

A-Engrossed
House Bill 3367

Ordered by the House April 29
Including House Amendments dated April 29

Sponsored by Representative GREENLICK; Representatives BAILEY, KOTEK, MAURER, RILEY, SHIELDS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires public electric utility that supplies customer with outdoor lighting fixtures to provide customer option of using shielded outdoor lighting fixtures. Creates exceptions.

Prohibits sale or installation of outdoor lighting fixtures that are mercury vapor lighting fixtures. Makes exception for reinstallations of existing fixtures. Prohibits use of state moneys to install or reinstall outdoor lighting fixtures that are mercury vapor lighting fixtures. Becomes operative 60 days after effective date of Act.

On or after January 1, 2010, requires [*Director of Department of Consumer and Business Services to include greatest practicable use of shielded fixtures for outdoor lighting in new public buildings*] **that public buildings constructed or on which outdoor lighting fixtures are replaced have installed, to greatest extent practicable, shielded fixtures for outdoor lighting.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to lighting fixtures; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Outdoor lighting fixture" means an automatically controlled searchlight, spotlight,**
6 **floodlight or other device used for architectural lighting, lighting streets or parking lots,**
7 **landscape lighting, billboards or other artificial illumination or advertising purposes.**

8 (b) **"Public utility" has the meaning given that term in ORS 757.005.**

9 (c) **"Shielded" means that a light fixture is designed to ensure that direct or indirect light**
10 **rays emitted from the fixture are projected below a horizontal plane running through the**
11 **lowest light-emitting point of the fixture.**

12 (2) **A public utility supplying electricity that provides a customer with outdoor lighting**
13 **fixtures shall make the option of using shielded outdoor lighting fixtures available to the**
14 **customer. The utility shall notify a customer to whom the utility provides outdoor lighting**
15 **fixtures that a shielded outdoor lighting fixture option is available through the utility. The**
16 **utility shall file an application with the Public Utility Commission to establish rates and**
17 **charges for providing the shielded outdoor lighting fixture option.**

18 (3) **Subsection (2) of this section does not require a utility to reimburse a customer for**
19 **the cost of a shielded outdoor lighting fixture installed before the date the utility sends a**
20 **notice to the customer under this section, or to provide an option for a customer to acquire:**

21 (a) **Incandescent outdoor lighting fixtures of not more than 150 watts;**

22 (b) **Light sources of not more than 70 watts that are not incandescent lighting fixtures;**

23 (c) **Outdoor lighting fixtures on advertising signs on interstate or federal primary high-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 ways;

2 (d) Navigational lighting systems at airports or other lighting necessary for aircraft
3 safety; or

4 (e) Outdoor lighting fixtures necessary for worker safety at farms, ranches, dairies or
5 feedlots or at industrial, mining, oil or gas facilities.

6 **SECTION 2.** (1) A public utility that is subject to section 1 of this 2009 Act shall file an
7 initial rate and charge application as required by section 1 (2) of this 2009 Act on or before
8 January 1, 2010.

9 (2) A utility that is subject to section 1 of this 2009 Act shall give a customer notice of
10 the shielded outdoor lighting fixture option on or before the later of the date the utility first
11 begins providing outdoor lighting fixtures to the customer or 60 days after the rate or charge
12 takes effect.

13 **SECTION 3.** (1) As used in this section:

14 (a) "Mercury vapor lighting fixture" means an artificial illumination device that produces
15 a high-intensity discharge of light by passing electricity through mercury vapor.

16 (b) "Outdoor lighting fixture" has the meaning given that term in section 1 of this 2009
17 Act.

18 (2) A person may not sell an outdoor lighting fixture that is a mercury vapor lighting
19 fixture.

20 (3) A person may not install a mercury vapor lighting fixture outdoors. This subsection
21 does not apply to the reinstallation of an existing fixture after servicing or repair.

22 (4) State moneys may not be expended for the installation or reinstallation of outdoor
23 lighting fixtures that are mercury vapor lighting fixtures.

24 **SECTION 4.** Section 3 of this 2009 Act becomes operative 60 days after the effective date
25 of this 2009 Act.

26 **SECTION 5.** Section 6 of this 2009 Act is added to and made a part of ORS 455.560 to
27 455.580.

28 **SECTION 6.** (1) Public buildings constructed on or after January 1, 2010, or on which
29 outdoor lighting fixtures attached to the building are replaced on or after January 1, 2010,
30 shall have installed to the greatest practicable extent shielded lighting fixtures for outdoor
31 use.

32 (2) Notwithstanding ORS 455.020 and ORS 455.040, a municipality may enact an ordinance
33 or resolution that meets or exceeds the requirements established under subsection (1) of this
34 section.

35 (3) If a municipality determines that the use of shielded lighting is not practical for a
36 public building because of the historical character of the building or for other reasons, the
37 municipality may waive the requirements for the use of shielded lighting established under
38 this section.

39 (4) As used in this section, "shielded lighting" means a lighting fixture that has a cov-
40 ering or is designed to ensure that direct or indirect light rays emitted from the fixture are
41 projected below a horizontal plane running through the lowest light-emitting point of the
42 fixture.

43 **SECTION 7.** This 2009 Act being necessary for the immediate preservation of the public
44 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
45 on its passage.

