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FISCAL IMPACT REPORT

SPONSOR Pirtle ORIGINAL DATE 2/13 /17
 LAST UPDATED _____ HB _____

SHORT TITLE Mountain Daylight as Permanent NM Time SB 239

ANALYST Esquibel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Transportation (NMDOT)

SUMMARY

Synopsis of Bill

Senate Bill 239 (SB239) proposes setting “mountain daylight saving time” as the permanent year round time for New Mexico. Prior to January 1, 2018, the bill would require the Office of the Governor to apply to the U.S. Secretary of Transportation to have New Mexico transferred to the central time zone. Upon approval of a transfer, the state would then adopt as its standard uniform time the central time zone, to be known as “mountain daylight saving time.”

FISCAL IMPLICATIONS

The bill does not include an appropriation.

ADMINISTRATIVE IMPLICATIONS

NMDOT notes, under the provisions of the bill, it would provide information to the Office of the Governor relative to presenting the USDOT Secretary with the approvals necessary to eliminate the time change, provided New Mexico is able to be moved to the central time zone absent a U.S. Congressional declaration, as opposed to the mountain time zone in which New Mexico resides.

TECHNICAL ISSUES

The NMDOT notes if enacted, SB239 would authorize the Governor to pursue having New Mexico moved from the mountain time zone to the central time zone, the latter of which coincides with mountain daylight savings time. SB239 cites as its authority the Standard Time Act of 1918, pursuant to 15 U.S.C. § 261:

For the purpose of establishing the standard time of the United States, the territory of the United States shall be divided into nine zones in the manner provided in this section. Except as provided in section 260a of this title, the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the fourth zone retarded by 7 hours; that of the fifth zone retarded 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours. The limits of each zone shall be defined by an order of the Secretary of Transportation, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce, and any such order may be modified from time to time.

SB239 proposes New Mexico work with the U.S. Secretary of Transportation; however, in Time Life Broadcast Co. vs. Boyd, [289 F.Supp 219 at 226] then-Secretary of Transportation John Robson opined that he lacked sufficient authority: “The Department does not have the authority to exempt a state from the Uniform Time Act or alter what is technically the legal time under the Act.” The *Boyd* case addressed, in part, Secretary Robson’s ability to adjust the eastern standard time and daylight savings time for Indiana, which contains two time zones.

In New Mexico, the technical legal time is the mountain time zone with the annual adjustment to mountain daylight savings time. [See 15 U.S.C. § 263.] Federal law defines the western boundary for standard central time zone to be between the States of Texas and New Mexico, and 15 U.S.C. § 265 also cites that “this section shall not, except as herein provided, interfere with the adjustment of time zones as established by the Secretary of Transportation.” The issue becomes whether 15 U.S.C. § 265 limits the Secretary’s authority because of its statutorily-executed western boundary or whether this exception only exists because of the Secretary’s identification and adjustment of time zones to date.

SB239 proposes placing New Mexico under the uniform time of the Mountain Time Zone.

OTHER SUBSTANTIVE ISSUES

NNMDOT notes Tufts University professor, Michael Downing, author of *Spring Forward: The Annual Madness of Daylight Saving Time*, reports that each year at least 10, and often as many as 30 new bills appear in various state Legislatures to advocate either permanently end daylight savings time or observing daylight savings time all year long.

A national survey by Rasmussen Reports shows that 83% of respondents knew when to move their clocks ahead in spring 2010, but 27% have been an hour early or late at least once in their lives because they had not changed their clocks correctly. National telephone surveys conducted

by Rasmussen Reports in 2009, 2010 and 2011 revealed that 47% of Americans "don't think the time change is worth the hassle," while 40% disagree.

NMDOT notes according to a report to Congress in October 2008, extending daylight savings time adjustments save energy. Extended daylight savings time reduces annual U.S. electricity consumption by 0.03% and overall energy consumption by 0.02%.

University of Washington's Hendrick Wolff co-authored a report regarding Australian power-use data which discussed the result when parts of the country observed extended daylight savings time for the 2000 Sydney Olympics and other parts of the country did not. The researchers found that the practice reduced lighting and electricity consumption in the evening but increased energy use in the dark mornings, eliminating the evening energy gains.

ALTERNATIVES

The New Mexico Department of Transportation (NMDOT) indicates pursuant to 15 U.S.C.A. § 260a., the federal government does not require states or territories of the United States to observe daylight savings time insofar that their borders lie entirely within one time zone. Residents of Arizona (except for Navajo Nation Reservation residents), Hawaii, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Marianas Islands have passed legislation which authorizes them to not observe daylight savings time adjustments.

NMDOT suggests an alternative approach to SB239 would be to lock New Mexico into mountain standard time, which is the standard time for the state during the daylight savings time

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