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SENATE BILL 272

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Cliff R. Pirtle

AN ACT

RELATING TO TIME; ENACTING THE INTERSTATE-INTERJURISDICTION
MOUNTAIN TIME ZONE PERMANENT DAYLIGHT SAVING TIME COMPACT;
DESIGNATING THE SECRETARY OF TRANSPORTATION AS THE OFFICIAL OF
NOTICE FOR PURPOSES OF THE COMPACT; PROVIDING FOR A CONTINGENT
DELAYED REPEAL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 11 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] INTERSTATE-INTERJURISDICTION MOUNTAIN TIME
ZONE PERMANENT DAYLIGHT SAVING TIME COMPACT--ENTERED INTO.--The
"Interstate-Interjurisdiction Mountain Time Zone Permanent
Daylight Saving Time Compact" is enacted into law and entered
into with all other jurisdictions legally joining therein in
the form substantially as follows:

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1 INTERSTATE-INTERJURISDICTION MOUNTAIN TIME ZONE PERMANENT
2 DAYLIGHT SAVING TIME COMPACT

3 ARTICLE 1

4 PURPOSE

5 The purpose of the Interstate-Interjurisdiction Mountain
6 Time Zone Permanent Daylight Saving Time Compact is to ensure
7 that the communities within the mountain time zone realize the
8 continued benefit of having a common time within the mountain
9 time zone's geographic and economic region and to provide for
10 the simultaneous adoption of year-round daylight saving time
11 within the region.

12 ARTICLE 2

13 DEFINITIONS

14 As used in the Interstate-Interjurisdiction Mountain Time
15 Zone Permanent Daylight Saving Time Compact:

16 A. "compact" means the Interstate-Interjurisdiction
17 Mountain Time Zone Permanent Daylight Saving Time Compact;

18 B. "compact member" means a state or a Native
19 American Indian nation, tribe or pueblo that manages time
20 within its jurisdiction separately from the state or states in
21 which it is located that has enacted the Interstate-
22 Interjurisdiction Mountain Time Zone Permanent Daylight Saving
23 Time Compact;

24 C. "coordinated universal time" means the time
25 scale maintained through the international general conference

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1 on weights and measures and interpreted or modified for the
2 United States by the United States secretary of commerce in
3 coordination with the United States secretary of the navy
4 pursuant to the Treaty of Metre effected into federal law on
5 January 1, 1876;

6 D. "interstate-interjurisdiction commission" means
7 the interstate-interjurisdiction mountain time zone permanent
8 daylight saving time commission that is created under Article 5
9 of the compact;

10 E. "mountain daylight saving time" means
11 coordinated universal time minus six hours;

12 F. "mountain time zone" means the geographic area
13 established as the "fourth zone" pursuant to federal law with a
14 standard time of coordinated universal time minus seven hours;

15 G. "official of notice" means an official who has
16 been designated by a compact member to transmit and receive
17 notifications from other compact members for purposes of
18 informing states or Native American Indian nations, tribes or
19 pueblos that manage time within their jurisdictions separately
20 from the state or states in which they are located about
21 joining or withdrawing from the compact, proposals to amend the
22 geographic scope of the compact or for other compact-related
23 notifications; and

24 H. "state" means a state or territory of the United
25 States.

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ARTICLE 3

EFFECT AND SCOPE

Upon the effective date of the compact, mountain daylight saving time shall be the official time observed year-round by each compact member and in every political subdivision within the mountain time zone of a compact member.

ARTICLE 4

COMPACT MEMBERS, EFFECTIVE DATE AND NOTICE

A. Any state or Native American Indian nation, tribe or pueblo that manages time within its jurisdiction separately from the state or states in which it is located with geographic boundaries within, or partially within, the mountain time zone is eligible to become a compact member.

B. The compact shall become effective and binding upon legislative enactment of the compact into law prior to July 1, 2022 by all of the states whose geographic boundaries are completely within the mountain time zone.

C. Each compact member shall designate in its statute enacting the compact an official who shall be the official of notice for that compact member.

D. Within ten days of enactment or repeal of the compact into law, the official of notice of a compact member shall send a written notice of the enactment to the officials of notice of the other compact members, to the highest executive official of each state or Native American Indian

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1 nation, tribe or pueblo that manages time within its
2 jurisdiction separately from the state or states in which it is
3 located within or partially within the mountain time zone that
4 is not a member of the compact and to the United States
5 secretary of transportation.

