# 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:**

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

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

**1. For the purposes of this section:**

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

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

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

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

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

**b. liability insurance coverage or other financial arrangements identified by the department;**

**c. a copy of the airport air strike hazard permit and a copy of the 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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wildlife hazard specialist's person when exercising any privilege of such permit; and

d. reporting requirements.

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

4. Each airport air strike hazard permit application shall at a minimum include requirements for: the timeframe during which the permit must be used, an airport wildlife hazard management plan, a geographic description of the area for which the permit is being requested, a written contract with the airport if applicable, a list which identifies participating airport wildlife hazard specialists and eligibility based on the criteria established by the department, airport 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 and four of section 11-0931 of this article, provided that any such authorization subsequently granted shall be explicitly included on any airport strike hazard permit, and details regarding expected local law enforcement consultation.

5. 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. 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 an airport wildlife hazard specialist with a permit issued pursuant to section 11-0521-a of this title provided that such activities are in furtherance of the airport wildlife hazard management plan.

11. An airport wildlife hazard specialist with a permit issued pursuant to section 11-0521-a 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 airport wildlife hazard 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 an airport wildlife hazard specialist with a permit issued pursuant to section 11-0521-a of this article provided that such activities are in furtherance of the airport wildlife hazard 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 maga-

zine, 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 or an airport wildlife hazard 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 airport wildlife hazard 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 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~~] their immediate family actually residing therein, or a person in [~~his~~] the employ of such owner or lessee, or the guest of the owner or lessee of the dwelling house acting with the consent of said owner or lessee, 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; provided further, that a nuisance wildlife specialist or an airport wildlife hazard specialist with a permit issued pursuant to [~~section 11-0522 of~~] this article acting in furtherance of the site specific deer management plan may discharge a firearm within five hundred feet of any dwelling houses, structures, schools or playgrounds, provided that the owners or lessees thereof have been notified by certified mail of the date or dates, and time period of the expected activity, and discharge a firearm within two hundred fifty feet of such dwelling houses, structures, schools or playgrounds provided that all the owners or lessees thereof have provided written consent[~~; provided further, that a nuisance wildlife specialist with a permit issued pursuant to section 11-0522-a of this article acting in furtherance of the site-specific deer management plan may discharge a firearm within five hundred feet of any dwelling houses, structures, schools or playgrounds, provided that the owners or lessees thereof have been notified by certified mail of the date or dates and time period of the expected activity, and discharge a firearm within two hundred fifty feet of such dwelling houses, structures, schools or play-~~

~~grounds provided that all the owners or lessees thereof have provided written consent~~];

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that the amendments to subdivision 2 and subparagraph 1 of paragraph b of subdivision 4 of section 11-0931 of the environmental conservation law made by section four of this act shall survive the expiration and reversion of such subdivision and such subparagraph as provided in section 8 of chapter 683 and section 6 of chapter 704 of the laws of 2023, as amended. 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.