

5962

2013-2014 Regular Sessions

I N A S S E M B L Y

March 12, 2013

Introduced by M. of A. ENGLEBRIGHT, SCHIMEL, BARRON, ROSENTHAL --  
Multi-Sponsored by -- M. of A. GOTTFRIED -- read once and referred to  
the Committee on Governmental Operations

AN ACT to amend the environmental conservation law, in relation to  
enacting the "bird-friendly building council act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "bird-friendly building council act".  
3 S 2. Legislative findings. The legislature finds that:  
4 (a) a federal multi-agency report issued in 2009, entitled "The State  
5 of the Birds, United States of America", provides the most comprehensive  
6 assessment to date on the status of bird populations;  
7 (b) the multi-agency report concludes that nearly one-third of this  
8 nation's 800 bird species are endangered, threatened or in significant  
9 decline;  
10 (c) daytime and nighttime collisions with man-made structures is the  
11 most significant quantifiable cause of avian mortality and is increasing  
12 with adverse effects being seen at a population level with estimates  
13 ranging from several hundred million to one billion birds dying from  
14 collisions annually in the United States;  
15 (d) not only are birds beautiful, interesting and fascinating crea-  
16 tures that are eagerly welcomed by millions of Americans into their  
17 backyards every year, but birds also have significant positive impacts  
18 on the economies of the United States and New York state;  
19 (e) the United States Fish and Wildlife Service has reported that  
20 birdwatchers contribute thirty-six billion dollars annually to the econ-  
21 omy, and birds naturally provide billions of dollars worth of pest  
22 control, benefitting farmers, forestry owners and consumers alike;  
23 (f) bird-safe design features can be incorporated into new  
24 construction and major renovation projects at no to minimal extra cost;

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

LBD04614-01-3

1 and existing buildings may be made bird-safe through the use of simple,  
2 relatively low-cost adaptations;

3 (g) these design features have already been implemented in buildings  
4 constructed and renovated both in New York state and throughout the  
5 country;

6 (h) numerous municipalities and political subdivisions throughout the  
7 country have developed guidelines and standards promoting bird-friendly  
8 building design; and

9 (i) under the aegis of the department of environmental conservation  
10 there is merit and value to the establishment of a bird-friendly build-  
11 ing council whose mission is to undertake a comprehensive analysis and  
12 develop a set of recommended responses to this significant wildlife  
13 issue.

14 S 3. The environmental conservation law is amended by adding a new  
15 section 3-0121 to read as follows:

16 S 3-0121. BIRD-FRIENDLY BUILDING COUNCIL.

17 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT A BIRD-FRIENDLY  
18 BUILDING COUNCIL. SUCH COUNCIL SHALL BE COMPOSED OF NOT LESS THAN ELEVEN  
19 MEMBERS AND NO MORE THAN FIFTEEN MEMBERS, WHICH SHALL INCLUDE THE  
20 COMMISSIONER, WHO SHALL BE THE CHAIR OF THE COUNCIL AND A MINIMUM OF TEN  
21 MEMBERS AND A MAXIMUM OF FOURTEEN MEMBERS APPOINTED BY THE COMMISSIONER.  
22 THE MEMBERS APPOINTED BY THE COMMISSIONER SHALL INCLUDE PERSONS REPRESENTING  
23 THE FOLLOWING INTERESTS: WILDLIFE CONSERVATION ORGANIZATIONS,  
24 STATE AND FEDERAL WILDLIFE AGENCIES, ARCHITECTS, LANDSCAPE ARCHITECTS,  
25 WINDOW MANUFACTURERS AND DISTRIBUTORS, COMMERCIAL BUILDING MANAGERS, AND  
26 ACADEMIA. THE WILDLIFE CONSERVATION ORGANIZATIONS REPRESENTED ON THE  
27 COUNCIL SHALL INCLUDE THE AMERICAN BIRD CONSERVANCY, NEW YORK CITY AUDUBON,  
28 NEW YORK STATE AUDUBON AND THE LONG ISLAND AUDUBON COUNCIL. THE  
29 FEDERAL WILDLIFE AGENCY REPRESENTATION SHALL INCLUDE THE DIVISION OF  
30 MIGRATORY BIRD MANAGEMENT OF THE U.S. FISH AND WILDLIFE SERVICE. THE  
31 MEMBERSHIP OF THE COUNCIL SHALL BE BROADLY REPRESENTATIVE OF THE  
32 GEOGRAPHIC AREAS OF THE STATE. FURTHERMORE, THE MEMBERS OF THE COUNCIL  
33 SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES BUT SHALL BE ALLOWED  
34 THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR  
35 DUTIES PURSUANT TO THIS SECTION. IN ADDITION, THE COMMISSIONER OF  
36 GENERAL SERVICES SHALL SERVE AS AN EX-OFFICIO MEMBER OF THE COUNCIL.

