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

S. 4419--A A. 6428--A

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

March 27, 2013

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to authorizing the towns of East Hampton, Riverhead, Shelter Island, Southold, and Southampton in the county of Suffolk to adopt local laws in certain cases related to the taking of wild deer; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative findings. The recent population explosion of white-tailed deer (Odocoileus virginianus) on Eastern Long Island threatens public health, public safety, personal property, and the environment. Local municipal deer management plans describe the uncontrolled increase in population as an emergency, crisis situation, requiring immediate action.

There are several indicators of the crisis. Tick borne illnesses such as Lyme disease, Babisiosis and Ehrlichiosis have increased exponentially. The incidence of reported deer/vehicle collisions on eastern Long Island has increased. The incidence of property damage complaints has increased, including huge financial losses to the region's critical agricultural economy.

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

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Environmentally speaking, the preserved lands and native landscapes of the East End are being destroyed. Increased browsing on deer-preferred plants has changed the type and species of plants that can survive and withstand the destruction. Rare wildflowers and common native herbaceous plants have declined. Forested lands show a clear browse line, and tree saplings are now not surviving. Intense browsing of native species has also led to an increase in invasive plant species which cause even further destruction to natural habitats. The environmental changes in and degradation of these native habitats displaces wildlife. These long-term changes adversely impact the integrity of eastern Long Island's ecosystems.

This legislation would give local towns on eastern Long Island increased authority to implement the state and local deer management plan goal of reducing deer populations by providing increased hunting opportunities where local conditions allow. Without controlling the deer population, human health and safety will continue to be put in jeopardy.

S 2. Subdivision 7 of section 11-0903 of the environmental conservation law is amended by adding a new paragraph h to read as follows:

H. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, THE TOWNS OF EAST HAMPTON, RIVERHEAD, SHELTER ISLAND, SOUTHOLD, AND SOUTHAMPTON IN THE COUNTY OF SUFFOLK, AND VILLAGES WITHIN SAID TOWNS, SHALL BE AUTHORIZED TO ENACT LOCAL LAWS TO: (I) PERMIT HUNTING ON SATURDAY AND SUNDAY DURING SUCH SEASON; (II) PERMIT THE USE OF A LONG BOW TO TAKE WILD DEER DURING SUCH SEASON IN AREAS DESIGNATED BY THE DEPARTMENT AND THE TOWN; AND (III) TO REPEAL THE REQUIREMENT OF A SPECIAL PERMIT PROVIDED BY THE DEPARTMENT AND ISSUED BY THE TOWN CLERK DURING SUCH SEASON AS PROVIDED FOR BY THIS SUBDIVISION.

S 3. Subdivision 4 of section 11-0931 of the environmental conservation law, subparagraph 3 of paragraph a as added by chapter 400 of the laws of 1973 and subparagraph 4 of paragraph a as added by chapter 67 of the laws of 1976, is amended to read as follows:

4. a. No person shall:

(1) discharge a firearm or long bow in such a way as will result in the load or arrow thereof passing over a public highway or any part thereof;

(2) discharge a firearm or long bow within five hundred feet from a dwelling house, farm building or farm structure actually occupied or used, school building, school playground, or occupied factory or church;

(2-A) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH 2 OF PARAGRAPH A OF THIS SUBDIVISION TO THE CONTRARY, THE TOWNS OF EAST HAMPTON, RIVERHEAD, SHELTER ISLAND, SOUTHOLD, AND SOUTHAMPTON IN THE COUNTY OF SUFFOLK, AND VILLAGES WITHIN SAID TOWNS, SHALL BE AUTHORIZED TO ENACT LOCAL LAWS TO PERMIT A PERSON TO DISCHARGE A LONG BOW A DISTANCE OF NOT LESS THAN ONE HUNDRED FIFTY FEET FROM A DWELLING HOUSE, FARM BUILDING OR FARM STRUCTURE ACTUALLY OCCUPIED OR USED, SCHOOL BUILDING, SCHOOL PLAYGROUND, OR OCCUPIED FACTORY OR CHURCH.

(3) use a firearm or a long bow for the hunting of migratory game birds in Larchmont Harbor, specifically those portions bounded by the following points of land:

BEGINNING AT A POINT KNOWN AS UMBRELLA POINT ON THE EAST SHORE OF LARCHMONT HARBOR THEN PROCEEDING IN A NORTHERLY DIRECTION TO CEDAR ISLAND; THENCE NORTHWESTERLY TO MONROE INLET; THENCE NORTHEASTERLY TO DELANCY COVE BEING IN THE TOWN OF MAMARONECK; THENCE IN A SOUTHWESTERLY DIRECTION FROM DELANCY COVE TO GREACEN POINT; THENCE RUNNING THE AREA BETWEEN DELANCY COVE AND THE WEST SHORE OF SATANS TOE NORTHEAST; THENCE

SOUTHEAST THEN ALONG THE WEST SHORE OF SATANS TOE SOUTHWEST AND THEN SOUTH TO THE SOUTHERLY POINT OF SATANS TOE TO EDGEWATER POINT.

(4) Use of a firearm or a long bow for the hunting of migratory game birds in Udall's Cove, specifically those portions of Little Neck Bay within Nassau and Queens counties lying east of a line running north from the foot of Douglaston Parkway to the shore opposite.

b. The prohibitions contained in subparagraph 2 of paragraph a [above] OF THIS SUBDIVISION shall not apply to:

(1) The owner or lessee of the dwelling house, or members of his immediate family actually residing therein, or a person in his employ, or the guest of the owner or lessee of the dwelling house acting with the consent of said owner or lessee, provided however, that nothing herein shall be deemed to authorize such persons to discharge a firearm or longbow within five hundred feet of any other dwelling house, or a farm building or farm structure actually occupied or used, or a school building or playground or occupied factory or church; OR IN THE TOWNS OF EAST HAMPTON, RIVERHEAD, SHELTER ISLAND, SOUTHOLD, AND SOUTHAMPTON IN THE COUNTY OF SUFFOLK, AND VILLAGES WITHIN SAID TOWNS, WHERE SUCH TOWN HAS ADOPTED A LOCAL LAW CONSISTENT WITH SUBPARAGRAPH 2-A OF PARAGRAPH A OF THIS SUBDIVISION;

(2) Programs conducted by public schools offering instruction and training in the use of firearms or long bow;

(3) The authorized use of a pistol, rifle or target range regularly operated and maintained by a police department or other law enforcement agency or by any duly organized membership corporation;

(4) The discharge of a shotgun over water by a person hunting migratory game birds if no dwelling house or public structure, livestock or person is situated in the line of discharge less than five hundred feet from the point of discharge.

S 4. This act shall take effect immediately, and provided further that this act shall expire December 31, 2015 when upon such date the provisions of this act and any local laws enacted pursuant to this act shall be deemed repealed.