STATE OF NEW YORK

8052

IN SENATE

January 5, 2024

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law and a chapter of the laws of 2023 amending the environmental conservation law relating to a Long Island deer management pilot program, as proposed in legislative bills numbers S. 4804-A and A. 5542-A, in relation to an urban deer management pilot program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 11-0522 of the environmental conservation law, as added by a chapter of the laws of 2023 amending the environmental conservation law relating to a Long Island deer management pilot program, as proposed in legislative bills numbers S. 4804-A and A. 5542-A, is renumbered section 11-0522-a and subdivisions 1, 2, and 3 are amended to read as follows:

1. For the purposes of this section, "[~~certified~~] nuisance wildlife specialist" shall mean an employee of or a contractor for the federal or state government responsible for wildlife management [~~and~~] acting pursuant to a deer management plan[~~, who has been certified by the department as complying~~] **and deer cull permit. A nuisance wildlife specialist must be in compliance** with [~~the~~] criteria established by the department that at a minimum **shall** require:

a. a minimum level of marksmanship [~~certification~~] **qualifications** appropriate to the firearm or hunting implement to be used[~~, including ongoing certification~~];

b. liability insurance coverage [~~levels~~] or other financial arrangements [~~approved~~] **identified** by the department; [~~and~~]

c. **a copy of the cull permit and a copy of the log of nuisance wildlife specialists using the permit, be on the nuisance wildlife specialist's person when exercising any privilege of such permit; and**

d. reporting requirements.

2. The department may, after reviewing the town of Southold's **cull permit application and** site-specific deer management plan, and upon a finding by the town of Southold that deer have become a nuisance,

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

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destructive to public or private property or a threat to public health or welfare, issue [~~a certified nuisance wildlife specialist~~] a deer cull permit for use within the boundaries of the town of Southold**, authorizing the use of a nuisance wildlife specialist to take deer pursuant to the terms of the deer cull permit**.

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 Southold**, a list which identifies participating nuisance wildlife specialists and eligibility based on the criteria established by the department, provided by the town of Southold**, requests for any authorization pursuant to subdivisions three and nine of section 11-0505 of this title, subdivision two 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 cull permit, and details regarding expected local law enforcement [~~participation~~] **consultation**.

§ 2. Paragraph b of subdivision 3 and subdivision 9 of section 11-0505 of the environmental conservation law, as added by a chapter of the laws of 2023 amending the environmental conservation law relating to a Long Island deer management pilot program, as proposed in legislative bills numbers S. 4804-A and A. 5542-A, are amended to read as follows:

[~~b.~~] **c.** a [~~certified~~] nuisance wildlife specialist with a permit issued pursuant to section [~~11-0522~~] **11-0522-a** of this title may do so provided that such activities are in furtherance of the site-specific deer management plan.

[~~9.~~] **10.** A [~~certified~~] nuisance wildlife specialist with a permit issued pursuant to section [~~11-0522~~] **11-0522-a** of this title may, in accordance with the parameters of such permit and the [~~participation~~] **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. Paragraph b of subdivision 2 of section 11-0901 of the environmental conservation law, as added by a chapter of the laws of 2023 amending the environmental conservation law relating to a Long Island deer management pilot program, as proposed in legislative bills numbers S. 4804-A and A. 5542-A, is amended to read as follows:

[~~b.~~] **c.** by a [~~certified~~] nuisance wildlife specialist with a permit issued pursuant to section [~~11-0522~~] **11-0522-a** 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 amended by a chapter of the laws of 2023 amending the environmental conservation law relating to a Long Island deer management pilot program, as proposed in legislative bills numbers S. 4804-A and A. 5542-A, 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 official duties or a [~~certified~~] nuisance wildlife specialist with a permit

issued pursuant to section [~~11-0522~~] **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 in possession or is 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 immediate family actually residing therein, or a person in his employ, 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 with a permit issued pursuant to section [~~11-0522~~] **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 playgrounds provided that all the owners or lessees thereof have provided written consent;

§ 5. Section 5 of a chapter of the laws of 2023 amending the environmental conservation law relating to a Long Island deer management pilot program, as proposed in legislative bills numbers S. 4804-A and A. 5542-A, is amended to read as follows:

§ 5. The department of environmental conservation, following consultation with the town of Southold**,** shall prepare a report examining the effectiveness of the Long Island deer management pilot program established pursuant to section [~~11-0522~~] **11-0522-a** of the environmental conservation law in addressing deer overpopulation and the effectiveness in addressing destruction to public or private property in the town of Southold [~~as well as the impacts on surrounding communities~~]. The report shall include [~~estimates regarding the size of the deer population in the town of Southold prior to the issuance of deer cull permits pursuant to section 11-0522 of the environmental conservation law,~~] the number of cull permits issued, and the number of deer taken. The report shall also include recommendations for program improvements, including the potential effectiveness of authorizing future programs. The report shall be

delivered to the governor, the speaker of the assembly and the temporary president of the senate, as well as published on the department's public website, no later than thirty months after the effective date of this act.

§ 6. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2023 amending the environmental conservation law relating to a Long Island deer management pilot program, as proposed in legislative bills numbers S. 4804-A and A. 5542-A, takes effect.