37 2. THE BIRD-FRIENDLY BUILDING COUNCIL SHALL:

38 A. DEVELOP SUCH RULES, REGULATIONS AND PROCEDURES AS NECESSARY FOR IT  
39 TO EFFECTIVELY ADMINISTER ITS RESPONSIBILITIES;

40 B. ATTEMPT TO ASSESS AND QUANTIFY THE EXTENT AND MAGNITUDE OF THE  
41 PROBLEM STATEWIDE CAUSED BY DIURNAL AND NOCTURNAL BIRDS COLLIDING WITH  
42 BUILDINGS. THIS EFFORT SHALL IDENTIFY THOSE SPECIES MOST COMMONLY KILLED  
43 DURING DAYTIME COLLISIONS, THOSE SPECIES MORE COMMONLY KILLED DURING  
44 NIGHTTIME COLLISIONS AND SHALL INCLUDE AN ASSESSMENT ON SPECIES AT RISK  
45 DUE TO RARITY AND ENDANGERMENT;

46 C. DEVELOP CRITERIA AND GUIDELINES FOR IDENTIFYING AND PRIORITIZING  
47 EXISTING BUILDINGS WHICH POSE A DANGER TO BIRD SPECIES DUE TO THE THREAT  
48 OF COLLISIONS;

49 D. IDENTIFY EXISTING AND EMERGING PRODUCTS, TECHNOLOGIES, STRATEGIES  
50 AND CONCEPTS WHICH CAN REDUCE OR ELIMINATE BIRD MORTALITY FROM BUILDING  
51 COLLISIONS;

52 E. IDENTIFY POTENTIAL FUNDING SOURCES, TO FUND THE RETROFITTING AND/OR  
53 REPLACEMENT OF WINDOWS OF EXISTING PROBLEMATIC BUILDINGS WHICH POSE A  
54 THREAT TO BIRDS AND THE IMPLEMENTATION OF OTHER MITIGATIVE STRATEGIES;

55 F. PROMOTE PUBLIC AWARENESS OF THIS ISSUE AND WHAT MEMBERS OF THE  
56 PUBLIC CAN DO TO MITIGATE IMPACTS;

1 G. SUPPORT AND FUND ADDITIONAL RESEARCH TO BETTER UNDERSTAND PARTIC-  
2 ULAR ASPECTS OF THE BUILDING-BIRD COLLISION ISSUE;  
3 H. CONSULT WITH OTHER SUSTAINABLE BUILDING DESIGN ORGANIZATIONS; AND  
4 I. IN COOPERATION WITH THE DEPARTMENT AND THE OFFICE OF GENERAL  
5 SERVICES, DEVELOP A SET OF PROPOSED STANDARDS GOVERNING BIRD-FRIENDLY  
6 BUILDING DESIGNS WHICH INCLUDE FEATURES, MATERIALS, TECHNOLOGIES, STRAT-  
7 EGIES, AND CONCEPTS TO REDUCE, MINIMIZE, AND/OR ELIMINATE BIRD MORTALITY  
8 INVOLVING BUILDING COLLISIONS. THE COUNCIL SHALL DEVELOP THESE PROPOSED  
9 STANDARDS WITHIN EIGHTEEN MONTHS OF ITS ESTABLISHMENT AND MAKE A COPY OF  
10 THEM AVAILABLE TO THE GOVERNOR, SENATE MAJORITY LEADER, AND SPEAKER OF  
11 THE ASSEMBLY FOR THEIR CONSIDERATION OF BEING CODIFIED IN STATE LAW.  
12 S 4. This act shall take effect on the first of January next succeed-  
13 ing the date on which it shall have become a law.