

House Bill 3367

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 **as introduced**.

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.

Requires Director of Department of Consumer and Business Services to include greatest practicable use of shielded fixtures for outdoor lighting in new public buildings.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to lighting fixtures; creating new provisions; amending ORS 455.570; and declaring an
3 emergency.

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

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

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

9 (b) **“Shielded” means that a light fixture has a covering that ensures that direct or in-**
10 **direct light rays emitted from the fixture are projected below a horizontal plane running**
11 **through the 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-**
24 **ways;**

25 (d) **Navigational lighting systems at airports or other lighting necessary for aircraft**
26 **safety; or**

27 (e) **Outdoor lighting fixtures necessary for worker safety at farms, ranches, dairies or**

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 feedlots or at industrial, mining, oil or gas facilities.

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

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

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

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

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

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

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

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

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

22 **SECTION 5.** ORS 455.570 is amended to read:

23 455.570. (1) After consultation with the Building Codes Structures Board and the State Depart-
 24 ment of Energy, the Director of the Department of Consumer and Business Services, as provided in
 25 this chapter, shall establish maximum lighting standards for public buildings constructed on or after
 26 July 1, 1978. Such standards may distinguish between type of design, the uses to which buildings are
 27 put, location, age or any other applicable classification.

28 (2) Such standards shall allow for:

29 (a) Differences in lighting levels within public buildings for special areas and uses, including but
 30 not limited to hospital, drafting room, and advertising display, and for other areas and activities
 31 requiring special illumination.

32 (b) The interaction between lighting and heating systems.

33 (c) Occupational safety and health standards.

34 (d) **The use, for buildings constructed on or after January 1, 2010, of outdoor lighting**
 35 **fixtures that, to the greatest practicable extent, are shielded as defined in section 1 of this**
 36 **2009 Act. For purposes of this paragraph, shielded outdoor lighting fixtures are not practi-**
 37 **cable if an alternative outdoor lighting fixture would be less expensive based upon fixture**
 38 **cost and the projected energy costs for operating the fixture.**

39 (3) The director may by rule or order exempt from the maximum lighting standards, new public
 40 buildings or portions thereof that:

41 (a) Are of insufficient size to warrant maximum lighting standard regulations;

42 (b) Should be allowed a specific period of time before compliance with maximum lighting stan-
 43 dards is required;

44 (c) Are difficult or impractical to regulate based upon location;

45 (d) Are not open to the public during normal business hours;

1 (e) Are impractical to regulate, based upon unique design; or
2 (f) Would not be benefited by regulation, based upon the insignificant amount of energy possible
3 to conserve.

4 (4) Any person subject to ORS 455.560 to 455.580 may apply to the director for an exemption
5 under this section.

6 **SECTION 6. This 2009 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
8 **on its passage.**

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