



HOUSE BILL No. 5526

January 25, 1996, Introduced by Rep. Walberg and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as amended, being sections 324.101 to 324.90106 of the Michigan Compiled Laws, by adding part 752.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 451 of the Public Acts of 1994, as
2 amended, being sections 324.101 to 324.90106 of the Michigan
3 Compiled Laws, is amended by adding part 752 to read as follows:

4 PART 752 OUTDOOR LIGHTING STUDY

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

7 SEC. 75202. THE LEGISLATURE HEREBY FINDS THAT EXCESSIVE AND
8 MISDIRECTED OUTDOOR LIGHTING IS A CONSEQUENCE OF USING OUTDOOR
9 LIGHTING WHERE AND WHEN IT IS NOT NEEDED, AND OF NOT USING THE

1 TYPES OF OUTDOOR LIGHTING THAT ARE MOST EFFICIENT AND COST
2 EFFECTIVE FOR THE TASK INTENDED; THAT CONTROLLING OUTDOOR LIGHT-
3 ING WILL RESULT IN SIGNIFICANT COST SAVINGS DUE TO THE DECREASE
4 IN ENERGY REQUIREMENTS; THAT LIGHT FROM IMPROPERLY SHIELDED
5 STREET LIGHTS AND SECURITY LIGHTS IS A SERIOUS SAFETY HAZARD TO
6 MOTORISTS AND OTHERS; THAT THE UNCHECKED GROWTH OF INEFFECTIVE
7 AND INEFFICIENT OUTDOOR LIGHTING FIXTURES IN MODERN TIMES HAS
8 UNNECESSARILY DEPRIVED MOST RESIDENTS OF THE BEAUTY OF THE STARRY
9 NIGHT SKY AND OF NIGHTTIME CLOUD PATTERNS, WHILE ALSO POTENTIALLY
10 HAVING SERIOUS ILL EFFECTS ON NOCTURNAL FAUNA AND FLORA; THAT
11 WHILE THE LIGHTING OF STREETS, BUSINESSES, AND RESIDENCES MAY BE
12 DESIRABLE AND NECESSARY FOR SECURITY, IT IS NOT DESIRABLE OR NEC-
13 ESSARY TO HAVE LIGHTS SHINING DIRECTLY AND OFTEN DANGEROUSLY INTO
14 THE EYES OF MOTORISTS, OR USELESSLY AND WASTEFULLY INTO THE SKY
15 AND OFF INTO SPACE; AND THAT IN SEVERAL OTHER STATES, AND IN
16 LARGE CITIES, CERTAIN LEGISLATION HAS BEEN ADOPTED TO CONTROL
17 OUTDOOR LIGHTING, AND THAT THIS STATE HAS ADOPTED PART 751 TO
18 CREATE A DARK SKY PRESERVE, AND SEVERAL MICHIGAN LOCAL GOVERNMEN-
19 TAL UNITS HAVE ADOPTED VARIOUS LIGHT CONTROL MEASURES AND THAT
20 SUCH MEASURES ARE SAVING THOSE JURISDICTIONS CONSIDERABLE AMOUNTS
21 OF MONEY IN ENERGY COSTS.

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

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

26 (A) THE DIRECTOR OR HIS OR HER DESIGNEE.

- 1 (B) THE DIRECTOR OF COMMERCE OR HIS OR HER DESIGNEE.
2 (C) TWO REPRESENTATIVES OF THE ELECTRIC POWER INDUSTRY.
3 (D) ONE REPRESENTATIVE OF THE BUSINESS COMMUNITY.
4 (E) ONE REPRESENTATIVE OF AN ENVIRONMENTAL ORGANIZATION.
5 (F) ONE REPRESENTATIVE OF AN AMATEUR ASTRONOMY ASSOCIATION.
6 (G) ONE REPRESENTATIVE OF LOCAL LAW ENFORCEMENT.
7 (H) ONE REPRESENTATIVE OF LOCAL GOVERNMENT PLANNING.
8 (I) ONE REPRESENTATIVE OF THE STATE LEGISLATURE.
9 (J) ONE ARCHITECT OR LIGHTING DESIGN ENGINEER.
10 (K) ONE REPRESENTATIVE OF ABRAMS PLANETARIUM, MICHIGAN STATE
11 UNIVERSITY.

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

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

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

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

24 (7) THE FIRST MEETING OF THE BOARD SHALL BE CALLED BY THE
25 DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES WITHIN 30 DAYS OF
26 ITS COMPLETE FORMATION. AT THE FIRST MEETING, THE BOARD SHALL
27 ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON, WHO IS NOT A

1 DEPARTMENT DIRECTOR OR HIS OR HER DESIGNEE, AND OTHER OFFICERS AS
2 IT CONSIDERS NECESSARY OR APPROPRIATE. THE BOARD MAY APPOINT A
3 SECRETARY WHO IS NOT A MEMBER OF THE BOARD AS THE BOARD DETER-
4 MINES APPROPRIATE. AFTER THE FIRST MEETING, THE BOARD SHALL MEET
5 AT LEAST QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIR-
6 PERSON OR IF REQUESTED BY 7 OR MORE MEMBERS.

7 (8) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTES A
8 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
9 BOARD.

10 (9) MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION.
11 HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIMBURSED FOR THEIR
12 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF
13 THEIR OFFICIAL DUTIES AS MEMBERS OF THE BOARD TO THE EXTENT FUNDS
14 ARE APPROPRIATED OR OTHERWISE LAWFULLY AVAILABLE FOR THIS
15 PURPOSE.

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

17 (A) STUDY THE NATURE AND EXTENT OF PROBLEMS ASSOCIATED WITH
18 OUTDOOR LIGHTING.

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

23 (C) STUDY THE POTENTIAL FOR POSITIVE ECONOMIC IMPACTS THAT
24 COULD RESULT IF MORE EFFICIENT AND EFFECTIVE OUTDOOR LIGHTING
25 ALTERNATIVES ARE SELECTED, INCLUDING BUT NOT LIMITED TO ECOLOGI-
26 CAL BENEFITS, ENHANCED TOURISM, IMPROVED PUBLIC SAFETY AND
27 SECURITY, AND ANY OTHER BENEFITS.

1 (D) STUDY SOLUTIONS TAKEN BY OTHER JURISDICTIONS TO REGULATE
2 OUTDOOR LIGHTING.

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

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

11 (11) THE BOARD MAY DO ALL OF THE FOLLOWING:

12 (A) SEEK ASSISTANCE FROM ANY PERSON AS THE BOARD DETERMINES
13 NECESSARY OR APPROPRIATE TO FULFILL THE RESPONSIBILITIES OF THE
14 BOARD UNDER THIS PART.

15 (B) INCUR EXPENSES THAT ARE NECESSARY AND PROPER AND WITHIN
16 THE LIMITS OF FUNDS APPROPRIATED IS OTHERWISE LAWFULLY AVAILABLE
17 TO THE BOARD TO FULFILL THE RESPONSIBILITIES OF THE BOARD UNDER
18 THIS PART.