

December 13, 2006
Policy, Regulation, and Trade Committee Meeting
UNCG Eberhart Building Conference Room

Dave Davenport, Daron Barnes, Ted Williams, Tanith Tyrr, Andrew Wyatt, Grover Barfield, Phil Bradley, David Cooper, Ann Somers, John Groves, Keith Farmer, David LaPlante

1:00pm

Dave: OK, lets get started. There are two main things we need to discuss. One is to finish our discussion of the venomous license denial and revocation details and the other is the study bill committee meeting. We have another meeting on December 18. The first half will be a closed committee meeting and then it will be open for public comment. It is being held in a public hearing room on the first floor of the Archdale Building in downtown Raleigh. The Afternoon session, 1pm-4pm, will be open to public comment. You need to email Lorraine Smith at the NC Zoo in order to get on the agenda. I will give everyone an update on where I think it is headed based on our last study bill committee meeting. It looks like it is heading towards a ban. The proposed bill was written by API. They are trying to figure out what to do with us because we don't want a ban. So, they want me to come up with exemption language by Monday. I am not comfortable saying that everything is banned except for such and such. First, we don't know if the result is going to be by majority vote or consensus. This has turned in to something that API never wanted. My take is if they are heading for a ban, my recommendation is that herps should be removed from the bill.

Ted: What is going to happen with all these animals? They won't have anywhere to go and they will have to be euthanized. We already have facilities and the know how to take care of them and they are just going to take them away.

Dave: To be quite honest, I don't know if this is going to go anywhere. They will still need a sponsor for the ban to go through. We are pretty much done with the permitting and licensing, we just need to discuss denial and revocation and reinstatement. When we are done, I will come up with a comprehensive template. One of the things we need to talk about is the license fee. We came up with \$100 per annum for crocodilians and that may be what we want to do for the venomous license. I've got a couple of proposals to lessen the burden on NCWRC. One is to make NCPARC responsible for inspections. And, we all came up with what it takes. If we do initial inspection, then NCWRC only has to inspect if there is a problem with the checklist.

Keith: What about liability? What if you inspect Joe's place, sign off on it, and Joe's snake gets loose and bites his neighbor?

Ann: All you can say is that the checklist was confirmed at the time of inspection.

Dave: The liability can always remain on the owner.

Daron: Initially, folks with animals already could be inspected with the animals in there but newcomer facilities should be inspected before they ever have any animals. So, identifying animals really only needs to occur as they move from one license level to the next. Before you get too far into this, the biggest factor in permitting or licensing is numbers of individuals are involved? We might need to provide some estimate of how many permittees or licensees there are going to be. It makes a huge difference when you have a new license to administer that will include a total of 200 people versus 10,000 people.

Tanith: The number of license holders in Florida is under 500.

Dave: I talked to Andrew about this and asked him to give me a ballpark figure. And, we agreed there would be less than 500. And, many of these people would be grandfathered in.

Daron: That number is important because determining the cost of the license will be easier to figure out considering the costs of administration.

Ann: We can ballpark it right now. 300?

Tanith: I would be suprised if there were 200.

Keith: Now, is this going to be people who apply for the permit or those already keeping animals?

Daron: You have to factor both of those in.

Keith: New Hanover is a small county and I can come up with 18 people currently keeping venomous. That is 1800 if you extrapolate across the state.

Phil: Yeah but how many are going to come up or stay underground?

Ted: Well, those are the people that when they get caught we need to put a permanent ban on. They will be compromising everything that we've worked for.

Dave: The problem is the dissemination of information. There are probably people keeping venomous in counties with bans in place and they don't know there is a ban. So, I think that we have to realize that there are those that would comply but just don't know. And, that is partly NCPARC's responsibility to educate through the Education and Outreach Working Group.

Ted: Once this all comes about. I can guarantee that if it is posted on kingsnake.com, the word will be out all over the place.

Dave: I can also guarantee you that if we do come up with something implemented, we will be a show piece for the remaining 50 states. I hope we will be looked at as a sensible way to regulate these animals.

Ann: I would like to propose that we state that we don't know how many people would apply, but that we estimate 1200-1500 maximum.

Tanith: I think that would be the total maximum.

Ann: So, we could say as little as 200 to as many as 1200 just so we have some numbers.

Keith: Florida has the working hours requirement that limits keepers a great deal and we don't have that so it could be much more than in North Carolina. You have to jump through a lot more hoops in Florida.

Dave: Well and Daron is right about having the facilities before the animals.

Grover: But, there are still a lot who will be grandfathered. And, when I heard there was a ban, I thought it was statewide and I called Daron's office. Then, I found out it was the county and noticed that the pet stores were still selling them to citizens and making them criminals. So, I am going to take a copy of the ordinance to the pet store. So, education is going to be huge. A couple came from New York, called the pet store to inquire about local laws and the pet shop told them there weren't any.

Dave: Well, education of pet shops has been really difficult.

Grover: None of them are here. None of them belong to NCARK. How are we going to educate them?

Dave: What we wrote is more specific and will put the burden on the pet shops because the seller is held liable if they don't keep records of the buyers permit/license. I can tell you that the first time a pet shop is cited, the word will spread pretty fast.

