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## FISCAL IMPACT REPORT

SPONSOR Tsosie DATE TYPED 3/2/05 HB \_\_\_\_\_

SHORT TITLE Use Of State Lands For Telecommunications SB 1039

ANALYST Hanika-Ortiz

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			\$0.1		

Relates to Appropriation in the General Appropriation Act

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY05	FY06			
		\$0.1		

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Regulation Commission (PRC)

### SUMMARY

#### Synopsis of Bill

SB1039 amends Section 19-7-27 to allow for the Commissioner to actively promote use of New Mexico State Lands to establish wireless telecommunications networks in rural areas that are underserved by telecommunications service providers. The Commissioner may also grant rights of way and easements over, upon or across state lands for wireless telecommunications facilities upon payment by the grantee of the price fixed by the commissioner, which shall not be less than the minimum price for the lands, used, as fixed by law.

#### Significant Issues

The Commissioner shall actively seek telecommunications service providers who are able to ef-

fectively provide telephone, television, internet or other communication modalities by wireless transmission to remote, underserved areas of the state.

### **PERFORMANCE IMPLICATIONS**

All New Mexico State lands are subject to lease as provided by law. The Commissioner may give first preference to any Department within the State that has been authorized by the legislature to acquire lands for the purpose of erecting buildings for state use.

### **FISCAL IMPLICATIONS**

At present, the Commissioner may grant rights of way and easements for public highways, railroads, tramways, telegraph, telephone and power lines, irrigation works, mining, logging and other purposes upon payment that is fixed by law. It is unclear from the bill if the state will share in any revenue received from wireless services.

### **TECHNICAL ISSUES**

The bill is unclear as to what is intended by the phrase “shall actively promote” in Section 1.

The bill is unclear as to what is the definition of a “rural” or “underserved” area.

### **OTHER SUBSTANTIVE ISSUES**

Many states are participating in “resource sharing” referring to joint ventures between the State and private sector telecommunications firms where the state barter or sells the right-of-way access in exchange for bandwidth capacity, equipment, services and/or revenue.

Wireless telecommunication facility sites should include placement in locations that preclude them from being roadside hazards yet still provide safe access to the site for construction and maintenance personnel.

**AHO/lg**