AN ACT

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

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

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

SECTION 2. 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 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 established by the federal communications commission; 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. 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;

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

(c) the locations of broadband
infrastructure currently owned or projected for construction
by the state or local governments on a county-by-county
basis.

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 implement the statewide broadband plan.

H. 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.

I. 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. 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 may be the applicant for such funding assistance for all state agencies except the department of transportation.

C. State agencies and public educational institutions shall coordinate with the broadband office concerning the purchase of broadband infrastructure and services with the goal of obtaining best-value or bulk pricing agreements where practicable.

D. The broadband office shall coordinate with and may enter into memoranda of understanding with federal, local government, state and tribal government agencies to create an integrated system of permits, licenses and rules for broadband infrastructure across all governmental jurisdictions within each region of the state, including the creation of a centralized repository, and an expedited review process for rights of way use applications, with the goal of creating uniform coordinated 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, upon request for such assistance.