# STATE OF NEW YORK

7098

2023-2024 Regular Sessions

# IN SENATE

May 18, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public buildings law, in relation to directing the commissioner of general services to incorporate practices and strategies to reduce bird fatality resulting from collisions with certain state-owned buildings, and for other purposes

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

Section 1. This act shall be known and may be cited as the "bird safe buildings act".

§ 2. The public buildings law is amended by adding a new section 147 to read as follows:

**§ 147. Use of bird-safe features, practices, and strategies in state-owned buildings. 1. As used in this section:**

**(a) "state agency" means any state department, office, board, bureau, commission, agency, or any public authority or public benefit corporation at least one of whose members is appointed by the governor;**

**(b) "state-owned building" means any building owned by a state agency used for official state business; and**

**(c) "state-leased building" means any building or portion of any building leased by a state agency for office, departmental, or residential occupancy.**

**2. The commissioner of general services shall incorporate features, practices, and strategies to reduce bird fatality resulting from collisions with state-owned buildings and, where practicable, state-leased buildings. Such features, practices and strategies shall be incorporated for each building:**

**(a) constructed;**

**(b) acquired; or**

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

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(c) of which more than fifty percent of the facade is substantially altered, as determined by the commissioner.

3. The commissioner, in consultation with the department of environmental conservation, shall develop a design guide to carry out the provisions of subdivision two of this section that includes the following:

(a) features for reducing bird fatality resulting from collisions with state-owned buildings and, where practicable, state-leased buildings, throughout all construction phases, taking into account the number of each such bird fatality that occurs at different types of state-owned buildings and, where practicable, state-leased buildings;

(b) methods and strategies for reducing bird fatality resulting from collisions with state-owned buildings and, where practicable, state-leased buildings, during the operation and maintenance of such buildings;

(c) best practices for reducing bird fatality resulting from collisions with state-owned buildings and, where practicable, state-leased buildings, including but not limited to:

(i) eliminating non-essential lighting during spring and fall migration;

(ii) use of bird-safe film or other after-market products designed to reduce bird collisions;

(iii) architectural or design elements that reduce the risk of collisions;

(iv) use of bird-friendly glass in new construction or renovations that require substantial alterations; and

(v) placement of landscaping features and green roofs; and

(d) information on how to participate in citizen science efforts that document bird collisions in New York state.

4. To carry out the provisions of paragraph (c) of subdivision three of this section, the commissioner shall identify best practices for reducing bird fatality resulting from collisions with state-owned buildings and, where practicable, state-leased buildings, including best practices recommended by:

(a) state, federal, and municipal agencies with expertise in bird conservation;

(b) nongovernmental organizations with expertise in bird conservation; and

(c) representatives of green building certification systems.

5. The commissioner shall disseminate the design guide developed pursuant to subdivision three of this section to all state agencies with independent leasing authority from the commissioner.

6. The commissioner shall, every five years, update the design guide developed pursuant to subdivision three of this section with respect to the priorities of the commissioner for reducing bird fatality resulting from collisions with state-owned buildings and, where practicable, state-leased buildings.

7. This section shall not apply to any building or site listed, or eligible for listing, on the National Register of Historic Places.

8. Not later than October first of each fiscal year, the commissioner shall certify to the governor, the temporary president of the senate, and the speaker of the assembly that the commissioner uses the design guide developed pursuant to subdivision three of this section for buildings described in subdivision two of this section.

§ 3. This act shall take effect immediately.