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

3919

2011-2012 Regular Sessions

I N S E N A T E

March 9, 2011

Introduced by Sen. GRISANTI -- (at request of the Department of Environmental Conservation) -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to extending the authority of the department of environmental conservation to manage deer and bear and extending the authority of the department of environmental conservation to adopt regulations for hunting in the northern zone; to amend chapter 600 of the laws of 1993, amending the environmental conservation law relating to the management of bear, in relation to the effectiveness of such chapter; to amend chapter 84 of the laws of 2010 amending the environmental conservation law relating to the management of migratory game birds, in relation to extending the effectiveness thereof

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

Section 1. Section 13 of chapter 600 of the laws of 1993, amending the environmental conservation law relating to the management of bear, as amended by chapter 149 of the laws of 2007, is amended to read as follows:

S 13. This act shall take effect immediately, provided however, that the amendments made to paragraph c of subdivision 1 of section 11-0907 of the environmental conservation law made by section five of this act, paragraph a of subdivision 2 of section 11-0907 of the environmental conservation law made by section six of this act, paragraphs a and b of subdivision 3 of section 11-0907 of the environmental conservation law made by section seven of this act, paragraph b of subdivision 2 of section 11-0907 of the environmental conservation law made by section six of this act, paragraph c of subdivision 3 of section 11-0907 of the environmental conservation law made by section seven of this act, and subdivision 3 of section 11-0911 of the environmental conservation law

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

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made by section eight of this act shall expire on October 1, [2011] 2014.

S 2. Subdivision 8, paragraph a of subdivision 9 and subdivision 10 of section 11-0903 of the environmental conservation law, as amended by chapter 149 of the laws of 2007, are amended to read as follows:

8. Notwithstanding any provision of law, rule or regulation to the contrary, the department may, until October first, two thousand [eleven] FOURTEEN, fix by regulation the open seasons, open areas, bag limit, manner of taking, possession and disposition of bear and parts of bears, and the intentional and incidental feeding of bears. Such regulations shall implement the provisions of this article. Such regulations, as the department deems appropriate, may provide for special permits and permit quotas. When a special permit is required, the department may fix by regulation a fee for each such permit issued.

a. Until October first, two thousand [eleven] FOURTEEN, whenever in its opinion deer shall become numerous enough in any area to cause substantial damage to property or overbrowsing of deer range, the department may fix by regulation special open seasons for taking wild deer of either sex. Subject to this subdivision, the department may fix the conditions of such seasons.

10. Notwithstanding any inconsistent provision of subdivision 10 of section 11-0901 or subdivision 2, subdivision 3 or subdivision 8 of section 11-0907 of this title, until October first, two thousand [eleven] FOURTEEN, the department is authorized to adopt regulations with respect to the manner of taking, possession, open seasons and bag limits for deer. The authority to adopt such regulations is in addition to any authority contained in this section or section 11-0913 of this title respecting regulations fixing open seasons for deer and the issuance of deer management permits.

S 3. Paragraph a of subdivision 1 of section 11-0913 of the environmental conservation law, as amended by chapter 149 of the laws of 2007, is amended to read as follows:

a. Until October first, two thousand [eleven] FOURTEEN, whenever in its opinion the population of deer in any area of the state except in the northern zone is such that additional harvest of deer is reasonably necessary to properly manage the deer herd in the state in balance with the available deer range and natural food supply, the department may provide by regulation for issuance of deer management permits, permitting the taking of one deer for the permit, in addition to the limit of one deer that may otherwise be taken by one person in a license year.

S 4. Paragraph c of subdivision 8 of section 11-0907 of the environmental conservation law, as amended by chapter 140 of the laws of 2007, is amended to read as follows:

c. Until October first, two thousand [eleven] FOURTEEN, such special season for the Northern Zone or any portion thereof may by regulation be for up to a fourteen-day period preceding the regular open season for deer stated in column two of the table set forth in subdivision 2 of this section or may be for up to a fourteen-day period following such open season or any combination thereof, provided that a maximum of sixteen days is not exceeded for any open area. Regulations establishing such Northern Zone muzzle-loading firearm big game season may specify the taking of deer of either sex, antlerless deer only, legal bucks only, or any combination thereof, and may require that persons participating in the Northern Zone muzzle-loading firearm big game season obtain a special permit from the department. When establishing these

regulations, the department must consider the condition of the herd and communities', property owners', hunters' and other relevant interests.

S 5. Section 5 of chapter 84 of the laws of 2010, amending the environmental conservation law relating to the management of migratory game birds, is amended to read as follows:

S 5. This act shall take effect immediately; provided, however, that the amendments made by sections one, two and three of this act shall be deemed repealed on [May 1, 2011] OCTOBER 1, 2014.

S 6. This act shall take effect immediately.