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FISCAL IMPACT REPORT

SPONSOR: Gubbels DATE TYPED: 03/5/01 HB 613/aHGUAC
 SHORT TITLE: Clarify Night Sky Protection Act Provisions SB _____
 ANALYST: Valdes

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|---------------|----------------------|---------------|
| FY01 | FY02 | FY01 | FY02 | | |
| | | | Indeterminate | Recurring | General Fund |
| | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Regulation and Licensing Department, Environment Department

SUMMARY

Synopsis of HGUAC

The House Government and Urban Affairs Committee amendment removes the provision requiring the Construction Industries Division (CID) to enforce provisions of the Night Sky Protection Act. The amendment requires CID to permit and inspect, “to the standards set forth in the” Night Sky Protection Act, “all construction of and on state-owned buildings “that is subject to permit and inspection under the Construction Industries Licensing Act.”

There is a technical problem with the amended language as follows:

- Page 1, line 23, “the” is placed twice in the sentence before “Night Sky”

Synopsis of Original Bill

House Bill 613 requires the Construction Industries Division (CID) to enforce the Night Sky Protection Act by permitting and inspecting state-owned building projects in New Mexico. It would also allow the enforcement of the Act by any political subdivision of the state.

Significant Issues

Under current law, CID is authorized to recommend appropriate changes in outdoor lighting provisions of the uniform building codes. However, current law does not specify which agency is responsible for enforcement.

Standards and requirements of night sky lighting are not currently included in the New Mexico State building code and there is no requirement that CID adopt them. Therefore, there is no basis on which to conduct permitting and inspections on these standards.

To the extent that the bill would charge CID with the responsibility for enforcing the non-construction related provisions of the Night Sky Protection Act it has no FTE, budget or rule-making authority to do so. The Construction Industries Licensing Act does not give CID the power to regulate in other than areas of contractor licensing and building code compliance. Enforcement of the Acts provisions on new construction of public buildings could be fairly easily enforced, but identifying and ensuring compliance on existing buildings would not only require CID to perform inspection functions it is not currently budgeted or staffed to do, but strict enforcement of the Night Sky Protection Act on existing state buildings could require extensive retrofit at great expense to the taxpayer.

PERFORMANCE IMPLICATIONS

The requirements of the bill would impact the performance of CID by requiring additional responsibilities and not appropriating additional funds to administer the provisions of the bill.

FISCAL IMPLICATIONS

Under the provisions of the bill, if CID becomes responsible for enforcing the Night Sky Protection Act, additional budget and FTE would be needed.

ADMINISTRATIVE IMPLICATIONS

This bill would have administrative impact by requiring CID to permit and inspect construction-related requirements of the Act.

TECHNICAL ISSUES

Regulation and Licensing Department recommends deleting the words “and enforce” on page 1, line 23.

MFV/prr