

LFC Requester:	Joseph Simon
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/31/2025 *Check all that apply:*
Bill Number: SB 34 Original Correction
 Amendment Substitute

Sponsor: Sen. Elizabeth "Liz" Stefanics
Rep. Matthew McQueen
Rep. Christine Chandler
Sen. Peter Wirth

Agency Name and Code Number: 430 – Public Regulation Commission

Short Title: OUTDOOR LIGHT REQUIREMENTS & EXEMPTIONS

Person Writing: Ed Rilkoff

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB 34 amends New Mexico’s Night Sky Protection Act (the “Act”). Key changes include:

- **Shielding:** Outdoor lights above 4 feet (installed after July 1, 2025) must be fully shielded; lights below 4 feet and over 1,000 lumens shall not be directed toward the sky.
- **New Exemptions:** Roadway navigation and safety signs, outdoor digital or electronic billboards, temporary lights for construction, emergencies, film or television.
- **Removed Exemptions:** Automatic shut-off devices and advertising signs on interstates and federal primary highways.
- **Recreational Lighting:** No outdoor facility lighting fixture after 11 p.m., except for major tournaments or ongoing events.
- **Older Fixtures:** Existing lights (installed prior to July 1, 2025) are grandfathered but must comply when replaced.
- **Repeal:** Removes “Section 74-12-2. Purpose.” from the Act.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

Section 74-12-9 requires public utilities pursuant to the provisions of the Night Sky Protection

Act or by local government ordinances to accelerate replacement of lighting fixtures, and the cost of such replacement shall be included in rates approved by the public regulation commission.

Lighting-related investments are relatively small in comparison to major capital expenditures in a typical utility rate case which consist of generation, transmission, and distribution projects. Utilities have multiple recovery mechanisms available to recover the costs of replacing lighting fixtures. Traditional cost recovery treats the cost of new lighting fixtures as capital expenditures in a rate case. Utilities may also recover the costs through riders or adjustment clauses, allowing recovery outside of a full rate case. These and other established regulatory mechanisms may be used for accelerated lighting replacement programs under the Act.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.