

# STATE OF NEW YORK

4055--B

2019-2020 Regular Sessions

## IN ASSEMBLY

January 31, 2019

Introduced by M. of A. ENGLEBRIGHT, L. ROSENTHAL -- Multi-Sponsored by -- M. of A. GOTTFRIED -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 Assembly, 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 § 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-

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

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1 omy, and birds naturally provide billions of dollars worth of pest  
2 control, benefitting farmers, forestry owners and consumers alike;

3 (f) bird-safe design features can be incorporated into new  
4 construction and major renovation projects at no to minimal extra cost;  
5 and existing buildings may be made bird-safe through the use of simple,  
6 relatively low-cost adaptations;

7 (g) these design features have already been implemented in buildings  
8 constructed and renovated both in New York state and throughout the  
9 country;

10 (h) numerous municipalities and political subdivisions throughout the  
11 country have developed guidelines and standards promoting bird-friendly  
12 building design; and

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

18 § 3. The environmental conservation law is amended by adding a new  
19 section 3-0121 to read as follows:

20 § 3-0121. Bird-friendly building council.

21 1. a. There is hereby established in the department a bird-friendly  
22 building council. Such council shall be composed of fifteen members,  
23 which shall include the commissioner or his or her designee, who shall  
24 be the chair of the council, and fourteen members to be appointed as  
25 follows: six members appointed by the commissioner; three members  
26 appointed by the temporary president of the senate; one member appointed  
27 by the minority leader of the senate; three members appointed by the  
28 speaker of the assembly; and one member appointed by the minority leader  
29 of the assembly. In addition, the commissioner of general services or  
30 his or her designee shall serve as an ex-officio member of the council.  
31 The members of the council shall, to the extent practicable, include  
32 persons representing the following interests: wildlife conservation  
33 organizations, state and federal wildlife agencies, architects, land-  
34 scape architects, window manufacturers and distributors, commercial  
35 building managers, and academia. The membership of the council shall be  
36 broadly representative of the geographic areas of the state.

37 b. Such council shall develop rules, regulations and procedures as  
38 necessary for it to effectively administer the council's responsibil-  
39 ities pursuant to this section. Such council shall also promote public  
40 awareness of this issue and consult with any entity including other  
41 sustainable building design organizations to carry out the provisions of  
42 this section.

43 c. The members of the council shall receive no compensation for their  
44 services but shall be allowed their actual and necessary expenses  
45 incurred in the performance of their duties pursuant to this section.

46 2. The bird-friendly building council shall conduct a study that shall  
47 include, but not be limited to, the following:

48 a. assess and quantify the extent and magnitude of the problem state-  
49 wide caused by diurnal and nocturnal birds colliding with buildings.  
50 This effort shall identify those species most commonly killed during  
51 daytime collisions, those species more commonly killed during nighttime  
52 collisions and shall include an assessment on species at risk due to  
53 rarity and endangerment;

54 b. recommend criteria and guidelines for identifying existing build-  
55 ings which pose a danger to bird species due to the threat of colli-  
56 sions;

1 c. identify existing and emerging products, technologies, strategies  
2 and concepts which can reduce or eliminate bird mortality from building  
3 collisions;

4 d. identify potential funding sources, for the retrofitting and/or  
5 replacement of windows of existing buildings which pose a threat to  
6 birds and the implementation of other mitigation strategies;

7 e. support research to better understand particular aspects of the  
8 building-bird collision issue; and

9 f. in cooperation with the department and the office of general  
10 services, develop a set of recommendations governing bird-friendly  
11 building designs which include features, materials, technologies, strat-  
12 egies, and concepts to reduce, minimize, and/or eliminate bird mortality  
13 involving building collisions.

14 3. Such council may request, and is authorized to receive, any infor-  
15 mation from any state agency that is relevant and material to the  
16 completion of such study. Such information received by such council  
17 shall be subject to the same requirements for confidentiality and limi-  
18 tations on use, if any, as are applicable to such state agency's use of  
19 such information.

20 4. Within eighteen months of the effective date of this section the  
21 council shall submit such study to the governor, the temporary president  
22 of the senate, and the speaker of the assembly. Such study shall also be  
23 posted on the department's website.

24 § 4. This act shall take effect on the first of January next succeed-  
25 ing the date on which it shall have become a law.