

7559--A

Cal. No. 421

2011-2012 Regular Sessions

I N A S S E M B L Y

May 10, 2011

Introduced by M. of A. LUPARDO, SWEENEY, GUNTHER -- read once and referred to the Committee on Environmental Conservation -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the environmental conservation law, in relation to continuing the authority of the department of environmental conservation to adopt management regulations for deer and bear; and 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

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

1 Section 1. Section 13 of chapter 600 of the laws of 1993, amending the
2 environmental conservation law relating to the management of bear, as
3 amended by chapter 149 of the laws of 2007, is amended to read as
4 follows:
5 S 13. This act shall take effect immediately, provided however, that
6 the amendments made to paragraph c of subdivision 1 of section 11-0907
7 of the environmental conservation law made by section five of this act,
8 paragraph a of subdivision 2 of section 11-0907 of the environmental
9 conservation law made by section six of this act, paragraphs a and b of
10 subdivision 3 of section 11-0907 of the environmental conservation law
11 made by section seven of this act, paragraph b of subdivision 2 of
12 section 11-0907 of the environmental conservation law made by section
13 six of this act, paragraph c of subdivision 3 of section 11-0907 of the
14 environmental conservation law made by section seven of this act, and
15 subdivision 3 of section 11-0911 of the environmental conservation law
16 made by section eight of this act shall expire on October 1, [2011]
17 2015.

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

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

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

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

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

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

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

39 S 4. This act shall take effect immediately.