

LFC Requester:

Hilla

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: 1/29/25 *Check all that apply:*
Bill Number: SB 164 Original Correction
 Amendment Substitute

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Short Title: Wireless Consumer Infrastructure Changes **Phone:** 505-500-9291 **Email:** Jason.clack@doit.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0		

(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: Senate Bill 164 (SB 164) would amend some definitions in the Wireless Consumer Advanced Infrastructure Investment Act, Section 63-9I-2 NMSA 1978. It would expand the definition of “authority” from municipality or county, to include “a political subdivision of the state or a state agency.” The term “right of way” is amended to not include, “a federal or state highway, road or patrol yard, including patrol yards owned, controlled or maintained by the department of transportation. The terms ‘road’ or ‘highway’ include a travel lane, roadside area, shoulder, median, ditch, culvert, ramp, turnout and construction or maintenance easement.”

FISCAL IMPLICATIONS

DoIT owns radio towers in many different areas of the state but does not own any of the property or right of ways in the areas where those towers are located, therefore, DoIT would not be able to use the amended definitions in this bill to generate revenue.

SIGNIFICANT ISSUES

Amending the definition of “authority” to include a state agency would allow state agencies to charge a wireless provider a rate or fee for the provider's use of a right of way in constructing, installing, maintaining, modifying, operating or replacing a utility pole, or in collocating a small wireless facility, in the right of way. This includes any area on, below or above a public roadway, highway, street, sidewalk, alley or utility easement, that is owned or controlled by a state agency. This would allow state agencies to potentially generate revenue from the use of rights of way by wireless providers and help expand wireless service in the state.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

Section 9-27-15 NMSA 1978 allows DoIT to “lease to a private entity excess capacity relating to the provision of two-way radio services on its radio communications property, including buildings, towers or antennas.” If the Sections in this bill were amended to allow DoIT to lease space on radio

towers to wireless providers, as well, then DoIT could help to expand wireless service in the state and generate revenue.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS