

Legislative Analysis



DESIGNATION AS DARK SKY PRESERVE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4740 as reported from committee

Sponsor: Rep. Aaron Miller

1st Committee: Natural Resources and Outdoor Recreation

2nd Committee: Ways and Means

Complete to 2-11-20

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 4740 would amend the Natural Resources and Environmental Protection Act (NREPA) to designate land located in Cass County as a dark sky preserve.

FISCAL IMPACT: House Bill 4740 is unlikely to affect costs or revenues for the Department of Natural Resources (DNR) or local units of government.

THE APPARENT PROBLEM:

Michigan has been a leader in the conservation and preservation of night sky viewing. According to previous legislation and committee testimony,¹ Michigan became the first state in the country to designate a tract of public land as a "dark sky preserve" with the enactment of 1993 PA 57, which gave that designation to state-owned land at Lake Hudson in Lenawee County. That first preserve was set up as a demonstration project to test the concept of preserving night skies by limiting outdoor lighting.

According to the DNR's website, there are now six dark sky preserves in Michigan that comprise state-owned land or state parks.² There also are two locations described as "internationally designated dark sky parks," including Dr. T. K. Lawless Park. This park is located in Cass County on county-owned land and is overseen by the county. Legislation has been proposed to designate this park as a dark sky preserve under NREPA.

THE CONTENT OF THE BILL:

House Bill 4740 would amend Part 751 (Dark Sky Preserve) of NREPA to designate land located in Cass County as a dark sky preserve.

Specifically, under the bill, the county-owned land comprising Dr. T. K. Lawless Park, located in Porter and Newberg Townships, would be designated as a dark sky preserve.

Currently under NREPA, the Natural Resources Commission (NRC) is required to ensure that outdoor lighting within dark sky preserves is not installed unless it is for safety, security, or the reasonable use and enjoyment of property within the preserve. The NRC must also ensure that outdoor lighting in the preserve does not unreasonably interfere with nighttime activities that require darkness and ensure that the lighting is directed downward;

¹ Public Act 11 of 2016, <http://legislature.mi.gov/doc.aspx?2015-HB-5023>.

² https://www.michigan.gov/dnr/0,4570,7-350-79133_79205_84074---,00.html.

provided by fully shielded fixtures, if possible; and provided by fixtures activated by motion sensors and not constantly lighted, if practical and appropriate.

The bill would amend NREPA to restrict the responsibilities of the NRC described above to state-owned dark sky preserves. As applied, the NRC would not have authority over the proposed Cass County dark sky preserve.

MCL 324.75102, 324.75103, and 324.75104

ARGUMENTS:

For:

Dark sky preserves ensure no light pollution in specific areas for Michiganders and tourists alike to enjoy Michigan's beautiful night skies, including the occasional Northern Lights. As Michigan's growing populace creates more light pollution, the ability to observe a true dark sky in Michigan is in danger of vanishing. Supporters of the bill argue that allowing parks to become dark sky preserves without requiring them to be on state-owned land will help Michigan's nighttime skies to be able to be enjoyed for years to come.

Against:

No arguments in opposition to the bill were presented during committee testimony.

POSITIONS:

The following organizations indicated support for the bill:

- Michigan League of Conservation Voters (2-11-20)
- Michigan Sierra Club (12-10-19)

Legislative Analyst: Emily S. Smith
Fiscal Analyst: Austin Scott

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.