

HOUSE BILL 986

P3

8lr2683
CF 8lr1893

By: **Delegates Lam, Carr, and Morhaim**

Introduced and read first time: February 5, 2018

Assigned to: Health and Government Operations and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of General Services – Bird–Safe Building Standards**
3 **(Maryland Bird–Safe Buildings Act of 2018)**

4 FOR the purpose of requiring the Department of General Services to establish certain
5 standards for State buildings to minimize adverse impacts on birds; requiring each
6 building constructed, acquired, or substantially altered by the Department to meet
7 the standards to the extent practicable; requiring the Department to reduce the
8 lighting of existing public buildings in a certain manner; requiring the Secretary of
9 General Services to adopt certain regulations; and generally relating to the
10 construction, alteration, or acquisition of State buildings.

11 BY repealing and reenacting, without amendments,
12 Article – State Finance and Procurement
13 Section 4–101
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2017 Supplement)

16 BY adding to
17 Article – State Finance and Procurement
18 Section 4–410
19 Annotated Code of Maryland
20 (2015 Replacement Volume and 2017 Supplement)

21 Preamble

22 WHEREAS, Nearly one–third of the 800 bird species in the United States are
23 endangered, threatened, or in significant decline; and

24 WHEREAS, In the United States alone, an estimated 1,000,000,000 birds die
25 annually from striking buildings, bridges, and other manmade structures, with glass being
26 one of the primary causes of the deaths; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Birds have a significant impact on the United States economy, as
2 evidenced by U.S. Fish and Wildlife Service estimates indicating that the 47,000,000
3 birdwatchers in the nation contribute \$40,000,000,000 annually to the national economy;
4 and

5 WHEREAS, Maryland is obligated under the Migratory Bird Treaty Act of 1918 to
6 support the conservation intent of the migratory bird conventions by integrating bird
7 conservation principles, measures, and practices into agency activities and by avoiding or
8 minimizing, to the extent practicable, adverse impacts on migratory bird resources when
9 conducting agency actions; now, therefore,

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That the Laws of Maryland read as follows:

12 **Article – State Finance and Procurement**

13 4–101.

14 (a) In this title the following words have the meanings indicated.

15 (b) “Department” means the Department of General Services.

16 (c) “Secretary” means the Secretary of General Services.

17 **4–410.**

18 **(A) TO MINIMIZE ADVERSE IMPACTS ON BIRDS, THE DEPARTMENT SHALL**
19 **ESTABLISH STANDARDS FOR STATE BUILDINGS SPECIFYING THAT:**

20 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, GLASS OR**
21 **TRANSPARENT PLEXIGLASS MAY COMPOSE:**

22 **(I) NOT MORE THAN 10% OF THE EXPOSED FACADE MATERIAL**
23 **FROM GROUND LEVEL TO 40 FEET ABOVE GROUND LEVEL; AND**

24 **(II) NOT MORE THAN 40% OF THE EXPOSED FACADE MATERIAL**
25 **AT A HEIGHT GREATER THAN 40 FEET ABOVE GROUND LEVEL;**

26 **(2) GLASS OR TRANSPARENT PLEXIGLASS MAY COMPOSE A GREATER**
27 **PERCENT OF THE EXPOSED FACADE MATERIAL THAN THE PERCENT SPECIFIED IN**
28 **PARAGRAPH (1) OF THIS SUBSECTION IF THE GLASS OR PLEXIGLASS INCLUDES:**

29 **(I) ELEMENTS THAT PRECLUDE BIRD COLLISIONS WITHOUT**
30 **COMPLETELY OBSCURING VISION, SUCH AS SECONDARY FACADES, NETTING,**

1 SCREENS, SHUTTERS, OR EXTERIOR SHADES;

2 (II) ULTRAVIOLET PATTERNED GLASS CONTAINING
3 ULTRAVIOLET-REFLECTIVE OR CONTRASTING PATTERNS THAT ARE VISIBLE TO
4 BIRDS;

5 (III) PATTERNS THAT ARE VISIBLE FROM THE OUTSIDE AND
6 DESIGNED SO THAT ANY SPACES ARE LESS THAN 4 INCHES WIDE AND LESS THAN 2
7 INCHES HIGH;

8 (IV) MATTE, OPAQUE, ETCHED, STAINED, FROSTED, OR
9 TRANSLUCENT GLASS OR PLEXIGLASS; OR

10 (V) A COMBINATION OF THE MEASURES DESCRIBED IN ITEMS (I)
11 THROUGH (IV) OF THIS PARAGRAPH;

12 (3) A BUILDING MAY NOT CONTAIN A TRANSPARENT PASSAGEWAY OR
13 CORNER, OR BE CONFIGURED IN A WAY THAT ALLOWS BIRDS TO SEE THROUGH TWO
14 OR MORE LAYERS OF GLASS TO HABITAT OR SKY;

15 (4) ANY GLASS OR TRANSPARENT PLEXIGLASS IN A HANDRAIL, A
16 PAVILION, A GAZEBO, A BUS SHELTER, AN OVERPASS, OR ANY OTHER AUXILIARY
17 STRUCTURE SHALL USE A MEASURE DESCRIBED IN PARAGRAPH (2)(I) THROUGH (V)
18 OF THIS SUBSECTION;

19 (5) ANY GLASS OR TRANSPARENT PLEXIGLASS LOCATED ADJACENT
20 TO AN ATRIUM OR A COURTYARD CONTAINING A WATER FEATURE, PLANTS, OR
21 OTHER MATERIAL ATTRACTIVE TO BIRDS SHALL USE A MEASURE DESCRIBED IN
22 PARAGRAPH (2)(I) THROUGH (V) OF THIS SUBSECTION; AND

23 (6) EXCEPT WHERE FULL OPERATION OF BUILDING LIGHTING IS
24 DOCUMENTED AS NECESSARY, INTERIOR AND EXTERIOR LIGHTING SHALL BE
25 APPROPRIATELY SHIELDED AND MINIMIZED FROM MIDNIGHT TO DAWN EACH DAY:

26 (I) FROM MARCH 1 THROUGH MAY 31, BOTH INCLUSIVE; AND

27 (II) FROM AUGUST 1 THROUGH OCTOBER 31, BOTH INCLUSIVE.

28 (B) EACH BUILDING CONSTRUCTED, SUBSTANTIALLY ALTERED, OR
29 ACQUIRED BY THE DEPARTMENT SHALL MEET, TO THE EXTENT PRACTICABLE AS
30 DETERMINED BY THE DEPARTMENT, THE STANDARDS ESTABLISHED UNDER
31 SUBSECTION (A) OF THIS SECTION.

1 **(C) THE DEPARTMENT SHALL REDUCE THE LIGHTING OF EXISTING PUBLIC**
2 **BUILDINGS, TO THE EXTENT PRACTICABLE AS DETERMINED BY THE DEPARTMENT:**

3 **(1) IN ACCORDANCE WITH SUBSECTION (A)(6) OF THIS SECTION; AND**

4 **(2) BY USING AUTOMATIC CONTROL TECHNOLOGIES, INCLUDING**
5 **TIMERS, PHOTO-SENSORS, INFRARED DETECTORS, AND MOTION DETECTORS.**

6 **(D) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE**
7 **PROVISIONS OF THIS SECTION.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2018.