

LFC Requester:

Hilla



**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2024 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION***Check all that apply:*Original  Amendment Correction  Substitute Date Prepared: 01/31/24Bill No: SB45Agency Name  
and CodeSponsor: PadillaNumber: PED - 924Short BROADBANDPerson Writing Denise TerrazasTitle: INFRASTRUCTUREPhone: (505) 470-5303 Email: denise.terrazas@ped.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Relates to Appropriation in the General Appropriation Act: House Bill 2 (HB2), the General Appropriation Act, proposes an appropriation from other state funds to the broadband access and expansion program of the Department of Information Technology (DOIT), including six hundred fifty thousand dollars (\$650,000) from the public school capital outlay fund.

HB2 also proposes a \$25 million appropriation to DOIT to implement the statewide broadband plan.

### **SECTION III: NARRATIVE**

*The Public Education Department analysis of this bill focuses on the K-12 public school implications of the proposed legislation.*

### **BILL SUMMARY**

Synopsis: Senate Bill 45 (SB45) proposes to consolidate authority over broadband-related education technology under the Office of Broadband Access and Expansion (OBAE), removing related authority from the Public School Capital Outlay Council (PSCOC), the Public Schools Facilities Authority (PSFA), and DOIT. The bill would likewise remove the membership of the Public School Facilities Authority from the Connect New Mexico Council and instead name the Secretary of Public Education, or their designee as a member. Specifically, the bill would:

- create the Education Technology Infrastructure Fund for expenditures relating to education technology infrastructure pursuant to the Broadband Access and Expansion Act;
- create a grant assistant program for education technology infrastructure projects;
- provide for the issuance of severance tax bonds for education broadband infrastructure;
- repeal Section 22-24-2.5 NMSA 1978, which establishes PSCOC’s authority over education technology infrastructure deficiency correction; and
- provide for disbursements from the Connect New Mexico Fund pursuant to vouchers;
- include professional service contracts for broadband infrastructure within the exception to the four-year limitation on multi-year professional service contracts;
- provide for the regulation of utility pole attachments;
- include the state of New Mexico within the definition of authority;
- transfer authority over the PSFA’s Broadband Deployment and Connectivity Program and Education Technology Infrastructure Deficiencies Initiative to the OBAE; and
- transfer broadband infrastructure currently owned and operated by DOIT to OBAE.

The effective date of the provisions of this act is July 1, 2024.

### **FISCAL IMPLICATIONS**

SB45 does not contain an appropriation.

### **SIGNIFICANT ISSUES**

The bill defines “education technology infrastructure” as “the physical hardware and services used to interconnect students, teachers, school districts and school buildings necessary to support broadband connectivity and remote learning as determined by the broadband office,” which appears to dovetail with the definition of “education technology” in the Digital Equity in Education Act. As defined in that act, “education technology” means “applications of technology in the learning process, including internet connectivity, digital information, electronic devices and evidence-based software applications used to facilitate and enhance teaching and learning.”

Increased access to broadband infrastructure, and therefore internet access, is critical for students across New Mexico. Nationwide, [70 percent of teachers](#) give assignments that require internet access. While virtually every public school in New Mexico had access to broadband as of 2023, 28.84 percent of households in New Mexico lacked broadband access, and more than 17,000 students in New Mexico lacked any internet-compatible device. At-risk students were less likely

to have access to such a device than other students. Furthermore, more than 4,000 students used a smart phone for homework, instead of a Chromebook, tablet, or laptop.

## **PERFORMANCE IMPLICATIONS**

SB45 would create a grant assistance program for education technology infrastructure projects. The grant program would require the OBAE to establish funding requirements and priority standards based on school district size, population, population density, local property tax base, the current condition of education technology infrastructure, and whether the district has been designated as a high-growth area.

While the provisions of the grant assistance program relate to the existing appropriation process of the (PSCOC) from the Capital Outlay Fund, under which education technology projects may currently be funded, the proposed revisions to the program, placing it under the jurisdiction of the OBAE, may further improve at-home access to education technology for students in New Mexico.

There is a [significant correlation](#) between connectivity and devices at home and student outcomes. Students who lack access to the Internet from home perform lower than their peers in digital skills, homework completion, and grade point average.

## **ADMINISTRATIVE IMPLICATIONS**

SB45 would add the Secretary of Public Education, or their designee, to the Connect NM Council.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relates to: [SB129, Cybersecurity Act Changes](#), which would make changes to the state Cybersecurity Act.

## **TECHNICAL ISSUES**

The bill includes a temporary provision that proposes to deem all statutory references to “the broadband deployment and connectivity program” as references OBAE, yet that program is referred to in statute as, “the educational technology deficiencies correction program.” The term, “broadband deployment and connectivity program” does not actually appear in current statute.

## **OTHER SUBSTANTIVE ISSUES**

### **About the Broadband Access and Expansion Act**

Enacted in 2021, the Broadband Access and Expansion Act appropriated \$950,000 to the Department of Information Technology to establish and operate OBAE. The director of the office, who is appointed by the governor, had the authority to hire five full time employees to support the office. Responsibilities of the office include developing and annually updating a state broadband plan, coordinating and providing technical assistance to other state and local government institutions, identifying broadband funding opportunities, applying for federal and nongovernmental broadband funding, and maintaining maps about broadband access in the state.

### **About the Connect New Mexico Council**

The council’s responsibilities include coordinating state agency broadband programs and

broadband projects in accordance with the statewide broadband plan, evaluating and prioritizing grant proposals and making grant awards from the connect New Mexico fund, and adopting rules establishing a competitive grant program to receive funds from the connect New Mexico fund.

The Council is currently made up of 14 members from Pueblo Government, the Speaker of the House's office, the Department of Information Technology, the Department of Economic Development , the Department of Cultural Affairs, the Department of Transportation, the New Mexico Mortgage Finance Authority, the Department of Higher Education, the Public Schools Facilities Authority, the Minority House Floor leader's office, the Senate President Pro Tempore's office, the Senate Minority Floor Leader's office, the Governor's office, and the Apache Government.

### **ALTERNATIVES**

None.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

### **AMENDMENTS**

The sponsor may wish to consider amending references to “the broadband deployment and connectivity program” which does not appear in current statute, to references to the “educational technology deficiencies correction program”, the program's proper statutory name.