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FISCAL IMPACT REPORT

SPONSOR Pirtle LAST UPDATED _____
ORIGINAL DATE 2/7/2023
BILL _____
SHORT TITLE Exempt NM From Daylight Saving Time BILL NUMBER Senate Bill 287
ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to Senate Bill 191

Sources of Information

LFC Files

Responses Received From

Department of Public Safety (DPS)

New Mexico Attorney General (NMAG)

New Mexico Tourism Department (NMTD)

New Mexico Department of Transportation (NMDOT)

SUMMARY

Synopsis of Senate Bill 287

Senate Bill 287 (SB 287) in Section 1 recognizes (1) the federal Uniform Time Act of 1966, (2) federal law that authorizes a state to exempt itself from daylight saving, and (3) freight rail-connected economic sectors in New Mexico and Texas. Section 2 permanently exempts New Mexico from reverting to standard time after advancing to daylight saving time. Section 3 provides an effective date of November 3, 2004, under three contingencies: (1) enactment of a federal law that allows a state to exempt itself or a part of itself and (2) enactment of a state law in Texas to exempt itself or a part of itself that includes the county of El Paso or enactment of a county ordinance in El Paso County, Texas, exempting itself from reverting to standard time.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

No fiscal impact.

SIGNIFICANT ISSUES

According to NMAG, the bill may face a federal law preemption challenge:

Federal law provides for the advancement of time by one hour during the period beginning on the second Sunday of March and ending on the first Sunday of November. *See* 15 U.S.C. § 260a(a). This federal statute also expressly authorizes states to exempt themselves from this provision and to continue the use of standard time throughout the year, so long as the entire state lies within a single time zone and the exemption applies to the whole state. *Id.* The Act does not grant States the authority to choose to be on permanent Daylight Saving Time. However, the bill’s Section 2 provides that New Mexico would “exempt itself from reverting to standard time after advancing to daylight savings time...” This appears to be contrary to the exemption allowed under federal law.

In March of 2022, the U.S. Senate passed the Sunshine Protection Act, that makes daylight saving time permanent starting in 2023 and ending the twice-annual changing of clocks. However, the bill does not appear to have been passed by the House of Representatives.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to Senate Bill 191, Exempt NM from Daylight Saving Time, which, if passed, would allow New Mexico to remain on Mountain Standard Time year-round.

TECHNICAL ISSUES

The third contingency includes El Paso County, Texas, enacting an ordinance exempting itself. According to NMAG, federal law does not allow individual localities or counties to be exempt.

OTHER SUBSTANTIVE ISSUES

NMDOT noted various studies and surveys that promotes ending daylight savings time. Reasons include the disputed economical gain daylight savings time provides, as well as the impact on people’s health that comes with adjusting their clocks (and biological rhythms) forward or back, depending on application of standard vs. daylight savings time. *See, e.g.,* Michael Downing’s *Spring Forward: The Annual Madness of Daylight Saving Time*. *See also* the report co-authored by Hendrik Wolff, University of Washington, wherein the practice of reduced lighting and electricity consumption in the evening that comes with daylight savings time is offset by increased energy used in the dark mornings. *See also,* Aaron Steckelberg’s and Lindsay Bever’s article, “Daylight saving time is hard on our biological clock,” *Santa Fe New Mexican*, November 3, 2022, p.A10, wherein studies indicate adjusting one’s waking and sleep time interrupts sleep patterns and has been associated with more heart attacks, strokes, and automobile and other accidents.