6 ARTICLE 5

7 INTERSTATE-INTERJURISDICTION MOUNTAIN TIME ZONE PERMANENT
8 DAYLIGHT SAVING TIME COMMISSION

9 The compact members hereby create the "interstate-
10 interjurisdiction mountain time zone permanent daylight saving
11 time commission". The interstate-interjurisdiction commission
12 consists of the officials of notice for each compact member.
13 The interstate-interjurisdiction commission shall:

14 A. consist of one voting representative from each
15 compact member who shall be that compact member's compact
16 commissioner; provided that:

17 (1) each compact member represented at a
18 meeting of the interstate-interjurisdiction commission is
19 entitled to one vote;

20 (2) a majority of the total compact members
21 shall constitute a quorum for the transaction of business,
22 unless a larger quorum is required by the bylaws of the
23 interstate-interjurisdiction commission;

24 (3) a representative shall not delegate a vote
25 to another compact member, and in the event that a compact

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1 commissioner is unable to attend a meeting of the interstate-
2 interjurisdiction commission, the highest executive official of
3 the respective compact member may delegate voting authority to
4 another person from the compact member for a specified meeting;
5 and

6 (4) the interstate-interjurisdiction
7 commission's bylaws may provide for meetings of the interstate-
8 interjurisdiction commission to be conducted by
9 telecommunication or electronic communication;

10 B. meet at least once within one year of the date
11 the compact becomes effective to establish its bylaws, rules
12 and officers; provided that the interstate-interjurisdiction
13 commission chair may call additional meetings for this purpose
14 upon the request of a compact member;

15 C. upon adoption of its bylaws and rules and the
16 selection of its officers, meet only as required to select new
17 officers according to its bylaws or to review a proposal by a
18 compact member to amend the compact;

19 D. establish bylaws and rules that provide for
20 conditions and procedures under which the interstate-
21 interjurisdiction commission shall make its information and
22 official records available to the public for inspection or
23 copying. The interstate-interjurisdiction commission may
24 exempt from disclosure information or official records to the
25 extent that they would adversely affect personal privacy

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1 rights, proprietary interests or other information designated
2 as privileged under state, tribal or federal law;

3 E. give public notice of all meetings, which
4 meetings shall be open to the public, except as set forth in
5 the rules or as otherwise provided in the Interstate-
6 Interjurisdiction Mountain Time Zone Permanent Daylight Saving
7 Time Compact. The interstate-interjurisdiction commission and
8 its committees may close a meeting, or a portion of a meeting,
9 if it determines by a two-thirds' vote that an open meeting
10 would be likely to:

11 (1) disclose matters specifically exempted
12 from disclosure by federal, state or tribal law;

13 (2) disclose trade secrets or commercial or
14 financial information that is privileged or confidential; or

15 (3) specifically relate to the interstate-
16 interjurisdiction commission's participation in a civil action
17 or other legal proceeding;

18 F. cause its legal counsel or designee to certify
19 that a meeting may be closed and reference each relevant
20 exemptible provision for any meeting, or portion of a meeting,
21 that is closed pursuant to Subsection E of this section; and

22 G. keep minutes that fully and clearly describe all
23 matters discussed in a meeting and provide a full and accurate
24 summary of actions taken, and the reasons for the actions,
25 including a description of the views expressed and the record

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1 of a roll call vote. All documents considered in connection
2 with an action shall be identified in the minutes. All minutes
3 and documents of a closed meeting shall remain under seal,
4 subject to release by a majority vote of the interstate-
5 interjurisdiction commission.

6 ARTICLE 6

7 AMENDMENT, WITHDRAWAL AND DISSOLUTION

8 A. Once effective, the compact shall continue in
9 force and remain binding upon each compact member; provided
10 that a compact member may withdraw from the compact by
11 specifically repealing the statute that enacted the compact
12 into law.

13 B. A compact member may propose an amendment to the
14 compact at any time. The official of notice of the compact
15 member shall submit the proposed amendment in writing to the
16 chair of the interstate-interjurisdiction commission and to the
17 office of notice for each of the compact members.

18 C. The interstate-interjurisdiction commission
19 shall meet to review a compact member's proposal to amend the
20 compact within sixty days of the receipt of the proposal by the
21 interstate-interjurisdiction commission's chair. The
22 interstate-interjurisdiction commission shall issue a report
23 with its recommendations regarding the proposal to the highest
24 executive official of each compact member within one hundred
25 twenty days of its initial meeting to review a given amendment

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1 proposal.

