

1 AN ACT
2 RELATING TO BROADBAND; ENACTING THE BROADBAND ACCESS AND
3 EXPANSION ACT; ESTABLISHING THE OFFICE OF BROADBAND ACCESS
4 AND EXPANSION; PROVIDING POWERS AND DUTIES.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

9 SECTION 2. DEFINITIONS.--As used in the Broadband
10 Access and Expansion Act:

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

15 B. "broadband office" means the office of
16 broadband access and expansion;

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

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

21 E. "public educational institution" means a public
22 school, a school district, a public post-secondary
23 educational institution or a state agency that provides
24 administrative, funding or technical support to public
25 schools, school districts and public post-secondary

1 educational institutions;

2 F. "quality of service" means the standards
3 established by the federal communications commission; and

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

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

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

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

19 SECTION 3. OFFICE OF BROADBAND ACCESS AND EXPANSION
20 CREATED--DIRECTOR--STANDARDS--DATA COLLECTION--STATEWIDE
21 BROADBAND PLAN--ASSISTANCE FOR POLITICAL SUBDIVISIONS.--

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

25 B. The broadband office shall be managed by the

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

4 C. The broadband office shall:

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

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

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

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

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

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

24 D. On or before January 1, 2022, the broadband
25 office shall develop and provide to the governor and the

1 legislature a three-year statewide broadband plan.

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

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

22 G. The broadband office shall implement the
23 statewide broadband plan.

24 H. The broadband office shall provide technical
25 and planning assistance to local governments, public

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

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

19 SECTION 4. COORDINATION OF STATE AND LOCAL GOVERNMENT
20 BROADBAND EFFORTS.--

21 A. The broadband office shall identify federal and
22 nongovernmental broadband funding assistance opportunities
23 for local governments, public educational institutions, state
24 agencies and tribal governments and shall publish a list of
25 those opportunities in a manner that can be searched on a

1 county-by-county basis.

2 B. The broadband office may be the applicant for
3 such funding assistance for all state agencies except the
4 department of transportation.

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

10 D. The broadband office shall coordinate with and
11 may enter into memoranda of understanding with federal, local
12 government, state and tribal government agencies to create an
13 integrated system of permits, licenses and rules for broadband
14 infrastructure across all governmental jurisdictions within
15 each region of the state, including the creation of a
16 centralized repository, and an expedited review process for
17 rights of way use applications, with the goal of creating
18 uniform coordinated permitting and licensing requirements
19 statewide. The broadband office shall develop proposals for
20 government agencies at the local, county and state levels to
21 build and pay for broadband networks, upon request for such
22 assistance.
