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## State of Minnesota

# HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **446**

January 29, 2007

Authored by Kahn, Hornstein, Hilty, Tschumper, Hausman and others  
The bill was read for the first time and referred to the Committee on Finance

March 7, 2007

Committee Recommendation and Adoption of Report:  
Amended and re-referred to the Committee on Local Government and Metropolitan Affairs without further recommendation

March 19, 2007

Committee Recommendation and Adoption of Report:  
To Pass as Amended and re-referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to the environment; restricting outdoor light pollution; proposing coding  
1.3 for new law in Minnesota Statutes, chapter 16B.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **PURPOSE.**

1.6 The legislature finds that it is beneficial to conserve energy in all forms, to reduce  
1.7 oppressive glare from lighting, to minimize light pollution, and to preserve the night  
1.8 environment. The legislature requests the cooperation of public and private utilities,  
1.9 billboard owners, commercial and industrial businesses, and others owning or operating  
1.10 outdoor lights in reducing light pollution to the greatest extent practicable.

1.11 Sec. 2. **[16B.327] DEFINITIONS.**

1.12 Subdivision 1. **Application.** For the purposes of section 16B.328, the definitions  
1.13 in this section have the meanings given.

1.14 Subd. 2. **Energy conservation.** "Energy conservation" means reducing energy use  
1.15 and includes using a light with lower wattage or time controls.

1.16 Subd. 3. **Cutoff luminaire.** "Cutoff luminaire" means a luminaire in which 2.5  
1.17 percent or less of the lamp lumens are emitted above a horizontal plane through the  
1.18 luminaire's lowest part and ten percent or less of the lamp lumens are emitted at a vertical  
1.19 angle 80 degrees above the luminaire's lowest point.

1.20 Subd. 4. **Light pollution.** "Light pollution" means the night sky glow caused by the  
1.21 scattering of artificial light in the atmosphere.

1.22 Subd. 5. **Outdoor lighting fixture.** "Outdoor lighting fixture" means any type of  
1.23 fixed or movable lighting equipment that is designed or used for illumination outdoors.

2.1 The term includes billboard lighting, streetlights, searchlights, and other lighting used for  
2.2 advertising purposes and area lighting. The term does not include lighting equipment  
2.3 that is required by law to be installed on motor vehicles or lighting required for the safe  
2.4 operation of aircraft.

2.5 **Sec. 3. [16B.328] STANDARDS FOR STATE FUNDED OUTDOOR LIGHTING**  
2.6 **FIXTURES; MODEL ORDINANCE.**

2.7 Subdivision 1. **Outdoor lighting fixtures.** (a) An outdoor lighting fixture may be  
2.8 installed or replaced using state funds only if:

2.9 (1) the new or replacement outdoor lighting fixture is a cutoff luminaire if the rated  
2.10 output of the outdoor lighting fixture is greater than 1,800 lumens;

2.11 (2) the minimum illuminance adequate for the intended purpose is used with  
2.12 consideration given to nationally recognized standards;

2.13 (3) for lighting of a designated highway of the state highway system, the Department  
2.14 of Transportation determines that the purpose of the outdoor lighting fixture cannot be  
2.15 achieved by the installation of reflective road markers, lines, warning or informational  
2.16 signs, or other effective passive methods; and

2.17 (4) full consideration has been given to energy conservation and savings, reducing  
2.18 glare, minimizing light pollution, and preserving the natural night environment.

2.19 (b) Paragraph (a) does not apply if:

2.20 (1) a federal law, rule, or regulation preempts state law;

2.21 (2) the outdoor lighting fixture is used on a temporary basis because emergency  
2.22 personnel require additional illumination for emergency procedures;

2.23 (3) the outdoor lighting fixture is used on a temporary basis for nighttime work;

2.24 (4) special events or situations require additional illumination, provided that the  
2.25 illumination installed shields the outdoor lighting fixtures from direct view and minimizes  
2.26 upward lighting and light pollution;

2.27 (5) the outdoor lighting fixture is used solely to highlight the aesthetic aspects of  
2.28 a single object or distinctive building; or

2.29 (6) a compelling safety interest exists that cannot be addressed by another method.

2.30 (c) This subdivision does not apply to the operation and maintenance of lights or  
2.31 lighting systems purchased or installed, or for which design work is completed, before  
2.32 August 1, 2007.

2.33 Subd. 2. **Model ordinance.** The commissioner of administration, in consultation  
2.34 with the commissioner of commerce, associations for local governments, and any other  
2.35 interested person, shall develop a model ordinance that can be adapted for use by cities,

3.1 counties, and towns, governing outdoor lighting to reduce light pollution. The model  
3.2 ordinance must include provisions addressing elements similar to those in subdivision 1.

3.3 In addition, the model ordinance must address:

3.4 (1) standards for lighting on private property, outdoor advertising, lighting on  
3.5 commercial, industrial, or institutional property, canopies covering fueling stations, and  
3.6 public streets, sidewalks, and alleys;

3.7 (2) how illumination levels should be measured;

3.8 (3) possible exemptions, such as for temporary emergency or hazard lighting;

3.9 (4) recommended elements for an exterior lighting plan for a development;

3.10 (5) treatment of nonconforming lighting;

3.11 (6) lighting standards that might apply in special subdistricts;

3.12 (7) light pole maximum heights; and

3.13 (8) light trespass.