Keith: The problem is that you don't even have to be licensed to be a pet shop. Who knows how many there are? The big dealers won't be a problem. It is the mom and pop operations that take trades and special orders. We have two places in Wilmington that you can go in and buy a scrub or reticulated python today.

Dave: Should we come up with a number of venomous keepers?

Discussion about estimated number for funding of licensing program. Clarified that with one snake or twenty, the same fee would apply. Assuming \$100 per license...

Grover: I think we should go with 1000 licenses.

Dave: Is the revenue generated from this going to be enough to pay for the licensing program?

Ann: How do we determine that?

Daron: There are several things to look at. The cost of a level one position is around \$60,000; that's not the salary, but what it costs to fund that position. So, if you generate \$100,000, then you can fund that position. But, you also have to look at how permit fees are distributed in the agency.

Ann: What do our numbers need to be to make it palatable to NCWRC?

Daron: I think that what you have is reasonable. But, can one person handle 1000 permits? Yes, I think so.

Dave: **OK, let's make it 1000** and take a ten minute break. We will finish with grandfathering, denial, revocation, and reinstatement.

BREAK

Dave: Before we talk about denial, revocation, and reinstatement let's talk about grandfathering. We have not actually talked about all those people who already have collections. How long do they have to apply?

Grover: I think you are going to have to allow exceptions. It is really hard to get the word out to even pet shops.

Tanith: If we give them too long a grace period, that could make some people walk. But instead, let's give no grace period until issuing a "fix it" ticket that then gives 30 days for them to apply for the license.

Dave: I like that idea but we might need more than 30 days. There are always going to be people who don't hear about. But, that is what the Education and Outreach Working Group will be doing at shows, kingsnake.com, etc. There has to be a period of time that people can come in and be grandfathered in. And, after that they can plead their case with Daron with whom it will be up to him to decide well, OK, it looks like you did not know and you have verification that you had these snakes before the law took effect.

Tanith: Say one year? But technically, they would be in violation and given a warning if caught. I want the public to feel like the law is protecting them.

Keith: I don't think you can do that. You need to give it a year in order to get the word out.

Daron: Typically what you see is a date where you can show that having animals before that date, you are grandfathered in. So, it covers them as long as they can show they had the animals before that date.

Dave: Then we wouldn't need the grace period. You just have to show that you had the animals before the law went into effect.

Ted: I have an interesting question. What about venomoid snakes?

Tanith: What about it? I would like to see that cruel practice banned.

Dave: It should not matter. A venomous species is a venomous species, venomoid or not.

David: There is a NC statute that addresses venomoid snakes.

Dave: Let me see that. There is a regulation that covers the transport and handling of venomous reptiles in the state. The whole thing states, **"It shall be unlawful for any person to own, possess, use or traffic any reptile of a venomous nature whose venom is not removed unless such reptile is at all times kept securely in a box, cage, or other safe container in which there are no openings of sufficient size to permit the escape of such reptile or through which such reptile can inject its venom into a human being."** So, it was probably not wise to put "whose venom is not removed" in there, but otherwise it makes sense. I don't think we need to address this now, but we may want to later. I think we said that it shouldn't matter. And, it is a practice we would like to discourage.

Ann: Maybe we should at least mention that we feel that way.

Discussion.

Dave: **I will add a line that specifically states that venomoid snakes are included in the regulations.**

Daron: You probably want to address someone who refuses to get under the license. Should they be allowed time to sell them and in how much time? Usually it is 30-60 days. **General agreement of 60 days**

Discussion about confiscations and locations to place animals. Licensees may be called upon to aid animal control and enforcement officers. Officers will definitely need to be present.

Tanith: In Florida, I would bag and house the animal for evidence.

Ann: At your expense.

Tanith: Yes, but I generally got to keep the animal afterwards.

Dave: Have we addressed how we can be helpful in the inspection process.

Daron: I think we can discuss it further farther down the road.

Dave: We can offer...

Daron: Sure. You can put that out there as an incentive.

Dave: Ok. How about license denial? We put down wildlife violations, but got caught up in discussing being caught without a fishing license.

Discussion about particular criminal convictions or wildlife violations that may be cause for denial. Animal cruelty.

Dave: Are you happy with the two things we came up with: **A wildlife violation could be cause for denial and if you have been convicted of misdemeanor or felony animal cruelty?** General agreement.

Daron: There should be an appeal process.

Dave: OK, let's move on to revocation.

Tanith: I would like to see brandishment as grounds for revocation. Taking them out in public should not be allowed.

Dave: There is a law in place that prohibits that in religious ceremonies. Of course, if someone is doing a legitimate show and someone terrified of snakes freaks out.

Daron: That can be addressed in handling and caging where it would be required in the caging requirements that the snakes only be removed from cages to place in another cage.

Dave: **I've got public brandishment or endangerment is a cause for revocation.**

David: Something that has been an issue was someone using venomous snakes to guard illegal drugs.

Dave: **Using venomous snakes to assist illegal activities.** This does happen in India a lot.

Tape Ended.