

STATE OF NEW YORK

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2017-2018 Regular Sessions

IN ASSEMBLY

September 1, 2017

Introduced by M. of A. HUNTER, TITONE, D'URSO, MAGNARELLI, FAHY, LUPARDO, HAWLEY, GALEF, COOK, RAIA, WILLIAMS, ERRIGO, HYNDMAN, STIRPE, BLAKE -- Multi-Sponsored by -- M. of A. BARCLAY, McDONOUGH, 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to wildlife damage management

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The environmental conservation law is amended by adding a new section 11-0522 to read as follows:

§ 11-0522. Cull permits to certified nuisance wildlife specialists.

1. For the purposes of this section, "certified nuisance wildlife specialist" shall mean an employee of a land grant university, or an employee of or a contractor for the federal or state government or any city, town, village or county, responsible for wildlife management and acting pursuant to a wildlife management plan, who complies with the criteria established by the department, in rules and regulations, that at a minimum require:

a. a minimum level of marksmanship certification, including ongoing certification;

b. liability insurance coverage levels or other financial arrangements approved by the department; and

c. reporting requirements.

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

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2. The department may, after reviewing the site-specific wildlife management plan, and upon a finding that wildlife has become a nuisance, destructive to public or private property or a threat to public health or welfare, issue a certified nuisance wildlife specialist a cull permit for the following wildlife:

a. for areas at an airport, wildlife shall mean wild game and all other animal life existing in a wild state at an airport, as defined in subdivision five of section two hundred forty of the general business law, that may pose a risk to aircraft.

b. for all other areas, wildlife shall mean only deer and coyote.

3. Each cull permit application shall comply with the criteria established by the department in rules and regulations that at a minimum include requirements for: the timeframe during which the permit must be used, a site-specific wildlife management plan, a geographic description of the area for which the permit is being requested, a written contract with the airport or entity requesting the cull, requests for any authorization pursuant to subdivisions three and nine of section 11-0505 of this title, subdivision two of section 11-0901 of this article, and subdivisions two and four of section 11-0931 of this article, provided that any such authorization subsequently granted shall be explicitly included on any cull permit, and details regarding expected local law enforcement participation.

4. Nothing in this section shall be construed as requiring or obligating the department to issue a permit to take wildlife or direct the taking of any wildlife when in its opinion the nuisance, destruction of property or threat to public health and welfare will not be effectively abated thereby.

§ 2. Subdivision 3 of section 11-0505 of the environmental conservation law, as amended by chapter 135 of the laws of 1982, is amended and a new subdivision 9 is added to read as follows:

3. No deer or bear traps shall be made, set or used upon land inhabited by deer or bear. No salt lick shall be made, set or used upon land inhabited by deer or bear, except that:

a. the department may do so on state wildlife refuges and wildlife management areas; and

b. a certified nuisance wildlife specialist with a permit issued pursuant to paragraph a or b of subdivision two of section 11-0522 of this title may do so provided that such activities are in furtherance of the site-specific wildlife management plan.

9. A certified nuisance wildlife specialist with a permit issued pursuant to paragraph a or b of subdivision two of section 11-0522 of this title may, in accordance with the parameters of such permit and the participation of local law enforcement, entice deer in the manner prohibited in subdivision eight of this section provided that such activities are in furtherance of the site-specific wildlife management plan.

§ 3. Subdivision 2 of section 11-0901 of the environmental conservation law is amended to read as follows:

2. Wildlife shall not be taken on or from any public highway, except:

a. that in the forest preserve counties it may be taken from highways other than state, county or town highways; and

b. by a certified nuisance wildlife specialist with a permit issued pursuant to paragraph a or b of subdivision two of section 11-0522 of this article provided that such activities are in furtherance of the site-specific wildlife management plan.

§ 4. Subdivision 2 and subparagraph 1 of paragraph b of subdivision 4 of section 11-0931 of the environmental conservation law, as amended by section 8 of part EE of chapter 55 of the laws of 2014, are amended to read as follows:

2. a. No crossbow or firearm except a pistol or revolver shall be carried or possessed in or on a motor vehicle unless it is uncocked, for a crossbow or unloaded, for a firearm in both the chamber and the magazine, except that a loaded firearm which may be legally used for taking migratory game birds may be carried or possessed in a motorboat while being legally used in hunting migratory game birds, and b. no person except a law enforcement officer in the performance of his official duties or a certified nuisance wildlife specialist with a permit issued pursuant to paragraph a or b of subdivision two of section 11-0522 of this article, provided that such activities are in furtherance of the site-specific wildlife management plan, shall, while in or on a motor vehicle, use a jacklight, spotlight or other artificial light upon lands inhabited by deer if he or she is in possession or is accompanied by a person who is in possession, at the time of such use, of a longbow, crossbow or a firearm of any kind except a pistol or revolver, unless such longbow or crossbow is unstrung or such firearm or crossbow is taken down or securely fastened in a case or locked in the trunk of the vehicle. For purposes of this subdivision, motor vehicle shall mean every vehicle or other device operated by any power other than muscle power, and which shall include but not be limited to automobiles, trucks, motorcycles, tractors, trailers and motorboats, snowmobiles and snowtravelers, whether operated on or off public highways. Notwithstanding the provisions of this subdivision, the department may issue a permit to any person who is non-ambulatory, except with the use of a mechanized aid, to possess a loaded firearm in or on a motor vehicle as defined in this section, subject to such restrictions as the department may deem necessary in the interest of public safety. Nothing in this section permits the possession of a pistol or a revolver contrary to the penal law.

(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 written consent of said owner or lessee, including a certified nuisance wildlife specialist with a permit issued pursuant to paragraph b of subdivision two of section 11-0522 of this article, provided that such activities are in furtherance of the site-specific wildlife management plan, provided however, that nothing herein shall be deemed to authorize such persons to discharge a firearm within five hundred feet, a long bow within one hundred fifty feet, or a crossbow within two hundred fifty feet of any other dwelling house, or a farm building or farm structure actually occupied or used, or a school building or playground, public structure, or occupied factory or church;

§ 5. This act shall take effect on the ninetieth 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.