



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: H. 4874 Introduced on January 17, 2024
Author: Hixon
Subject: Captive Wildlife
Requestor: House Agriculture, Natural Resources, and Environmental Affairs
RFA Analyst(s): Daigle and Griffith
Impact Date: January 31, 2024

Fiscal Impact Summary

This bill creates a new Chapter 17 in Title 50 pertaining to captive wildlife. This bill requires the Department of Natural Resources (DNR) to oversee new restrictions on possession of captive wildlife, establishes permitting requirements, and gives DNR authority to seize captive wildlife under the procedures outlined. Seizure is deemed a final agency action subject to review by the Administrative Law Court (ALC) under the Administrative Procedures Act. This bill requires that DNR produce a report within ten days, or a reasonable amount of time, of property or anything else of value that is seized. The bill specifies that a permittee, or any other person or entity from whom captive wildlife was seized, is liable for any costs incurred by the department or its agent as a result of care provided to seized captive wildlife. This bill also establishes new offenses for violations of the provisions. Further, the bill imposes requirements for individuals permitted to possess rabies vector species to be inoculated. Bites must be reported to the newly created Department of Public Health (DPH), which is referenced in the bill as DBPH, and is the organization restructured from the Department of Health and Environmental Control (DHEC).

This bill will increase DNR's General Fund expenses by creating additional workload that will require at least 0.5 FTE. DNR intends to hire 1.0 FTE Biologist II at a cost of approximately \$72,800 and will allocate 0.5 of the Biologist II's responsibilities and duties to managing the permitting process created in this bill. The remaining time will be allocated to other responsibilities. The agency expects to request General Fund appropriations to fund this increased expense.

This bill will have no expenditure impact on Judicial for any increase in court cases related to violations of this bill. Judicial indicates that any increase in caseload can be managed with existing appropriations. This bill will also have no expenditure impact on DPH because the bill specifies that any party that possesses rabies vector species and whose actions cause a rabies exposure is solely liable for the cost of any rabies postexposure prophylaxis. Additionally, this bill is not expected to impact expenditures for the ALC for any increase in hearings due to the provisions of this bill. Revenue and Fiscal Affairs (RFA) anticipates that any increase in caseload can be managed with existing staff and appropriations. We will update this impact if we receive a different response.

This bill may increase Other Funds revenue by \$2,500 to \$5,000 annually due to new permit purchases. However, DNR indicates that the number of permits sold may be considerably different if individuals with wildlife currently existing in their private possession are required to be grandfathered in and issued a permit by the department. Therefore, the total revenue impact from the sales of wildlife rehabilitation, apprentice wildlife rehabilitation, wildlife education and exhibition, and wildlife research permits is undetermined.

This bill may impact local expenditures as it may increase the number of individuals housed in local jails. Additionally, this bill may result in an increase in local expenditures because DNR may request the aid of local county and city governments to assist with seizures of wildlife or other animals and temporary housing of seized animals. The number of wildlife offenses that will occur is unknown. Therefore, the potential expenditure for local governments is unknown.

This bill may also increase fine and fee revenue due to the violations of the requirements in this bill. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, this bill may result in an undetermined revenue impact due to the fines and fees collections in court.

Explanation of Fiscal Impact

Introduced on January 17, 2024

State Expenditure

This bill creates a new Chapter 17 in Title 50 pertaining to captive wildlife. This bill requires DNR to oversee new restrictions on possession of captive wildlife, establishes permitting requirements, and gives DNR authority to seize captive wildlife under the procedures outlined.

This bill allows DNR to seize captive wildlife for several reasons and DNR reserves the right to place seized captive wildlife in another authorized facility. DNR may request the aid of local county and city governments to assist with seizures of wildlife or other animals. This bill mandates that a permittee, or any other person or entity from whom captive wildlife was seized, is liable for any costs incurred by the department or its agent as a result of care provided to seized captive wildlife. This bill also authorizes DNR to charge a permittee or any other person or entity for any reasonable costs for the capture or destruction of escaped seized wildlife. Further, this bill specifies that DNR is not liable for the escape and/or destruction caused by seized captive wildlife. This bill requires that DNR produce a report within ten days, or a reasonable amount of time, of property or anything else of value that is seized. A seizure is deemed a final agency action subject to review by the ALC under the Administrative Procedures Act.

The department is currently authorized to seize native reptiles, nongame wildlife, and native turtles from individuals who fail to procure or violate the terms of any permit or other regulations pertaining to native reptiles, nongame wildlife, and native turtles, respectively. Currently, costs of holding confiscated wildlife and items are assessable to defendants upon conviction.

