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SENATE MEMORIAL 15

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Michael Padilla

A MEMORIAL

REQUESTING THE OFFICE OF BROADBAND ACCESS AND EXPANSION TO
CONVENE A WORK GROUP TO STUDY WAYS TO FACILITATE AND STREAMLINE
THE DEPLOYMENT OF BROADBAND TO ALL RESIDENTS OF NEW MEXICO.

WHEREAS, in recent years, the New Mexico legislature has
taken significant action to promote access to broadband; and

WHEREAS, in 2021, the New Mexico legislature passed the
Broadband Access and Expansion Act, which created the office of
broadband access and expansion as an administratively attached
agency to the department of information technology; and

WHEREAS, in 2021, the New Mexico legislature also passed
the Connect New Mexico Act with the aim of providing access to
the internet to more than thirteen thousand homes, businesses,
farms, ranches and community institutions across the state; and

WHEREAS, having access to the internet allows New Mexicans

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1 to access telehealth, education, governmental services and
2 social service programs such as medicaid; and

3 WHEREAS, having access to the internet provides New
4 Mexicans with the opportunity to create and operate businesses,
5 thus expanding economic development in the state; and

6 WHEREAS, having access to the internet allows New Mexicans
7 the opportunity to access their communities online over a
8 greater distance, leading to a higher quality of life; and

9 WHEREAS, New Mexico voters adopted a constitutional
10 amendment in 2022 creating an exception to the state
11 constitution's Article 9, Section 14 restriction on the use of
12 state money for the benefit of private individuals or entities,
13 commonly known as the "anti-donation clause"; and

14 WHEREAS, the new exception to Article 9, Section 14 of the
15 constitution of New Mexico allows for the expenditure of state
16 funds to provide "essential services primarily for residential
17 purposes" pursuant to implementing legislation; and

18 WHEREAS, Article 9, Section 14 of the constitution of New
19 Mexico defines "essential services" to mean infrastructure that
20 allows for various utility services, including internet
21 services; and

22 WHEREAS, the department of transportation worked with the
23 office of broadband access and expansion and the New Mexico
24 legislature to pass House Bill 160 in 2023 that authorizes the
25 department to issue rules for broadband deployment in the

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1 department's rights of way; and

2 WHEREAS, in 2023, New Mexico was allocated six hundred
3 seventy-five million three hundred seventy-two thousand three
4 hundred eleven dollars eighty-six cents (\$675,372,311.86)
5 through the federal broadband equity, access and deployment
6 program to provide access to high-speed internet to unserved
7 households, underserved households, community anchor
8 institutions and low-income multidwelling units in the state;
9 and

10 WHEREAS, the office of broadband access and expansion
11 continues to meet federal guidelines and requirements to keep
12 and maintain the allocation by engaging and working with
13 community partners such as internet service providers, the New
14 Mexico exchange carrier group, New Mexico public utilities, New
15 Mexico rural electric cooperatives, the department of
16 transportation and private land owners to streamline broadband
17 expansion activities;

18 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
19 OF NEW MEXICO that the office of broadband access and expansion
20 be requested to convene a work group to meet during the 2024
21 interim session to consider both legislative and non-
22 legislative options to streamline, simplify and leverage
23 existing resources to deploy broadband to all residents of New
24 Mexico. The work group is requested to focus on strategies to
25 serve unserved, underserved, low-income and rural communities

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1 and student populations; and

2 BE IT FURTHER RESOLVED that the work group be requested to
3 provide a report of its recommendations to the legislative
4 interim committee that is directed by the New Mexico
5 legislative council to work on science and technology issues
6 and the governor on or before November 30, 2024; and

7 BE IT FURTHER RESOLVED that copies of this memorial be
8 transmitted to the director of the office of broadband access
9 and expansion, the governor and the United States assistant
10 secretary of commerce for communications and information.

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