

HOUSE BILL No. 4254

February 11, 1997, Introduced by Reps. Walberg, Richner, McBryde, Hammerstrom, Harder and Galloway and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 752.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 752 OUTDOOR LIGHTING STUDY

2 SEC. 75201. AS USED IN THIS PART, "BOARD" MEANS THE OUTDOOR
3 LIGHTING STUDY BOARD CREATED IN SECTION 75203.

4 SEC. 75202. THE LEGISLATURE FINDS ALL OF THE FOLLOWING:

5 (A) THAT EXCESSIVE AND MISDIRECTED OUTDOOR LIGHTING IS A
6 CONSEQUENCE OF USING OUTDOOR LIGHTING WHERE AND WHEN IT IS NOT
7 NEEDED, AND OF NOT USING THE TYPES OF OUTDOOR LIGHTING THAT ARE
8 MOST EFFICIENT AND COST EFFECTIVE FOR THE TASK INTENDED.

9 (B) THAT CONTROLLING OUTDOOR LIGHTING WILL RESULT IN
10 SIGNIFICANT COST SAVINGS DUE TO THE DECREASE IN ENERGY
11 REQUIREMENTS.

1 (C) THAT LIGHT FROM IMPROPERLY SHIELDED STREET LIGHTS AND
2 SECURITY LIGHTS IS A SERIOUS SAFETY HAZARD TO MOTORISTS AND
3 OTHERS.

4 (D) THAT THE UNCHECKED GROWTH OF INEFFECTIVE AND INEFFICIENT
5 OUTDOOR LIGHTING FIXTURES IN MODERN TIMES HAS UNNECESSARILY
6 DEPRIVED MOST RESIDENTS OF THE BEAUTY OF THE STARRY NIGHT SKY AND
7 OF NIGHTTIME CLOUD PATTERNS, WHILE ALSO POTENTIALLY HAVING SERI-
8 OUS ILL EFFECTS ON NOCTURNAL FAUNA AND FLORA.

9 (E) THAT WHILE THE LIGHTING OF STREETS, BUSINESSES, AND RES-
10 IDENCES MAY BE DESIRABLE AND NECESSARY FOR SECURITY, IT IS NOT
11 DESIRABLE OR NECESSARY TO HAVE LIGHTS SHINING DIRECTLY AND OFTEN
12 DANGEROUSLY INTO THE EYES OF MOTORISTS, OR USELESSLY AND WASTE-
13 FULLY INTO THE SKY AND OFF INTO SPACE.

14 (F) THAT IN SEVERAL OTHER STATES, AND IN CERTAIN LARGE
15 CITIES, LEGISLATION HAS BEEN ADOPTED TO CONTROL OUTDOOR
16 LIGHTING.

17 (G) THAT THIS STATE HAS ADOPTED PART 751 TO CREATE A DARK
18 SKY PRESERVE.

19 (H) THAT SEVERAL MICHIGAN LOCAL GOVERNMENTAL UNITS HAVE
20 ADOPTED VARIOUS LIGHT CONTROL MEASURES AND THAT SUCH MEASURES ARE
21 SAVING THOSE JURISDICTIONS CONSIDERABLE AMOUNTS OF MONEY IN
22 ENERGY COSTS.

23 SEC. 75203. (1) THE OUTDOOR LIGHTING STUDY BOARD IS CREATED
24 WITHIN THE DEPARTMENT.

25 (2) THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS,
26 APPOINTED BY THE GOVERNOR:

1 (A) THE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR
2 HIS OR HER DESIGNEE.

3 (B) THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND INDUSTRY
4 SERVICES OR HIS OR HER DESIGNEE.

5 (C) TWO REPRESENTATIVES OF THE ELECTRIC POWER INDUSTRY.

6 (D) ONE REPRESENTATIVE OF THE BUSINESS COMMUNITY.

7 (E) ONE REPRESENTATIVE OF AN ENVIRONMENTAL ORGANIZATION.

8 (F) ONE REPRESENTATIVE OF AN AMATEUR ASTRONOMY ASSOCIATION.

9 (G) ONE REPRESENTATIVE OF LOCAL LAW ENFORCEMENT.

10 (H) ONE REPRESENTATIVE OF LOCAL GOVERNMENT PLANNING.

11 (I) ONE REPRESENTATIVE OF THE STATE LEGISLATURE.

12 (J) ONE ARCHITECT OR LIGHTING DESIGN ENGINEER.

13 (K) ONE REPRESENTATIVE OF ABRAMS PLANETARIUM, MICHIGAN STATE
14 UNIVERSITY.

15 (3) THE MEMBERS FIRST APPOINTED TO THE BOARD SHALL BE
16 APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS PART.

