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FISCAL IMPACT REPORT

ORIGINAL DATE 2/28/19

SPONSOR Stefanics/Small LAST UPDATED _____ HB _____

SHORT TITLE Prohibit Certain Light Fixtures SB 620

ANALYST Hawker

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI	NFI		

Parenthesis () indicate expenditure decreases

SOURCES OF INFORMATION

LFC Files
National Conference of State Legislatures

Responses Received From
Administrative Office of the Courts (AOC)
New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of Bill

Senate Bill 620 amends Sections 74-12-1 through -11 NMSA 1978, the Night Sky Protection Act.

Section 1: Technical cleanup.

Section 2: amends the purpose, Section 74-12-2 NMSA 1978, to include promoting public safety and health and preserving the aesthetic, cultural and scientific value of the nighttime environment. "For astronomy" is stricken.

Section 3: adds definitions of "hazardous glare" and "light trespass" to Section 74-12-3 NMSA 1978. "Hazardous glare" means an emission of light from a fixture that creates a brightness that substantially affects or requires a person to divert the person's vision." "Light trespass" means an emission of light from a fixture that is not properly shielded, causing the light to extend beyond the property of its origin."

Section 4: amends Section 74-12-4 NMSA 1978 changing the exception for outdoor lighting fixtures to "all outdoor lighting fixtures installed after July 1, 2019 shall be shielded, except

incandescent fixtures that emit one thousand eight hundred lumens or less, are angled downward at least forty-five degrees and do not create light trespass.” SB 620 strikes “of one hundred fifty watts or less and other sources of seventy watts.”

Section 5: amends Section 74-12-7 NMSA 1978, eliminates the exemption certain light sources are provided when the light source creates a “hazardous glare”.

Section 6: amends Section 74-12-1- NMSA 1978, increasing the penalty for a second offense or offense that continues for thirty days from the date of the warning to \$500 for each offending fixture.

FISCAL IMPLICATIONS

SB 620 has no fiscal impact.

SIGNIFICANT ISSUES

SB 620 updates the Night Sky Protection Act with lumens instead of watts. A watt is the electrical unit for the rate at which energy is generated or consumed. A 100-watt bulb draws 100 watts of electricity for every second it is lit. Wattage does not equal brightness. Lumens is a measure of brightness. The more lumens, the brighter the light. According to the U.S. Department of Energy, a traditional 60 watt light bulb produces approximately 800 lumens.

TECHNICAL ISSUES

NMAG points out the definition of “hazardous glare” may be subject to inconsistent application. “Brightness that substantially affects...a person” appears to constitute a subjective standard.

OTHER SUBSTANTIVE ISSUES

The definition of “light trespass” Colorado statute is: “‘Light trespass’ means light emitted by a luminaire that shines beyond the boundaries of the property on which the luminary is located.” “Luminaire” is then defined as “the complete lighting system, including the lamp and the fixture.”

VKH/gb