules adopted
12 by the department pursuant to this section is subject to a
13 scheduled fine pursuant to section 805.8.

14 Sec. 2. Section 481A.130, Code 1993, is amended by adding
15 the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. In addition to any other
17 penalty, a person convicted of unlawfully harvesting wild
18 ginseng in violation of section 456A.24 shall reimburse the
19 state at one hundred fifty percent of the ginseng's market
20 value, as determined by the department.

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22 following new subsection:

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24 subsection 11, the scheduled fine is one hundred dollars.

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NEW SUBSECTION. 5A. For a violation of section 456A.24, subsection 11, the scheduled fine is one hundred dollars.

HOUSE FILE 89

AN ACT

PROVIDING PENALTIES FOR THE HARVESTING OF WILD GINSENG OUT OF SEASON.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 456A.24, subsection 11, Code 1993, is amended to read as follows:

11. Establish a program governing the harvesting and sale of American ginseng subject to the convention on international trade in endangered species of wild fauna and flora and adopt rules providing for the time and conditions for the harvesting of the ginseng, the registration of dealers and exporters, the records kept by dealers and exporters, and the certification of legal taking. The time for harvesting of wild ginseng shall not begin before September 15 1 or extend beyond November 1. A person violating this section or rules adopted by the department pursuant to this section is subject to a scheduled fine pursuant to section 805.8.

Sec. 2. Section 481A.130, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. In addition to any other penalty, a person convicted of unlawfully harvesting wild ginseng in violation of section 456A.24 shall reimburse the state at one hundred fifty percent of the ginseng's market value, as determined by the department.

Sec. 3. Section 805.8, Code 1993, is amended by adding the following new subsection:

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 89, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *April 26*, 1993

TERRY E. BRANSTAD
Governor