

STATE OF NEW YORK

1599

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

Introduced by M. of A. HUNTER, D'URSO, MAGNARELLI, FAHY, LUPARDO, HAWLEY, GALEF, COOK, RAIA, WILLIAMS, HYNDMAN, STIRPE, BLAKE -- Multi-Sponsored by -- M. of A. BARCLAY, McDONOUGH, THIELE -- read once and referred to the Committee on Environmental Conservation

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:

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

3 § 11-0522. Cull permits to certified nuisance wildlife specialists.

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

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

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

15 c. reporting requirements.

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

21 a. for areas at an airport, wildlife shall mean wild game and all
22 other animal life existing in a wild state at an airport, as defined in

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

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1 subdivision five of section two hundred forty of the general business
2 law, that may pose a risk to aircraft.

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

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

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

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

24 3. No deer or bear traps shall be made, set or used upon land inhabit-
25 ed by deer or bear. No salt lick shall be made, set or used upon land
26 inhabited by deer or bear, except that:

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

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

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

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

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

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

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

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

53 2. a. No crossbow or firearm except a pistol or revolver shall be
54 carried or possessed in or on a motor vehicle unless it is uncocked, for
55 a crossbow or unloaded, for a firearm in both the chamber and the maga-
56 zine, except that a loaded firearm which may be legally used for taking

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

26 (1) The owner or lessee of the dwelling house, or members of his imme-
27 diate family actually residing therein, or a person in his employ, or
28 the guest of the owner or lessee of the dwelling house acting with the
29 written consent of said owner or lessee, including a certified nuisance
30 wildlife specialist with a permit issued pursuant to paragraph b of
31 subdivision two of section 11-0522 of this article, provided that such
32 activities are in furtherance of the site-specific wildlife management
33 plan, provided however, that nothing herein shall be deemed to authorize
34 such persons to discharge a firearm within five hundred feet, a long bow
35 within one hundred fifty feet, or a crossbow within two hundred fifty
36 feet of any other dwelling house, or a farm building or farm structure
37 actually occupied or used, or a school building or playground, public
38 structure, or occupied factory or church;

39 § 5. This act shall take effect on the ninetieth day after it shall
40 have become a law. Effective immediately the addition, amendment and/or
41 repeal of any rule or regulation necessary for the implementation of
42 this act on its effective date are authorized to be made and completed
43 on or before such effective date.