

1 SENATE BILL 93

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Michael Padilla

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10 AN ACT

11 RELATING TO BROADBAND; ENACTING THE BROADBAND ACCESS AND
12 EXPANSION ACT; ESTABLISHING THE OFFICE OF BROADBAND ACCESS AND
13 EXPANSION; PROVIDING POWERS AND DUTIES; MAKING AN
14 APPROPRIATION.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
18 cited as the "Broadband Access and Expansion Act".

19 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
20 Broadband Access and Expansion Act:

21 A. "broadband infrastructure" means any cable or
22 device used for high-capacity transmission of a wide range of
23 frequencies enabling a large number of electronic messages to
24 be transmitted or received simultaneously;

25 B. "broadband office" means the office of broadband

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1 access and expansion;

2 C. "director" means the director of the broadband
3 office;

4 D. "local government" means the government of a
5 municipality, county or political subdivision of the state;

6 E. "public educational institution" means a public
7 school, a school district, a public post-secondary educational
8 institution or a state agency that provides administrative,
9 funding or technical support to public schools, school
10 districts and public post-secondary educational institutions;

11 F. "quality of service" means the standards for
12 broadband service established by the broadband office pursuant
13 to the Broadband Access and Expansion Act, including upload and
14 download speeds, number of days per month without service
15 interruption and any other standard that the broadband office
16 establishes by rule; and

17 G. "statewide broadband plan" means a plan,
18 including recommended statutory changes and implementation
19 procedures, for the development and expansion of broadband
20 infrastructure and services throughout the state to meet the
21 needs:

22 (1) for the delivery of internet-based
23 educational, medical and emergency services;

24 (2) for local and tribal communities to foster
25 and recruit internet-reliant business and industry and to

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1 promote economic development and job creation; and

2 (3) to support internet-reliant state, local
3 and tribal government agency functions and facilitate the
4 delivery of governmental services in a manner that is
5 competitive with similar government agencies in neighboring
6 states.

7 SECTION 3. [NEW MATERIAL] OFFICE OF BROADBAND ACCESS AND
8 EXPANSION CREATED--DIRECTOR--STANDARDS--DATA COLLECTION--
9 STATEWIDE BROADBAND PLAN--ASSISTANCE FOR POLITICAL
10 SUBDIVISIONS.--

11 A. The "office of broadband access and expansion"
12 is created and is administratively attached to the department
13 of information technology.

14 B. The broadband office shall be managed by the
15 director, who shall be appointed by the governor. The director
16 may hire staff as needed to meet the responsibilities of the
17 broadband office.

18 C. The broadband office shall:

19 (1) establish by rule standards for quality of
20 service for homes, businesses and public institutions;

21 (2) create and maintain an official, publicly
22 accessible online New Mexico broadband access map showing
23 broadband availability and quality of service for homes,
24 businesses and public institutions on a county-by-county basis;
25 and

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1 (3) create and maintain a repository for
2 broadband data and information in New Mexico on a county-by-
3 county basis, including:

4 (a) the number of homes and businesses
5 that do not have access to broadband service; and

6 (b) the number of homes and businesses
7 that have broadband service that falls below the quality of
8 service standards established by the broadband office.

9 D. On or before January 1, 2022, the broadband
10 office shall develop and provide to the governor and the
11 legislature a three-year statewide broadband plan.

12 E. On or before January 1, 2023, and on or before
13 January 1 of each year thereafter, the broadband office shall
14 update and revise the statewide broadband plan developed
15 pursuant to this section for the ensuing three years and report
16 the updated and revised statewide broadband plan to the
17 governor and the legislature. In its initial plan pursuant to
18 Subsection D of this section and in its annual revised and
19 updated plan pursuant to this subsection, the broadband office
20 shall provide an assessment of broadband service across the
21 state compared to the standards established by the various
22 federal broadband regulatory and assistance programs.

23 F. In the development of the statewide broadband
24 plan, the broadband office shall request advice and provide
25 opportunities for meaningful input from each local and tribal

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1 government within New Mexico, and all state agencies and public
2 educational institutions shall cooperate with and provide
3 relevant broadband-related information collected or developed
4 by the agencies as requested by the broadband office.

5 G. The broadband office shall provide technical and
6 planning assistance to local governments, public educational
7 institutions and state agencies in the design, development or
8 implementation of their own plans for the development of
9 broadband service. When providing planning and technical
10 assistance, the broadband office shall encourage the use of
11 regional planning and may provide planning and technical
12 assistance to tribal government agencies and schools when those
13 entities are participants in a joint powers agreement with a
14 county, municipality, political subdivision, public educational
15 institution or state agency or memorandum of understanding for
16 the design, development or implementation of a regional
17 broadband plan.

18 H. The broadband office may form an advisory
19 committee comprising representatives of state, local and tribal
20 government agencies and the general public to facilitate the
21 collection of information and the development of proposals for
22 the statewide broadband plan; provided that if an advisory
23 committee is formed, at least three different tribal agencies
24 shall be represented on the committee.

25 SECTION 4. [NEW MATERIAL] COORDINATION OF STATE AND LOCAL

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1 GOVERNMENT BROADBAND EFFORTS.--

2 A. The broadband office shall identify federal and
3 nongovernmental broadband funding assistance opportunities for
4 local governments, public educational institutions, state
5 agencies and tribal governments and shall publish a list of
6 those opportunities in a manner that can be searched on a
7 county-by-county basis.

8 B. The broadband office shall be the applicant for
9 such funding assistance for all state agencies.

10 C. State agencies and public educational
11 institutions shall coordinate with the broadband office for the
12 purchase of broadband infrastructure and services with the goal
13 of implementing bulk pricing agreements.

14 D. The broadband office shall negotiate and may
15 enter into memoranda of understanding with federal, local
16 government, state and tribal government agencies to create a
17 uniform system of permits, licenses and regulation of rights of
18 way for broadband infrastructure across all governmental
19 jurisdictions within each region of the state, with the goal of
20 creating uniform permitting and licensing requirements
21 statewide. The broadband office shall develop proposals for
22 government agencies at the local, county and state levels to
23 build and pay for broadband networks.

24 SECTION 5. APPROPRIATION.--Nine hundred fifty thousand
25 dollars (\$950,000) is appropriated from the general fund to the
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1 department of information technology for expenditure in fiscal
2 year 2022 to establish and operate the office of broadband
3 access and expansion. The appropriation may be used to hire up
4 to five full-time-equivalent staff. Any unexpended or
5 unencumbered balance remaining at the end of fiscal year 2022
6 shall revert to the general fund.