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FISCAL IMPACT REPORT

SPONSOR Sens. Stefanics and Wirth/Reps. McQueen and Chandler **LAST UPDATED** _____
ORIGINAL DATE 02/02/2025
BILL
SHORT TITLE Outdoor Light Requirements & Exemptions **NUMBER** Senate Bill 34
ANALYST Simon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

| Agency/Program | FY25 | FY26 | FY27 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--|------------------|---------------------------|---------------------------|-------------------|---------------------------|--|
| CID or Local Government Enforcement Activities | No fiscal impact | Indeterminate but minimal | Indeterminate but minimal | | Recurring | General Fund or Local Government Funds |
| GSD Capital Outlay Expenses | No fiscal impact | Indeterminate but minimal | Indeterminate but minimal | | Nonrecurring | General Fund or Other State Funds |

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
 Regulation and Licensing Department (RLD)
 Public Regulation Commission (PRC)
 General Services Department (GSD)
 Department of Public Safety (DPS)
 Economic Development Department (EDD)

Agency Analysis was Solicited but Not Received From
 Department of Transportation (NMDOT)
 Tourism Department (NMTD)
 Association of Counties
 Municipal League (NMML)
 Department _____ of _____ Agriculture _____ (NMDA)

SUMMARY

Synopsis of Senate Bill 34

Senate Bill 34 (SB34) would amend the Night Sky Protection Act to require that certain outdoor lights installed on or after July 1, 2025 limit the amount of light directed at the night sky and removes several exemptions currently in the Night Sky Protection Act for future lighting installations.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

Current law requires the Construction Industries Division (CID) of the Regulation and Licensing Department (RLD) to enforce the provisions of the Night Sky Protection Act for buildings subject to the division's jurisdiction for permitting and inspection. Analysis from the department does not report a fiscal impact from additional enforcement activity. Penalties for violations of the act are modest: a warning for a first offense and a \$25 penalty, minus the replacement cost of a lighting fixture, for each fixture on a second offense.

In addition to CID, political subdivisions are charged with enforcing the provisions of the act. It is unclear if local governments' enforcement costs would increase.

The General Services Department, which manages public-owned buildings for state agencies, notes the bill could increase capital outlay expenses for outdoor lighting fixtures for state; however, it is unclear how much costs would increase. The bill would only require future capital outlay projects to meet the new requirements laid out in the bill.

SIGNIFICANT ISSUES

SB34 creates new requirements for outdoor light fixtures installed after July 1, 2025, or, in some cases, January 1, 2027. In general, the bill exempts any legally installed lighting fixture installed prior to the effective date of the bill. The bill specifies that "strings of small lights" or "temporary holiday lighting" are not covered by the act.

Under the bill, a lighting fixture mounted more than four feet off the ground may not emit more than 5 percent of its light more than 10 degrees above the "horizontal plane." RLD notes the bill would reduce the width light may emit by 5 percent compared to current statute. Fixtures mounted less than four feet off of the ground may not be directed toward the sky unless they emit less than 1,000 lumens. According to RLD, current law establishes limits based on wattage, or the energy a light fixture uses, while lumens measure the light emitted by the fixture.

The bill would remove several exemptions currently in state law, while specifying that current fixtures that are legally installed are exempt from the new requirements until they are replaced. Currently, outdoor fixtures are exempt from the act if they have an automatic shutoff between 11:00 p.m. and sunrise. The bill would end this exemption. The bill would also end the current exemption for traditional billboards but creates a new exemption for digital or electronic billboards. The bill also creates an exemption for roadway and navigations signs on interstates and federal primary highways.

From January 1, 2027, fixtures installed on farms, ranches, dairies, and feedlots, as well as industrial, mining, and oil and gas facilities would no longer be exempt from the act. RLD notes the removal of this exemption could result in some formerly exempt facilities increasing the total number of light fixtures, particularly when the facility needs to ensure sufficient lighting for worker safety. The department notes this could cause greater overall power usage for these facilities, as well as increased costs for the installation of additional fixtures.

The bill creates a new exemption for temporary lights used for construction, emergency services, or film and television production. Analysis from the Economic Development Department notes roughly 30 percent of film and television production occurs at night and inability to film at night would likely drive film and television production away from the state.

OTHER SUBSTANTIVE ISSUES

The bill would repeal the purpose section of the Night Sky Protection Act. That section currently states the purpose of the act is to “preserve and enhance the state’s dark sky while promoting safety, conserving energy and preserving the environment for astronomy.”

Current provisions of the Night Sky Protection Act allow public utilities to include the costs of replacement of lighting fixtures required by the act in rates approved by the Public Regulation Commission. Analysis from the commission notes lighting fixtures are typically a small capital expense for utilities and established regulatory mechanisms may be used for accelerated lighting replacement. The commission does not anticipate an impact from the bill.

JWS/rl