

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015-2016

Bill Number: H.297 Name of Bill: An act relating to the sale of ivory or rhinoceros horn

Agency/ Dept: ANR/Fish and Wildlife Author of Bill Review: Jason Batchelder

Date of Bill Review: 22 Jan, 2016 Related Bills and Key Players: VT Game Wardens and other Law Enforcement

Status of Bill: (check one): ☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both

Recommended Position:

☐ Support ☐ Oppose ☒ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.* In my opinion, the intent of the bill is to ensure Vermont would not be a legal retail or trade market outlet for ivory or rhinoceros horn and thereby ensuring we as a state are part of the solution to illegal ivory and horn harvest.
2. **Is there a need for this bill?** *Please explain why or why not.* No. Federal law already governs the movement, trade and sale of ivory and rhinoceros horn. That being said, the USFWS increasingly encourages state LE divisions to enforce state laws, even when there are federal implications.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?**
Vermont's game wardens are looked to for all things related to wildlife and are already tasked with a significant workload with minimal staffing. The passing of this bill would guarantee that every call related to ivory or rhinoceros horn would land with the LE division wardens, regardless of which agencies are allowed to enforce the law. If we were to create this law, the federal enforcement entities would not respond to complaints unless it involved significant interstate trafficking.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** Their perspective would likely be one of support because the understanding, as it is now, would be that the wardens would take on the workload. I would certainly expect/want to be called on these cases if a bill was passed.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *(for example, public, municipalities, organizations, business, regulated entities, etc)*
This bill would squarely place the ivory and rhino horn enforcement effort on VT's wardens. This would detract significantly from our LE division's core mission which is protecting our fish, wildlife and plants for the people of VT.
6. **Other Stakeholders:**
 - 6.1 **Who else is likely to support the proposal and why?** Conservation groups, at least on its face, because it's obviously an effort to benefit two wildlife resources in critical need.

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6.2 Who else is likely to oppose the proposal and why? Weapons and musical instrument crafters. Buyers and sellers of antiques and art. Those in the trade of legally harvested ivory.

7. Rationale for recommendation: *Justify recommendation stated above.* Wardens are happy to enforce any state laws relating to the protection of natural resources, however, these protections exist on a federal level where robust enforcement already exists. Did they not, I would see need for this bill and its enforcement.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.* If need was seen for this type of enforcement (I have never personally in 14 years received an ivory/horn complaint) I would recommend mimicking the federal law with its penalties seeing as the implications are not jeopardizing Vermont's natural resources.

9. Gubernatorial appointments to board or commission?

Commissioner has reviewed this document:

Date:

1/25/16

Secretary has reviewed this document:

Date:

1/25/16