

STATE OF NEW YORK

2725--A

2023-2024 Regular Sessions

IN SENATE

January 24, 2023

Introduced by Sens. SKOUFIS, STEC, WALCZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. The environmental conservation law is amended by adding a
2 new section 11-0521-a to read as follows:

3 § 11-0521-a. Airport air strike hazard permits.

4 1. For the purposes of this section:

5 a. "Airport" shall mean an airport as defined in subdivision five of
6 section two hundred forty of the general business law.

7 b. "Airport wildlife hazard specialist" shall mean an employee of or a
8 contractor for the federal or state government responsible for wildlife
9 management at an airport, or of an airport when acting pursuant to an
10 airport wildlife hazard management plan and airport air strike hazard
11 permit.

12 c. "Wildlife" shall mean species permitted to be taken pursuant to a
13 permit approved by the United States fish and wildlife service.

14 2. Airport wildlife hazard specialists shall be in compliance with
15 criteria established by the department that at a minimum shall require:

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

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

20 c. a copy of the airport air strike hazard permit and a copy of the
21 log of nuisance wildlife specialists using the permit, be on the airport

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

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1 wildlife hazard specialist's person when exercising any privilege of
2 such permit; and
3 d. reporting requirements.

4 3. The department may, after reviewing the airport's permit applica-
5 tion and airport wildlife management plan, and upon a finding by the
6 airport that wildlife has become a nuisance, destructive to public or
7 private property or a threat to public health or welfare, issue to the
8 airport an airport air strike hazard permit for use on an airport and
9 within the boundaries of the affected area surrounding the airport as
10 determined by the federal aviation administration, authorizing use of
11 airport wildlife hazard specialists to take wildlife pursuant to the
12 terms of the airport air strike hazard permit.

13 4. Each airport air strike hazard permit application shall at a mini-
14 mum include requirements for: the timeframe during which the permit must
15 be used, an airport wildlife hazard management plan, a geographic
16 description of the area for which the permit is being requested, a writ-
17 ten contract with the airport if applicable, a list which identifies
18 participating airport wildlife hazard specialists and eligibility based
19 on the criteria established by the department, airport requests for any
20 authorization pursuant to subdivisions three-a and eleven of section
21 11-0505 of this title, subdivision two-a of section 11-0901 of this
22 article, and subdivisions two and four of section 11-0931 of this arti-
23 cle, provided that any such authorization subsequently granted shall be
24 explicitly included on any airport strike hazard permit, and details
25 regarding expected local law enforcement consultation.

26 5. Nothing in this section shall be construed as requiring or obligat-
27 ing the department to issue a permit to take wildlife or direct the
28 taking of any wildlife when in its opinion, the nuisance, destruction of
29 property or threat to public health and welfare will not be effectively
30 abated thereby.

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

33 3-a. Notwithstanding subdivision three of this section, a salt lick
34 may be made, set, or used upon land inhabited by deer or bear by an
35 airport wildlife hazard specialist with a permit issued pursuant to
36 section 11-0521-a of this title provided that such activities are in
37 furtherance of the airport wildlife hazard management plan.

38 11. An airport wildlife hazard specialist with a permit issued pursu-
39 ant to section 11-0521-a of this title may, in accordance with the
40 parameters of such permit and the consultation of local law enforcement,
41 entice deer in the manner prohibited in subdivision eight of this
42 section provided that such activities are in furtherance of the airport
43 wildlife hazard management plan.

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

46 2-a. Notwithstanding subdivision two of this section, wildlife may be
47 taken by an airport wildlife hazard specialist with a permit issued
48 pursuant to section 11-0521-a of this article provided that such activ-
49 ities are in furtherance of the airport wildlife hazard management plan.

50 § 4. Subdivision 2 and subparagraph 1 of paragraph b of subdivision 4
51 of section 11-0931 of the environmental conservation law, as separately
52 amended by chapters 65 and 83 of the laws of 2024, are amended to read
53 as follows:

54 2. a. No crossbow or firearm except a pistol or revolver shall be
55 carried or possessed in or on a motor vehicle unless it is uncocked, for
56 a crossbow or unloaded, for a firearm in both the chamber and the maga-

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

30 (1) The owner or lessee of the dwelling house, or members of [~~his~~]
31 their immediate family actually residing therein, or a person in [~~his~~]
32 the employ of such owner or lessee, or the guest of the owner or lessee
33 of the dwelling house acting with the consent of said owner or lessee,
34 provided however, that nothing herein shall be deemed to authorize such
35 persons to discharge a firearm within five hundred feet, a long bow
36 within one hundred fifty feet, or a crossbow within two hundred fifty
37 feet of any other dwelling house, or a farm building or farm structure
38 actually occupied or used, or a school building or playground, public
39 structure, or occupied factory or church; provided further, that a
40 nuisance wildlife specialist or an airport wildlife hazard specialist
41 with a permit issued pursuant to [~~section 11-0522-of~~] this article
42 acting in furtherance of the site specific deer management plan may
43 discharge a firearm within five hundred feet of any dwelling houses,
44 structures, schools or playgrounds, provided that the owners or lessees
45 thereof have been notified by certified mail of the date or dates, and
46 time period of the expected activity, and discharge a firearm within two
47 hundred fifty feet of such dwelling houses, structures, schools or play-
48 grounds provided that all the owners or lessees thereof have provided
49 written consent[~~, provided further, that a nuisance wildlife specialist~~
50 ~~with a permit issued pursuant to section 11-0522-a of this article~~
51 ~~acting in furtherance of the site specific deer management plan may~~
52 ~~discharge a firearm within five hundred feet of any dwelling houses,~~
53 ~~structures, schools or playgrounds, provided that the owners or lessees~~
54 ~~thereof have been notified by certified mail of the date or dates and~~
55 ~~time period of the expected activity, and discharge a firearm within two~~
56 ~~hundred fifty feet of such dwelling houses, structures, schools or play-~~

1 ~~grounds provided that all the owners or lessees thereof have provided~~
2 ~~written consent~~];
3 § 5. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law; provided, however, that the amendments to
5 subdivision 2 and subparagraph 1 of paragraph b of subdivision 4 of
6 section 11-0931 of the environmental conservation law made by section
7 four of this act shall survive the expiration and reversion of such
8 subdivision and such subparagraph as provided in section 8 of chapter
9 683 and section 6 of chapter 704 of the laws of 2023, as amended.
10 Effective immediately, the addition, amendment and/or repeal of any rule
11 or regulation necessary for the implementation of this act on its effec-
12 tive date are authorized to be made and completed on or before such
13 effective date.