

LFC Requester:

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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.nmlegis.gov/AgencyAnalysis) and email to [billanalysis@dfa.nm.gov](mailto: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: January 30, 2025

Check all that apply:

Bill Number: SB164

Original  Correction Amendment  Substitute Sponsor: Michael Padilla  
Wireless Consumer  
Infrastructure AmendmentsAgency Name  
and CodeOffice of Broadband Access and  
Expansion - 36100

Number:

Person Writing

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Short

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**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
<b>Total</b>	0	0	0			

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A  
Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: This bill amends the Wireless Consumer Advanced Infrastructure Act to expand the definition of “authority” beyond municipalities and counties to include all political subdivisions of the State and State agencies.

It also updates the definition of Right of Way to align with Right of Way definitions found in other areas of law.

#### **FISCAL IMPLICATIONS**

There is no fiscal impact with this bill as it simply expands the discretionary authority of state entities to authorize collocation of a small wireless facility on their property or under their right of way.

#### **SIGNIFICANT ISSUES**

As discussed in the Broadband Strategic Plan, the Office of Broadband Access and Expansion (OBAAE) hopes to foster universal availability of mobile voice and broadband coverage across rural communities and roadways.

OBAAE’s strategy includes first identifying coverage holes and gaps in rural communities and public safety networks.

However, New Mexico faces a significant shortfall in achieving universal broad availability. Prior analysis from OBAAE estimates New Mexico requires an additional \$3.16 billion in additional capital investment to provide connectivity to all locations.

This bill will enable state agencies and other political subdivisions of the state to partner with OBAAE in filling the 5G gap at no cost to the State.

#### **PERFORMANCE IMPLICATIONS**

This amendment will allow state agencies to address the statewide gaps in 5G availability.

For example, the Energy, Minerals, and Natural Resources Department would have the discretion to authorize a small wireless facility in State Parks, thus expanding 5G availability in extremely rural areas. Such an expansion of 5G would increase the safety and enjoyment of park visitors.

#### **ADMINISTRATIVE IMPLICATIONS**

This bill would allow State entities to permit collocation of a small wireless facility as they may find appropriate to address wireless needs in their communities.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If this bill is not passed, the status quo will remain, wherein only counties and municipalities will have the discretion to permit the collocation of small wireless facilities.

## **AMENDMENTS**