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SENATE BILL 1039

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Leonard Tsosie

AN ACT

RELATING TO PUBLIC LANDS; PERMITTING AND ENCOURAGING USE OF  
STATE LANDS FOR WIRELESS TELECOMMUNICATIONS NETWORKS IN  
UNDERSERVED AREAS.

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

Section 1. Section 19-7-27 NMSA 1978 (being Laws 1912,  
Chapter 82, Section 12, as amended) is amended to read:

"19-7-27. LANDS SUBJECT TO LEASE. -- All lands owned by the  
state [~~of New Mexico~~] shall be subject to lease as provided by  
law; provided, however, that the commissioner [~~of Public Lands~~]  
must give first preference in all cases to any department of  
the state [~~which~~] that has been authorized by the legislature  
to acquire lands for the purpose of erecting [~~thereon~~]  
buildings for state use. The commissioner shall actively  
promote use of state lands to establish wireless

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1 telecommunications networks in rural areas underserved by  
2 telecommunications service providers. "

3 Section 2. Section 19-7-57 NMSA 1978 (being Laws 1912,  
4 Chapter 82, Section 53, as amended) is amended to read:

5 "19-7-57. COMMISSIONER-- POWERS-- EASEMENTS-- RIGHTS OF  
6 WAY.--The commissioner may grant rights of way and easements  
7 over, upon or across state lands for public highways,  
8 railroads, tramways, telegraph, telephone and power lines,  
9 wireless telecommunications facilities, irrigation works,  
10 mining, logging and other purposes upon payment by the grantee  
11 of the price fixed by the commissioner, which shall not be less  
12 than the minimum price for the lands, used, as fixed by law.  
13 The commissioner may grant a right of way or easement over,  
14 upon or across state lands for oil, hazardous liquid and gas  
15 pipelines if the right-of-way grant or easement requires  
16 compliance with the Pipeline Safety Act [~~Section 70-3-11, et~~  
17 ~~seq., NMSA 1978~~] and rules adopted pursuant to that act and  
18 provides for regulatory and agencies' access to records of  
19 compliance. "

20 Section 3. A new section of Chapter 19, Article 7 NMSA  
21 1978 is enacted to read:

22 "[NEW MATERIAL] TELECOMMUNICATIONS FACILITIES.--The  
23 commissioner shall actively seek telecommunications service  
24 providers who are able to effectively provide telephone,  
25 television, internet or other communication modalities by

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1 wireless transmission to remote areas of the state to negotiate  
2 leases of state land or easements or rights of way that will  
3 enable those telecommunications service providers to develop  
4 the facilities necessary to provide their services in remote,  
5 underserved areas of the state. "

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