

# HOUSE BILL 643

P2

11r0828

---

By: **Delegate Carr**

Introduced and read first time: February 9, 2011

Assigned to: Health and Government Operations

---

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2011

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Procurement – State Buildings – Energy Efficient Outdoor Lighting Fixtures**

3 FOR the purpose of prohibiting the use of State funds to install or replace a  
4 permanent outdoor luminaire for lighting on the grounds of any State building  
5 unless the luminaire meets certain requirements; providing certain exceptions  
6 to the requirements of this Act; authorizing the Board of Public Works or the  
7 Board's designee to waive the requirements of this Act under certain  
8 circumstances; requiring the Board to establish the requirements for a certain  
9 waiver request; requiring the Board or the Board's designee to consider certain  
10 factors when considering a waiver request; defining certain terms; and  
11 generally relating to the use of energy efficient outdoor lighting fixtures on  
12 State buildings.

13 BY adding to

14 Article – State Finance and Procurement

15 Section 14–411

16 Annotated Code of Maryland

17 (2009 Replacement Volume and 2010 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

### 20 **Article – State Finance and Procurement**

21 **14–411.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
2 **MEANINGS INDICATED.**

3                   **(2) “LAMP” MEANS THE COMPONENT OF A LUMINAIRE THAT**  
4 **PRODUCES THE LIGHT.**

5                   **(3) “LUMEN” MEANS A UNIT OF MEASUREMENT OF LUMINOUS**  
6 **FLUX.**

7                   **(4) “LUMINAIRE” MEANS THE COMPLETE LIGHTING UNIT,**  
8 **INCLUDING THE LAMP OR OTHER COMPONENT THAT PRODUCES LIGHT AND THE**  
9 **ASSEMBLY THAT HOLDS THE LAMP, INCLUDING AN ASSEMBLY HOUSING, A**  
10 **MOUNTING BRACKET OR POLE SOCKET, A LAMP HOLDER, A BALLAST, A**  
11 **REFLECTOR OR MIRROR, AND A REFRACTOR OR LENS.**

12                   **(5) “RESTRICTED UPLIGHT LUMINAIRE” MEANS A LUMINAIRE**  
13 **THAT:**

14                           **(I) EXCEPT FOR A 0.5% MAXIMUM INCIDENTAL UPLIGHT**  
15 **FROM REFLECTION OFF MOUNTING HARDWARE, ALLOWS NO DIRECT LIGHT**  
16 **EMISSION ABOVE A HORIZONTAL PLANE THROUGH THE LUMINAIRE’S LOWEST**  
17 **LIGHT-EMITTING PART; AND**

18                           **(II) EMITS NO MORE THAN 10% OF THE TOTAL DIRECT**  
19 **LIGHT EMISSION AT OR ABOVE A VERTICAL ANGLE OF 80 DEGREES.**

20                   **(6) “STATE BUILDING” MEANS A BUILDING OWNED OR LEASED BY**  
21 **THE STATE OR A UNIT OF THE STATE.**

22           **(B) THIS SECTION DOES NOT APPLY TO A LUMINAIRE:**

23                   **(1) LOCATED ON THE GROUNDS OF A CORRECTIONAL FACILITY;**

24                   **(2) REQUIRED BY FEDERAL REGULATION;**

25                   **(3) REQUIRED FOR STORM OPERATION ACTIVITIES PERFORMED**  
26 **BY THE DEPARTMENT OF TRANSPORTATION;**

27                   **(4) REQUIRED TO ILLUMINATE THE STATE FLAG OR THE FLAG OF**  
28 **THE UNITED STATES;**

29                   **(5) USED FOR SIGN ILLUMINATION; OR**

1           **(6) IN A LIGHTING PLAN WHERE LESS THAN 25% OF THE**  
2 **LUMINAIRES ARE TO BE REPLACED.**

3           **(C) STATE FUNDS MAY NOT BE USED TO INSTALL OR REPLACE A**  
4 **PERMANENT OUTDOOR LUMINAIRE FOR LIGHTING ON THE GROUNDS OF ANY**  
5 **STATE BUILDING OR FACILITY UNLESS:**

6           **(1) THE LUMINAIRE IS DESIGNED TO MAXIMIZE ENERGY**  
7 **CONSERVATION AND TO MINIMIZE LIGHT POLLUTION, GLARE, AND LIGHT**  
8 **TRESPASS;**

9           **(2) THE ILLUMINATION PRODUCED BY THE LUMINAIRE IS THE**  
10 **MINIMUM ILLUMINATION NECESSARY FOR THE INTENDED PURPOSE OF THE**  
11 **LIGHTING; AND**

12           **(3) FOR A LUMINAIRE WITH AN OUTPUT OF MORE THAN 1,800**  
13 **LUMENS, THE LUMINAIRE IS A RESTRICTED UPLIGHT LUMINAIRE.**

14           **(D) (1) THE BOARD OF PUBLIC WORKS OR THE BOARD'S DESIGNEE**  
15 **MAY WAIVE THE REQUIREMENT OF SUBSECTION (C)(3) OF THIS SECTION IF,**  
16 **AFTER A REQUEST FOR A WAIVER HAS BEEN MADE, THE BOARD OF PUBLIC**  
17 **WORKS OR THE BOARD'S DESIGNEE DETERMINES THAT THE WAIVER IS**  
18 **NECESSARY FOR THE LIGHTING APPLICATION.**

19           **(2) THE BOARD OF PUBLIC WORKS SHALL ESTABLISH THE**  
20 **REQUIREMENTS FOR A WAIVER REQUEST UNDER PARAGRAPH (1) OF THIS**  
21 **SUBSECTION, INCLUDING:**

22                   **(I) A DESCRIPTION OF THE LIGHTING PLAN;**

23                   **(II) A DESCRIPTION OF THE EFFORTS MADE TO COMPLY**  
24 **WITH THE REQUIREMENTS OF THIS SECTION; AND**

25                   **(III) THE REASON A WAIVER IS NECESSARY.**

26           **(3) IN REVIEWING A WAIVER REQUEST, THE BOARD OF PUBLIC**  
27 **WORKS OR THE BOARD'S DESIGNEE SHALL CONSIDER DESIGN SAFETY, COSTS,**  
28 **AND ANY OTHER FACTORS THE BOARD OR THE BOARD'S DESIGNEE**  
29 **DETERMINES ARE APPROPRIATE.**

30           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2011.