This bill makes it illegal for an individual to fraudulently obtain or renew any permit for the possession, taking, or other permitted use of captive wildlife. Violations of this requirement are subject to a fine of not more than \$1,000 or imprisonment of not more than thirty days, or both. Each fraudulent document, including photographs, constitute a separate offense. This bill also makes it illegal for a person to violate any conditions of a permit and any promulgated regulations. First time offenders are subject to a fine of \$50 to \$500 or imprisonment of not more than thirty days, or both. Second time offenders who violate this requirement within two years of the first violation are subject to a fine of \$500 to \$1,000 or imprisonment of not more than thirty days, or both. Third time offenders who violate this requirement within two years of the second offense are subject to a fine of \$1,000 to \$5,000 or imprisonment of not more than six months, or both. This bill creates a penalty for anyone who has captive wildlife seized from their possession due to neglect, confined abandonment, or maltreatment of a fine of \$1,000 to \$2,500 or up to six months imprisonment, or both. Additionally, each wildlife possessed in violation of the provisions constitutes a separate offense.

Department of Natural Resources. DNR anticipates that this bill will increase the agency's expenses by approximately \$72,800 beginning in FY 2024-25 for salary and fringe to hire 1.0 FTE, a Biologist II. Approximately 0.5 of the Biologist II's responsibilities and duties will be managing the permitting process created in this bill. The remaining time will be allocated to other responsibilities. The agency will request General Fund appropriations.

Department of Public Health. This bill requires anyone permitted as a wildlife rehabilitator, wildlife rehabilitator apprentice, or wildlife educator who possesses rabies vector species to be inoculated with the preexposure rabies prophylaxis (Rabies PrEP) vaccine. Any bites from a rabies vector species must be reported to DBPH. Further, for the purposes of rabies testing, DBPH has the authority to demand the immediate surrender or submission of any possessed rabies vector species at its discretion. There will be no fiscal impact for these responsibilities because the bill specifies that any party that possesses rabies vector species and whose actions cause a rabies exposure is solely liable for the cost of any rabies postexposure prophylaxis. *DPH is referenced in the bill as DBPH and is the organization restructured from DHEC to include all public health functions. DPH will become an official state agency on July 1, 2024.*

Judicial. Judicial reports that implementation of the bill may result in an increase in general sessions and summary court caseloads, which can be managed using existing staff and appropriations. Therefore, the bill will result in no expenditure impact for Judicial.

State Revenue

This bill authorizes DNR to issue one-year permits, costing \$25, for wildlife rehabilitation, apprentice wildlife rehabilitation, wildlife education and exhibition, and wildlife research. Some individuals convicted of major wildlife violations or crimes may be prohibited from obtaining a permit. Captive wildlife already in possession before the effective date of this chapter must be registered with DNR and may remain with the registered party until the wildlife's death but reproduction is prohibited. Permits may only be granted by DNR to properly accredited, competent persons for the collection of captive wildlife for strictly scientific or propagating purposes. This bill also specifies that for exhibition purposes, only zoos accredited by the

Association of Zoos and Aquariums and transient circuses based out of state are not required to procure a permit for the possession, transportation, or importation of wildlife.

The department is currently authorized to issue permits for the possession, transportation, or importation of wildlife if the wildlife was taken lawfully in the jurisdiction of which it originated and if the importation, release, or possession of the wildlife is not reasonably expected to adversely impact the natural resources of South Carolina or its wildlife populations. Currently, permits for possession, transportation, or importation of wildlife are not required for wildlife imported for exhibition purposes by state wildlife departments, municipal zoos or parks, public museums, public zoological parks, and public scientific or educational institutions operated not for profit, and transient circuses.

This bill may increase Other Funds revenue by at least \$2,500 to \$5,000 annually from new permit sales. DNR indicates that, based on previous years and requests by individuals to be added to the rehabilitator registry, at least 100 to 200 permits costing \$25 will be issued annually. However, DNR indicates that the impact on the number of permits sold may be considerable if the department is required to grandfather in and issue permits to individuals with wildlife currently existing in their private possession, but DNR does not have the necessary data to estimate the impact. Therefore, the total revenue impact from the sales of wildlife rehabilitation, apprentice wildlife rehabilitation, wildlife education and exhibition, and wildlife research permits is undetermined.

This bill may also increase fine and fee revenue due to violations of the requirements in this bill. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. As this bill creates new offenses, the number of fines that will be assessed is unknown. Therefore, this bill may result in an undetermined impact to General Fund and Other Funds revenue due to the fines and fees collections in court.

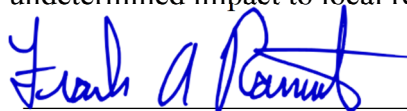
Local Expenditure

RFA anticipates that this bill may result in an increase in local expenditures due to a potential increase in the local jail population resulting from violations of the newly created requirements. However, as the number of such offenses that might occur in a given year is unknown, the potential increase in the local jail population and local expenditure is undetermined.

Additionally, this bill may result in an increase in local expenditures because DNR may request the aid of local county and city governments to assist with seizures of wildlife or other animals and temporary housing of seized animals. However, the number of wildlife and animal seizures that will occur is unknown. Therefore, the potential expenditure for local county and city governments is unknown.

Local Revenue

This bill may result in an increase in the fines and fees collected in court. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. As this bill creates new offenses, the number of fines that will be assessed is unknown. Therefore, this bill may result in an undetermined impact to local revenue due to the fines and fees collections in court.



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