SENATE BILL 366

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY
George K. Munoz

AN ACT

RELATING TO BROADBAND; REQUIRING THE EVALUATION OF HIGH-ALTITUDE AND SATELLITE TECHNOLOGIES; PROVIDING FOR THE RECOMMENDATION OF A PREFERRED TECHNOLOGY; PROVIDING FOR LEASES AND CONTRACTS FOR BROADBAND PLATFORMS AND THE PROVISION OF SERVICES; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of the Economic Development Department Act is enacted to read:

"[NEW MATERIAL] BROADBAND CONNECTIVITY PLATFORMS--EVALUATION OF TECHNOLOGY.--

A. On or before December 1, 2021, the commission shall:

(1) evaluate the existing and emerging technologies for establishing high-altitude or satellite
platforms for broadband connectivity transmission for residents of New Mexico; and

(2) research and identify federal or nongovernmental assistance sources that the state could apply to for funding assistance to pay for the leases or contracts specified in Section 2 of this 2021 act.

B. In making the evaluation required pursuant to Subsection A of this section, the commission shall include a comparison for the various technologies of the projected cost, breadth of geographic coverage, internet speeds, long-term durability of platforms, potential for in-state businesses to supply the technology and reliability of service.

C. On or before January 1, 2022, the commission shall, based on the evaluation pursuant to Subsection A of this section, select a high-altitude or satellite technology platform as the recommended platform for investment by the department."

SECTION 2. A new section of the Economic Development Department Act is enacted to read:

"[NEW MATERIAL] BROADBAND PLATFORM AND SERVICE LEASES AND CONTRACTS--REPORT.--

A. On or before June 30, 2022, the department shall, based on the platform recommendation pursuant to Section 1 of this 2021 act, enter into:

(1) a lease of high-altitude or satellite
platforms, including a minimum ten-year guarantee of platform functionality or replacement, for broadband connectivity transmission for the residents of New Mexico; and

(2) a minimum ten-year service agreement with a service provider to offer broadband services via the high-altitude or satellite platforms leased pursuant to this section to residents of New Mexico at competitive prices.

B. In negotiating the leases and contracts pursuant to this section, the department shall make every effort to achieve the broadest coverage of broadband services for New Mexico and recuperation of expenditures by service providers.

C. On or before November 30, 2022, the department shall provide a report concerning the implementation of the provisions of this 2021 act to the appropriate interim legislative committees."

SECTION 3. Appropriation.--

A. Twenty million dollars ($20,000,000) is appropriated from the general fund to the economic development department for expenditure in fiscal years 2022 through 2024 for the purposes of this act; provided that:

(1) two hundred thousand dollars ($200,000) of the appropriation shall be used for evaluation and research by the economic development commission pursuant to Section 1 of this act; and

(2) nineteen million eight hundred thousand
dollars ($19,800,000) of the appropriation shall be used for
the leases and contracts required pursuant to Section 2 of this
act.

B. The economic development department shall apply
for any federal or nongovernmental assistance funding
identified by the economic development commission pursuant to
Section 1 of this act, and the appropriation to the economic
development department pursuant to Subsection A of this section
may be used as matching funding for such assistance. If the
state receives federal or nongovernmental assistance money for
the provision of broadband services in a manner that allows
that money to be expended for the purposes of this act, the
federal or nongovernmental money shall be expended first.

C. Any unexpended or unencumbered balance remaining
at the end of fiscal year 2024 shall revert to the general
fund.

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