STATE OF NEW YORK

1341

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. LUPARDO, JONES, WEPRIN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to authorizing the issuance of special airport air strike hazard permits

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. Special airport air strike hazard permits authorizing take for wildlife control at airports.

1. For the purposes of this section, an airport air strike hazard permit may be issued to an employee of the federal or state government responsible for wildlife management at an airport, or an airport as defined in subdivision five of section two hundred forty of the general business law, or contractor thereof, when such person or airport or contractor is acting pursuant to a wildlife management plan.

2. The department may, after reviewing the airport 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 special permit to any person authorized in subdivision one of this section who is qualified to conduct such wildlife management activities at the airport and the affected area surrounding the airport as directed by the federal aviation administration.

3. In addition to other permitted wildlife management activities, the department is authorized to exempt the permit holder from the provisions of subdivisions three and eight of section 11-0505 and subdivision one of section 11-0521 of this title and paragraph a of subdivision one and subdivisions two, four, and five of section 11-0931 of this article.

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

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

LBD03663-01-3

property or threat to public health and welfare will not be effectively abated thereby, or where the person or airport has not demonstrated qualifications necessary to take wildlife in such a manner to the satisfaction of the department.

§ 2. 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.