

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:

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

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

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1 made by section eight of this act shall expire on October 1, [2011]
2 2014.

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

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

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

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

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

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

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

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

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

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

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

9 S 6. This act shall take effect immediately.