

STATE OF NEW YORK

9023--A

IN SENATE

April 10, 2024

Introduced by Sen. MATTERA -- read twice and ordered printed, and when printed to be committed 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 establishing a town of Huntington deer management pilot program; 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:

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

3 § 11-0522-b. Town of Huntington deer management pilot program.

4 1. For the purposes of this section, "nuisance wildlife specialist"
5 shall mean an employee of or a contractor for the federal or state
6 government responsible for wildlife management acting pursuant to a deer
7 management plan and deer cull permit. A nuisance wildlife specialist
8 must be in compliance with criteria established by the department that
9 at a minimum shall require:

10 a. a minimum level of marksmanship qualifications appropriate to the
11 firearm or hunting implement to be used;

12 b. liability insurance coverage or other financial arrangements iden-
13 tified by the department;

14 c. a copy of the cull permit and a copy of the log of nuisance wild-
15 life specialists using the permit, be on the nuisance wildlife special-
16 ist's person when exercising any privilege of such permit; and

17 d. reporting requirements.

18 2. The department may, after reviewing the town of Huntington's cull
19 permit application and site-specific deer management plan, and upon a
20 finding by the town of Huntington that deer have become a nuisance,
21 destructive to public or private property or a threat to public health
22 or welfare, issue a deer cull permit for use within the boundaries of
23 the town of Huntington, authorizing use of a nuisance wildlife special-
24 ist to take deer pursuant to the terms of the deer cull permit.

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

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3. Each cull permit application shall at a minimum include requirements for: the timeframe during which the permit must be used, a site-specific deer management plan, a geographic description of the area for which the permit is being requested, a written contract with the town of Huntington, a list which identifies participating nuisance wildlife specialists and eligibility based on the criteria established by the department, provided by the city of Syracuse, requests for any authorization pursuant to subdivisions three-a and eleven of section 11-0505 of this title, subdivision two-a of section 11-0901 of this article, and subdivisions two-a and four-a 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 consultation.

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

§ 2. Section 11-0505 of the environmental conservation law is amended by adding two new subdivisions 3-a and 11 to read as follows:

3-a. Notwithstanding subdivision three of this section, a salt lick may be made, set, or used upon land inhabited by deer or bear by a nuisance wildlife specialist with a permit issued pursuant to section 11-0522-b of this title provided that such activities are in furtherance of the site-specific deer management plan.

11. A nuisance wildlife specialist with a permit issued pursuant to section 11-0522-b of this title may, in accordance with the parameters of such permit and the consultation 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 deer management plan.

§ 3. Section 11-0901 of the environmental conservation law is amended by adding a new subdivision 2-a to read as follows:

2-a. Notwithstanding subdivision two of this section, wildlife may be taken by a nuisance wildlife specialist with a permit issued pursuant to section 11-0522-b of this article provided that such activities are in furtherance of the site-specific deer management plan.

§ 4. Subdivision 2 and subparagraph 1 of paragraph b of subdivision 4 of section 11-0931 of the environmental conservation law, as separately amended by chapters 65 and 83 of the laws of 2024, 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~~ their official duties or a nuisance wildlife specialist with a permit issued pursuant to ~~[section 11-0522 of]~~ this article, provided that such activities are in furtherance of the site-specific deer management plan, ~~[or a nuisance wildlife specialist with a permit issued pursuant to section 11-0522-a of this article, provided that such activities are in furtherance of the site-specific deer 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~~ they are in possession or ~~is~~ are accompanied by a person who is in possession, at the time of such

1 use, of a longbow, crossbow or a firearm of any kind except a pistol or
2 revolver, unless such longbow or crossbow is unstrung or such firearm or
3 crossbow is taken down or securely fastened in a case or locked in the
4 trunk of the vehicle. For purposes of this subdivision, motor vehicle
5 shall mean every vehicle or other device operated by any power other
6 than muscle power, and which shall include but not be limited to automo-
7 biles, trucks, motorcycles, tractors, trailers and motorboats, snowmo-
8 biles and snowtravelers, whether operated on or off public highways.
9 Notwithstanding the provisions of this subdivision, the department may
10 issue a permit to any person who is non-ambulatory, except with the use
11 of a mechanized aid, to possess a loaded firearm in or on a motor vehi-
12 cle as defined in this section, subject to such restrictions as the
13 department may deem necessary in the interest of public safety. Nothing
14 in this section permits the possession of a pistol or a revolver contra-
15 ry to the penal law.

16 (1) The owner or lessee of the dwelling house, or members of ~~[his]~~
17 ~~their~~ immediate family actually residing therein, or a person in ~~[his]~~
18 ~~the~~ employ ~~of such owner or lessee~~, or the guest of the owner or lessee
19 of the dwelling house acting with the consent of said owner or lessee,
20 provided however, that nothing herein shall be deemed to authorize such
21 persons to discharge a firearm within five hundred feet, a long bow
22 within one hundred fifty feet, or a crossbow within two hundred fifty
23 feet of any other dwelling house, or a farm building or farm structure
24 actually occupied or used, or a school building or playground, public
25 structure, or occupied factory or church; provided further, that a
26 nuisance wildlife specialist with a permit issued pursuant to ~~[section~~
27 ~~11-0522 of]~~ this article acting in furtherance of the site specific deer
28 management plan may discharge a firearm within five hundred feet of any
29 dwelling houses, structures, schools or playgrounds, provided that the
30 owners or lessees thereof have been notified by certified mail of the
31 date or dates, and time period of the expected activity, and discharge a
32 firearm within two hundred fifty feet of such dwelling houses, struc-
33 tures, schools or playgrounds provided that all the owners or lessees
34 thereof have provided written consent~~[- provided further, that a~~
35 ~~nuisance wildlife specialist with a permit issued pursuant to section~~
36 ~~11-0522-a of this article acting in furtherance of the site specific~~
37 ~~deer management plan may discharge a firearm within five hundred feet of~~
38 ~~any dwelling houses, structures, schools or playgrounds, provided that~~
39 ~~the owners or lessees thereof have been notified by certified mail of~~
40 ~~the date or dates and time period of the expected activity, and~~
41 ~~discharge a firearm within two hundred fifty feet of such dwelling hous-~~
42 ~~es, structures, schools or playgrounds provided that all the owners or~~
43 ~~lessees thereof have provided written consent]~~;

44 § 5. The department of environmental conservation, following consulta-
45 tion with the town of Huntington shall prepare a report examining the
46 effectiveness of the town of Huntington deer management pilot program
47 established pursuant to section 11-0522-b of the environmental conserva-
48 tion law in addressing deer overpopulation and the effectiveness in
49 addressing destruction to public or private property in the town of
50 Huntington. The report shall include the number of cull permits issued,
51 and the number of deer taken. The report shall also include recommenda-
52 tions for program improvements, including the potential effectiveness of
53 authorizing future programs. The report shall be delivered to the gover-
54 nor, the speaker of the assembly and the temporary president of the
55 senate, as well as published on the department's public website, no
56 later than thirty months after the effective date of this act.

1 § 6. This act shall take effect on the first of January next succeed-
2 ing the date on which it shall have become a law and sections one, two,
3 three and five shall expire and be deemed repealed three years after
4 such date; provided further, however, that the amendments to subdivision
5 2 and subparagraph 1 of paragraph b of subdivision 4 of section 11-0931
6 of the environmental conservation law made by section four of this act
7 shall survive the expiration and reversion of such subdivision and such
8 paragraph as provided in section 6 of chapters 683 and 704 of the laws
9 of 2023, as amended.