AN ACT

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

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

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

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

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

B. "broadband office" means the office of broadband

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access and expansion;

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

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

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

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

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

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

   (2) for local and tribal communities to foster and recruit internet-reliant business and industry and to
promote economic development and job creation; and

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

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

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

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

   C. The broadband office shall:

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

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

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

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

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

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

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

F. In the development of the statewide broadband plan, the broadband office shall request advice and provide opportunities for meaningful input from each local and tribal...
government within New Mexico, and all state agencies and public educational institutions shall cooperate with and provide relevant broadband-related information collected or developed by the agencies as requested by the broadband office.

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

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

SECTION 4. [NEW MATERIAL] COORDINATION OF STATE AND LOCAL
GOVERNMENT BROADBAND EFFORTS.--

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

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

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

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

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