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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/27/13  
 SPONSOR Pirtle LAST UPDATED 02/28/13 HB \_\_\_\_\_

SHORT TITLE Exempt New Mexico from Daylight Savings Time SB 559

ANALYST Roberts

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI	NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

- Public Education Department (PED)
- Department of Public Safety (DPS)
- New Mexico Livestock Board (NMLB)
- State Personnel Office (SPO)
- Attorney General (AG)
- Department of Finance and Administration (DFA)

#### No Response Received From

- General Services Department (GSD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 559 seeks to exempt New Mexico from the provisions of Subsection (A) of 15 USC Section 260 with respect to daylight savings time.

### FISCAL IMPLICATIONS

No fiscal impact.

### SIGNIFICANT ISSUES

United States Code, Title 15, Chapter 6, Subchapter IX, Section 260 reads as follows:

§ 260 Congressional declaration of policy; adoption and observance of uniform standard of time; authority of Secretary of Transportation.

It is the policy of the United States to promote the adoption and observance of uniform time within the standard time zones prescribed by sections 261 to 264 of this title, as modified by section 265 of this title. To this end the Secretary of Transportation is authorized and directed to foster and promote widespread and uniform adoption and observance of the same standard of time within and throughout each such standard time zone.

Specific to this legislation, § 260a (a) of the Universal Time Act (Title 15, Chapter 6, Subchapter IX), which defines the period Daylight Saving Time is observed, states the following:

- (a) Duration of period; State exemption During the period commencing at 2 o'clock antemeridian on the second Sunday of March of each year and ending at 2 o'clock antemeridian on the first Sunday of November of each year, the standard time of each zone established by sections 261 to 264 of this title, as modified by section 265 of this title, shall be advanced one hour and such time as so advanced shall for the purposes of such sections 261 to 264, as so modified, be the standard time of such zone during such period; however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable during that period, and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone.
- (b) State laws superseded – It is hereby declared that it is the express intent of Congress by this section to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for advances in time or changeover dates different from those specified in this section.
- (c) Violations; enforcement – for any violation of the provision of this section the Secretary of Transportation or his duly authorized agent may apply to the district court of the United States for the district in which such violation occurs for the enforcement of this section; and such violation occurs for the enforcement of this section; and such court shall have jurisdiction to enforce obedience thereto by writ of injunction or by other process, mandatory or otherwise, restraining against further violations of this section and enjoying obedience thereto.

## **OTHER SUBSTANTIVE ISSUES**

The DFA notes that the department's main concern is that the bill does not include an effective date, which means it would go into effect directly in the middle of Daylight Savings. It's not clear whether clocks would be switched at that time, so the department recommends an effective date of Jan 1, 2014 to avoid a mid-summer switch.

MIR/blm