

# STATE OF NEW YORK

25--A

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2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. HOYLMAN, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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. 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, who shall be the chair of the  
24 council, and fourteen members to be appointed as follows: twelve members  
25 appointed by the commissioner; one member appointed by the temporary  
26 president of the senate; and one member appointed by the speaker of the  
27 assembly. The members of the council shall include persons representing  
28 the following interests: wildlife conservation organizations, state and  
29 federal wildlife agencies, architects, landscape architects, window  
30 manufacturers and distributors, commercial building managers, and acade-  
31 mia. The wildlife conservation organizations represented on the council  
32 shall include the American Bird Conservancy, New York City Audubon, New  
33 York State Audubon and the Long Island Audubon Council. The federal  
34 wildlife agency representation shall include the Division of Migratory  
35 Bird Management of the U.S. Fish and Wildlife Service. The membership  
36 of the council shall be broadly representative of the geographic areas  
37 of the state. Furthermore, the members of the council shall receive no  
38 compensation for their services but shall be allowed their actual and  
39 necessary expenses incurred in the performance of their duties pursuant  
40 to this section. In addition, the commissioner of general services  
41 shall serve as an ex-officio member of the council.

42 2. The bird-friendly building council shall:

43 a. develop such rules, regulations and procedures as necessary for it  
44 to effectively administer its responsibilities;

45 b. attempt to assess and quantify the extent and magnitude of the  
46 problem statewide caused by diurnal and nocturnal birds colliding with  
47 buildings. This effort shall identify those species most commonly killed  
48 during daytime collisions, those species more commonly killed during  
49 nighttime collisions and shall include an assessment on species at risk  
50 due to rarity and endangerment;

51 c. develop criteria and guidelines for identifying and prioritizing  
52 existing buildings which pose a danger to bird species due to the threat  
53 of collisions;

54 d. identify existing and emerging products, technologies, strategies  
55 and concepts which can reduce or eliminate bird mortality from building  
56 collisions;

1 e. identify potential funding sources, to fund the retrofitting and/or  
2 replacement of windows of existing problematic buildings which pose a  
3 threat to birds and the implementation of other mitigative strategies;

4 f. promote public awareness of this issue and what members of the  
5 public can do to mitigate impacts;

6 g. support and fund additional research to better understand partic-  
7 ular aspects of the building-bird collision issue;

8 h. consult with other sustainable building design organizations; and

9 i. in cooperation with the department and the office of general  
10 services, develop a set of proposed standards 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. The council shall develop these proposed  
14 standards within eighteen months of its establishment and make a copy of  
15 them available to the governor, senate majority leader, and speaker of  
16 the assembly for their consideration of being codified in state law.

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