17 (4) MEMBERS OF THE BOARD SHALL SERVE FOR TERMS OF 3 YEARS,
18 OR UNTIL A SUCCESSOR IS APPOINTED, WHICHEVER IS LATER, EXCEPT
19 THAT OF THE MEMBERS FIRST APPOINTED, 4 SHALL SERVE FOR 1 YEAR, 4
20 SHALL SERVE FOR 2 YEARS, AND 4 SHALL SERVE FOR 3 YEARS.

21 (5) IF A VACANCY OCCURS ON THE BOARD, THE GOVERNOR SHALL
22 MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS
23 THE ORIGINAL APPOINTMENT.

24 (6) THE GOVERNOR MAY REMOVE A MEMBER OF THE BOARD FOR INCOM-
25 PETENCY, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR NON-
26 FEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

1 (7) THE FIRST MEETING OF THE BOARD SHALL BE CALLED BY THE
2 DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES WITHIN 30 DAYS OF
3 ITS COMPLETE FORMATION. AT THE FIRST MEETING, THE BOARD SHALL
4 ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON, WHO IS NOT A DEPART-
5 MENT DIRECTOR OR HIS OR HER DESIGNEE, AND OTHER OFFICERS AS IT
6 CONSIDERS NECESSARY OR APPROPRIATE. THE BOARD MAY APPOINT A SEC-
7 RETARY WHO IS NOT A MEMBER OF THE BOARD AS THE BOARD DETERMINES
8 APPROPRIATE. AFTER THE FIRST MEETING, THE BOARD SHALL MEET AT
9 LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIR-
10 PERSON OR IF REQUESTED BY 7 OR MORE MEMBERS.

11 (8) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTES A
12 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
13 BOARD.

14 (9) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION.
15 HOWEVER, MEMBERS OF THE BOARD MAY BE REIMBURSED FOR THEIR ACTUAL
16 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFI-
17 CIAL DUTIES AS MEMBERS OF THE BOARD TO THE EXTENT FUNDS ARE
18 APPROPRIATED OR OTHERWISE LAWFULLY AVAILABLE FOR THIS PURPOSE.

19 (10) THE BOARD SHALL DO ALL OF THE FOLLOWING:

20 (A) STUDY THE NATURE AND EXTENT OF PROBLEMS ASSOCIATED WITH
21 OUTDOOR LIGHTING.

22 (B) STUDY AVAILABLE STATUTORY AND ADMINISTRATIVE SOLUTIONS
23 TO PROBLEMS ASSOCIATED WITH OUTDOOR LIGHTING AND MAKE RECOMMENDA-
24 TIONS TO THE LEGISLATURE REGARDING THE DESIRABILITY OF ADOPTING
25 THESE SOLUTIONS.

26 (C) STUDY THE POTENTIAL FOR POSITIVE ECONOMIC IMPACTS THAT
27 COULD RESULT IF MORE EFFICIENT AND EFFECTIVE OUTDOOR LIGHTING

1 ALTERNATIVES ARE SELECTED, INCLUDING BUT NOT LIMITED TO
2 ECOLOGICAL BENEFITS, ENHANCED TOURISM, IMPROVED PUBLIC SAFETY AND
3 SECURITY, AND ANY OTHER BENEFITS.

4 (D) STUDY SOLUTIONS TAKEN BY OTHER JURISDICTIONS TO REGULATE
5 OUTDOOR LIGHTING.

6 (E) SUBMIT TO THE LEGISLATURE WITHIN 9 MONTHS OF THE BOARD'S
7 FIRST ORGANIZATIONAL MEETING A REPORT DETAILING THE RESULT OF THE
8 BOARD'S STUDY AS REQUIRED IN THIS PART.

9 (F) FOLLOWING SUBMITTAL OF THE REPORT REQUIRED UNDER THIS
10 SECTION, MEET AT LEAST ANNUALLY FOR THE 5 YEARS FOLLOWING SUBMIT-
11 TAL OF THE ORIGINAL REPORT AND REPORT TO THE LEGISLATURE REGARD-
12 ING FURTHER RECOMMENDATIONS RELATED TO THE BOARD'S
13 RESPONSIBILITIES.

14 (11) THE BOARD MAY DO EITHER OR BOTH OF THE FOLLOWING:

15 (A) SEEK ASSISTANCE FROM ANY PERSON AS THE BOARD DETERMINES
16 NECESSARY OR APPROPRIATE TO FULFILL THE RESPONSIBILITIES OF THE
17 BOARD UNDER THIS PART.

18 (B) INCUR EXPENSES THAT ARE NECESSARY AND PROPER AND WITHIN
19 THE LIMITS OF FUNDS APPROPRIATED OR OTHERWISE LAWFULLY AVAILABLE
20 TO THE BOARD TO FULFILL THE RESPONSIBILITIES OF THE BOARD UNDER
21 THIS PART.