S T A T E O F N E W Y O R K

5381

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to traps set for taking wildlife

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 11-0111 of the environmental conservation law is amended to read as follows:

S 11-0111. Limitation of powers of boards of supervisors and county legislative bodies AND ON MUNICIPAL PROPERTY.

1. Boards of supervisors of counties and county legislative bodies shall not, except as expressly provided in the Fish and Wildlife Law, exercise powers (other than powers to appropriate money), vested in them by any other law, to provide for the protection, preservation or propagation of fish, game, wildlife, or shellfish within the county, or to prescribe or enforce collection of penalties for the violation thereof.

2. NOTHING IN THIS SECTION SHALL PROHIBIT A MUNICIPALITY FROM REGULATING TRAPPING ON PROPERTY OWNED AND MANAGED BY SUCH MUNICIPALITY, UNLESS SUCH PROPERTY WAS PURCHASED WITH STATE OR FEDERAL FUNDS FOR THE SPECIFIC PURPOSE OF ESTABLISHING AND MAINTAINING PUBLIC HUNTING, TRAPPING OR FISHING GROUNDS. SUCH REGULATION SHALL NOT LIMIT OR RESTRICT TRAPPING OF NUISANCE WILDLIFE WHENEVER IT BECOMES A NUISANCE PURSUANT TO SECTION 11-0505, 11-0507, 11-0521 OR 11-0523 OF THIS ARTICLE BY PERSONS ISSUED A NUISANCE WILDLIFE CONTROL OPERATOR LICENSE BY THE DEPARTMENT OR WHENEVER IT IS DETERMINED BY THE DEPARTMENT OR THE DEPARTMENT OF HEALTH OR THE DEPARTMENT OF AGRICULTURE AND MARKETS, OR THE COUNTY DEPARTMENT OF HEALTH THAT A DISEASE, WHICH ENDANGERS THE HEALTH AND WELFARE OF FISH OR WILDLIFE POPULATIONS, OR OF DOMESTIC LIVESTOCK OR OF THE HUMAN POPULATION EXISTS IN THE COUNTY, OR IS IN IMMINENT DANGER OF BEING INTRODUCED INTO THE COUNTY.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD08673-01-9

S 2. Section 11-1101 of the environmental conservation law is amended by adding a new subdivision 13 to read as follows:

13. ON ALL PUBLICLY ACCESSIBLE MUNICIPALLY OWNED PROPERTY WHERE TRAPPING IS ALLOWED, POSTED SIGNAGE AT OFFICIALLY RECOGNIZED ENTRY POINTS MUST INFORM READERS THAT TRAPPING IS ALLOWED IN SEASON AND TO TAKE APPROPRIATE PRECAUTIONS. NOTHING IN THIS SUBDIVISION SHALL PREVENT A MUNICIPALITY FROM REGULATING TRAPPING ON MUNICIPALLY OWNED PROPERTY, UNLESS SUCH PROPERTY WAS PURCHASED WITH STATE OR FEDERAL FUNDS FOR THE SPECIFIC PURPOSE OF ESTABLISHING AND MAINTAINING PUBLIC HUNTING, TRAPPING OR FISHING GROUNDS.

S 3. Section 11-1105 of the environmental conservation law, subdivision 1 as amended by chapter 911 of the laws of 1990, is amended to read as follows:

S 11-1105. Procedure.

1. Traps set for taking wildlife shall bear the name and residence address of the operator legibly at all times.

[They] 2. TRAPS shall be visited once in each twenty-four hours, except in the Northern Zone where they shall be visited once in each forty-eight hours or a shorter interval of no less than twenty-four hours as the department may, by regulation, require, and all wildlife held captive shall immediately be removed from the traps.

[2] 3. Wildlife lawfully taken alive in traps may be killed in any manner, except that where the taking is pursuant to a permit or special license, it may not be killed in violation of any term of such permit or license.

S 4. Section 71-0923 of the environmental conservation law is amended by adding a new subdivision 13 to read as follows:

13. ANY VIOLATION OF TITLE ELEVEN OF ARTICLE ELEVEN OF THIS CHAPTER IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN FIFTEEN DAYS, OR BY A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS, OR BY BOTH SUCH IMPRISONMENT AND FINE.

ANY PERSON WHO INTENTIONALLY AND KNOWINGLY VIOLATES SUBDIVISION ONE OF SECTION 11-1105 OF THIS CHAPTER SHALL HAVE HIS LICENSE TO TRAP REVOKED AND SHALL NOT BE RELICENSED FOR A MINIMUM OF TWO YEARS THEREAFTER, IN ADDITION TO ANY OTHER ACTION IMPOSED PURSUANT TO THIS ARTICLE.

S 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.