



Rep. Denyse Wang Stoneback

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10200HB5204ham001

LRB102 25435 NLB 37069 a

1 AMENDMENT TO HOUSE BILL 5204

2 AMENDMENT NO. _____. Amend House Bill 5204 by replacing
3 everything after the enacting clause with the following:

4 "Article 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Bird Conservation Commission Act. References in this Article
7 to "this Act" mean this Article.

8 Section 1-5. Creation of Bird Conservation Commission. The
9 Bird Conservation Commission is created for the purpose of
10 promoting bird conservation and providing education and
11 awareness concerning bird conservation. For purposes of this
12 Act, "Commission" means the Bird Conservation Commission.

13 Section 1-10. Duties.

14 (a) The Commission shall provide public education and

1 awareness concerning the population decline of the avian
2 population in North America, the migratory pathway through the
3 State, bird conservation issues, the impact that lighting and
4 glass on structures have on bird collisions, and the federal
5 Migratory Bird Treaty Act.

6 (b) The Commission shall make recommendations on and
7 provide assistance with the enforcement of laws and
8 administrative rules affecting bird conversation, including
9 provisions concerning navigational lighting.

10 (c) The Commission shall collect data and evaluate the
11 impact of lighted structures on bird mortality in the State.

12 (d) The Commission shall promote policies necessary to
13 ensure the long-term conservation of bird populations and
14 their habitats and the public's ability to enjoy birds.

15 Section 1-15. Administrative support. The Department of
16 Natural Resources shall provide administrative and other
17 support for the Commission.

18 Section 1-20. Membership; meetings.

19 (a) The Director of Natural Resources and the Director of
20 the Illinois Environmental Protection Agency shall co-chair
21 the Commission.

22 (b) Membership of the Commission shall consist of the
23 following:

24 (1) one member of the Chicago Audubon Society,

1 appointed by the Director of Natural Resources;

2 (2) one member the Bird Conservation Network,
3 appointed by the Director of Natural Resources;

4 (3) one member American Bird Conservancy, appointed by
5 the Director of Natural Resources;

6 (4) one member appointed by the Speaker of the House
7 of Representatives;

8 (5) one member appointed by the House Minority Leader;

9 (6) one member appointed by the President of the
10 Senate;

11 (7) one member appointed by the Senate Minority
12 Leader;

13 (8) one member from the Department of Natural
14 Resources appointed by the Director of Natural Resources;

15 (9) one member from the Illinois Environmental
16 Protection Agency appointed by the Director of the
17 Illinois Environmental Protection Agency; and

18 (10) one member from the Department of Agriculture
19 appointed by the Director of Agriculture.

20 (c) All State agencies represented on the Commission shall
21 facilitate the prompt and timely collection and provision of
22 data as requested by or on behalf of the Commission.

23 (d) The Commission shall adopt its rules for establishment
24 of a quorum and the conducting of business.

25 (e) Members shall serve for terms of 3 years, except that
26 any public official's expiration of a term of office shall

1 create a vacancy. Vacancies in the membership of the
2 Commission shall be filled in the same manner as the original
3 appointment.

4 (f) The Commission shall hold meetings quarterly:

5 (1) at times and places to be determined by the
6 co-chairing agencies;

7 (2) that may be held in person or virtually;

8 (3) that are conducted in accordance with the Open
9 Meetings Act; and

10 (4) with the first meeting occurring within 60 days of
11 the effective date of this Act.

12 (g) Members shall serve without compensation, but shall be
13 reimbursed for reasonable expenses incurred in performing
14 their duties.

15 Section 1-25. Reporting. The Commission shall prepare an
16 annual report, by December 31st of each year, on the reduction
17 of bird fatalities in the State, identifying issues that need
18 to be addressed and making policy and legislative
19 recommendations based on apparent needs. The report shall be
20 provided to the Department of Natural Resources and the
21 Illinois Environmental Protection Agency. The report shall be
22 made public on the Department of Natural Resource's website.
23 The report shall also be provided to the General Assembly.

1 Section 2-1. Findings. The General Assembly finds that:

2 (1) There has been a dramatic loss of more than one in four
3 North American birds over the past half-century. This
4 widespread population decline of birds has major implications
5 for ecosystem integrity and the conservation of wildlife more
6 broadly.

7 (2) Each year, nearly 7 million birds die due to
8 night-time collisions with communication towers.

9 (3) Switching lighting on communication towers from
10 steady-burning lights to flashing lights greatly reduces
11 operation and maintenance costs for tower operators and will
12 help bring the Federal Communications Commission, the Federal
13 Aviation Administration, and the tower industry into
14 compliance with the Migratory Bird Treaty Act.

15 (4) Building collisions are a leading cause of bird
16 fatalities in North America, and many of these deaths occur at
17 night when lighting attracts and disorients birds.

18 (5) The use of excessive and unshielded lighting at night
19 often has fatal impacts on birds, particularly during spring
20 and fall migration periods as 60% of migratory bird species
21 migrate at night.

22 (6) This State is a primary thoroughfare for bird
23 migration in North America.

24 (7) Due to the large volume of migratory birds and the
25 excessive use of lighting at night, the Cornell Lab of

1 Ornithology ranked Chicago as the "Most Dangerous City for
2 Birds" in the United States.

3 Section 2-5. The Wildlife Code is amended by adding
4 Section 3.41 as follows:

5 (520 ILCS 5/3.41 new)

6 Sec. 3.41. Navigational lighting. Notwithstanding any
7 provision of law to the contrary:

8 (a) The Department shall encourage the owners of
9 structures to eliminate nonflashing (steady burning) L-810
10 lights by a January 1, 2024. The Department shall issue
11 certificates of recognition to owners for eliminating
12 nonflashing (steady burning) L-810 lights.

13 (b) Structures constructed with a height over 50 feet
14 above ground level on or after March 1, 2022 that are located
15 in ecologically sensitive areas (as the Department shall
16 determine), or are within one-half mile of a forest preserve
17 or federal or State park or wildlife area shall turn off all
18 lights not required for safety or maintenance between 11:00
19 p.m. and 7:00 a.m. during migratory seasons. The Department
20 shall determine the dates of such migratory seasons and shall
21 publish those dates at least 6 months in advance on the
22 Department's website.

23 (c) The Department may adopt such rules as it deems
24 necessary to implement the provisions of this Section.

