

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

February 17, 2025

Madam Chair:

I propose to the SENATE TAX, BUSINESS AND TRANSPORTATION COMMITTEE the following amendment to

SENATE BILL 164

1. On page 6, after line 25, insert:

"SECTION 2. Section 63-9I-8 NMSA 1978 (being Laws 2018, Chapter 17, Section 8 and Laws 2018, Chapter 69, Section 8) is amended to read:

"63-9I-8. SCOPE OF [~~LOCAL~~] AUTHORITY.--

A. Except as otherwise provided in the Wireless Consumer Advanced Infrastructure Investment Act, an authority may exercise its zoning, land use, planning and permitting authority and its police power for the installation, modification and replacement of wireless support structures and utility poles.

B. An authority's power to control the design, engineering, construction, installation or operation of a small wireless facility in an interior structure or on the site of a campus, stadium or athletic facility not owned or controlled by the authority is limited to its authority to enforce compliance with applicable codes.

C. The Wireless Consumer Advanced Infrastructure Investment Act does not authorize the state or a political subdivision of the state to require small wireless facility

deployment or to regulate wireless services.

D. If an authority determines that a utility pole or the wireless support structure of a wireless provider must be relocated to accommodate a public project, the provider shall assume the costs of relocating the wireless facilities deployed on the pole or structure.

E. Nothing in the Wireless Consumer Advanced Infrastructure Investment Act shall limit the authority of the commissioner of public lands to set rates, terms and conditions for the use of lands within the custody and control of the commissioner of public lands."

Respectfully submitted,

Michael Padilla