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

1344--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to protecting wildlife while maintaining public safety

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

Section 1. Section 11-0524 of the environmental conservation law is amended by adding four new subdivisions 6, 7, 8 and 9 to read as follows:

6. IF AN ANIMAL IS KILLED, IT SHALL BE DONE IN A MANNER THAT AVOIDS UNNECESSARY SUFFERING FOR THE ANIMAL WHILE PROTECTING PUBLIC SAFETY. NON-LETHAL METHODS OF RESOLVING NUISANCE WILDLIFE PROBLEMS, INCLUDING DISPOSITION OF THE ANIMALS, SHALL BE UTILIZED UNLESS CONTRARY TO PUBLIC HEALTH AND SAFETY OR PROHIBITED BY LAW. CAPTURED WILDLIFE SHALL BE TRANSPORTED IN SUCH A MANNER SO AS TO MINIMIZE STRESS TO THE ANIMAL, EXPOSURE TO THE ELEMENTS, AND POTENTIAL HAZARD TO THE PUBLIC. REASONABLE EFFORTS SHOULD BE MADE TO PRESERVE FAMILY UNITS. DEPENDENT YOUNG WILDLIFE SHALL NOT BE ABANDONED IN A STRUCTURE OR LEFT WITHOUT PROVISION FOR CARE DURING OR AFTER THE REMOVAL OF WILDLIFE.

7. BEFORE A NUISANCE WILDLIFE CONTROL OPERATOR UNDERTAKES ANY CONTROL MEASURES, A NUISANCE WILDLIFE CONTROL OPERATOR SHALL PROVIDE, TO THE CLIENT, IN WRITING, THE FOLLOWING: (A) AN ASSESSMENT OF THE PROBLEM, INCLUDING IDENTIFICATION OF POSSIBLE CAUSES OF THE PROBLEM; (B) THE METHODS AND PRACTICES THAT MAY BE USED TO RESOLVE THE PROBLEM INCLUDING, BUT NOT LIMITED TO, DISPOSITION TO BE MADE OF THE ANIMAL; AND (C) AN ESTIMATE OF THE FEE TO BE CHARGED.

8. THE DEPARTMENT SHALL KEEP A RECORD, FOR NO LESS THAN FIVE YEARS, OF ANY WRITTEN OR ORAL COMPLAINTS RECEIVED BY THE DEPARTMENT AGAINST A

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

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NUISANCE WILDLIFE CONTROL OPERATOR AND SHALL DOCUMENT ACTION TAKEN BY THE DEPARTMENT IN RESPONSE TO THE COMPLAINT.

9. THE DEPARTMENT IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the three hundred sixty-fifth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.