2 D. No amendment shall become effective and binding
3 upon the compact members unless and until it is enacted into
4 law by unanimous consent of the compact members.

5 E. The official of notice for a compact member
6 shall immediately notify the chair of the interstate-
7 interjurisdiction commission in writing upon the introduction
8 of legislation repealing the compact in the withdrawing compact
9 member. The chair of the interstate-interjurisdiction
10 commission shall notify the officials of notice of the other
11 compact members of the withdrawing compact member's intent to
12 withdraw within thirty days of receiving the notice.

13 F. The withdrawing compact member is responsible
14 for all assessments, obligations and liabilities incurred on
15 its behalf through the effective date of withdrawal, including
16 obligations the performance of which extends beyond the
17 effective date of withdrawal.

18 G. Reinstatement following withdrawal of a compact
19 member shall occur upon the withdrawing compact member
20 reenacting the compact and its notification of the chair of the
21 interstate-interjurisdiction commission.

22 H. The compact shall dissolve effective upon the
23 date of the withdrawal of the compact member that reduces the
24 membership in the compact to one compact member.

25 I. Upon the dissolution of the compact, the compact

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1 shall become null and void and shall be of no further force or
2 effect and the business and affairs of the interstate-
3 interjurisdiction commission shall be concluded and surplus
4 funds of the interstate-interjurisdiction commission shall be
5 distributed in accordance with the bylaws of the interstate-
6 interjurisdiction commission.

7 ARTICLE 7

8 BINDING EFFECT OF COMPACT AND OTHER LAWS

9 A. Nothing in the compact prevents the enforcement
10 of any other law of a compact member.

11 B. All lawful actions of the interstate-
12 interjurisdiction commission, including all rules and bylaws
13 promulgated by the interstate-interjurisdiction commission, are
14 binding upon the compact members.

15 C. All agreements between the interstate-
16 interjurisdiction commission and the compact members are
17 binding in accordance with their terms.

18 D. In the event any provision of the compact
19 exceeds the constitutional limits imposed on the legislature of
20 any compact member, such provision shall be ineffective to the
21 extent of the conflict with the constitutional provision in
22 question in that compact member."

23 SECTION 2. A new section of Chapter 11 NMSA 1978 is
24 enacted to read:

25 "[NEW MATERIAL] DESIGNATION OF OFFICE OF NOTICE--SECRETARY

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1 OF TRANSPORTATION--CONTINGENT DELAYED REPEAL.--

2 A. The secretary of transportation is designated as
3 the official of notice for the purposes of the Interstate-
4 Interjurisdiction Mountain Time Zone Permanent Daylight Saving
5 Time Compact.

6 B. On or before August 1, 2020, the secretary of
7 transportation shall send written notice to the highest
8 executive official of each state or Native American Indian
9 nation, tribe or pueblo that manages time within its
10 jurisdiction separately from the state or states in which it is
11 located within or partially within the mountain time zone and
12 to the United States secretary of transportation of the
13 enactment of the Interstate-Interjurisdiction Mountain Time
14 Zone Permanent Daylight Saving Time Compact.

15 C. Within thirty days of receiving notification of
16 enactment of the Interstate-Interjurisdiction Mountain Time
17 Zone Permanent Daylight Saving Time Compact from the officials
18 of notice of all of the states completely within the mountain
19 time zone, the secretary of transportation shall notify the
20 executive director of the New Mexico compilation commission and
21 the director of the legislative council service that the
22 Interstate-Interjurisdiction Mountain Time Zone Permanent
23 Daylight Saving Time Compact is in effect.

24 D. On or before August 1, 2022, if the secretary of
25 transportation has not received notification of enactment of

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1 the Interstate-Interjurisdiction Mountain Time Zone Permanent
2 Daylight Saving Time Compact from the officials of notice of
3 all of the states completely within the mountain time zone on
4 or prior to July 1, 2022, the secretary of transportation shall
5 notify the executive director of the New Mexico compilation
6 commission and the director of the legislative council service
7 that the Interstate-Interjurisdiction Mountain Time Zone
8 Permanent Daylight Saving Time Compact is null and void and
9 this 2020 act is repealed."

10 SECTION 3. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2020.