

FIFTY-FIFTH LEGISLATURE  
FIRST SESSION, 2021

SB 93/a

March 1, 2021

Mr. President:

Your **FINANCE COMMITTEE**, to whom has been referred

**SENATE BILL 93**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 13, after "EXPANSION;", insert "CREATING THE BROADBAND ACCESS AND EXPANSION COUNCIL; CREATING THE BROADBAND ACCESS AND EXPANSION FUND;".
2. On page 1, line 13, after "DUTIES", strike the remainder of the line and strike line 14 up to the period.
3. On page 2, between lines 1 and 2, insert a new subsection as follows:

"C. "council" means the broadband access and expansion council;".
4. Reletter the succeeding subsections accordingly.
5. On page 5, lines 18 through 24, strike Subsection H in its entirety.
6. On page 6, between lines 23 and 24, insert the following new sections:

**"SECTION 5. [NEW MATERIAL] COUNCIL CREATED--POWERS.--**

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

B. The council is composed of the following thirteen members:

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(1) the secretary of economic development or the secretary's designee;

(2) the secretary of cultural affairs or the secretary's designee;

(3) the secretary of information technology or the secretary's designee;

(4) the executive director of the New Mexico mortgage finance authority or the executive director's designee;

(5) the secretary of higher education or the secretary's designee;

(6) the director of the public school facilities authority or the director's designee;

(7) the president of the Navajo Nation or the president's designee;

(8) four members of the public who have experience with broadband access and connectivity challenges for either private business or public institutions, appointed as follows:

(a) one member appointed by the speaker of the house of representatives;

(b) one member appointed by the minority floor leader of the house of representatives;

(c) one member appointed by the president pro tempore of the senate; and

(d) one member appointed by the minority floor leader of the senate; and

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(9) two public members who are experienced with broadband access and connectivity issues for an Indian nation, tribe or pueblo appointed by the tribal infrastructure board.

C. The chair of the council shall be elected by a quorum of the council members. The council shall meet monthly or at the call of the chair. A majority of members constitutes a quorum for the transaction of business. The affirmative vote of at least a majority of a quorum present shall be necessary for an action to be taken by the council.

D. Each member of the council appointed pursuant to Paragraph (8) or (9) of Subsection B of this section shall be appointed to a four-year term; provided that to provide for staggered terms:

(1) two of the members initially appointed pursuant to Paragraph (8) of Subsection B of this section shall be appointed for a term of two years; and

(2) one member initially appointed pursuant to Paragraph (9) of Subsection B of this section shall be initially appointed for a term of two years.

E. Public members of the council shall be reimbursed for attending meetings of the council as provided for nonsalaried public officers in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

F. Public members of the council are appointed public officials of the state while carrying out their duties and activities under the Broadband Access and Expansion Act.

G. A council member shall recuse the council member's self from decisions in which the council member has a conflict of interest.

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H. Council members shall be governed by the Governmental Conduct Act.

I. The broadband office shall staff the council and provide technical expertise for the grant selection process.

**SECTION 6. [NEW MATERIAL] COUNCIL--DUTIES.--**The council shall:

A. adopt rules governing terms and conditions for grants from the broadband access and expansion fund; and

B. evaluate grant proposals and make grant awards from the broadband access and expansion fund based on criteria established in Section 7 of the Broadband Access and Expansion Act.

**SECTION 7. [NEW MATERIAL] BROADBAND ACCESS AND EXPANSION FUND CREATED.--**

A. The "broadband access and expansion fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations. Money in the fund is subject to appropriation by the legislature to the council for the purpose of administering the broadband grant program. Disbursements from the fund shall be made upon warrants drawn by the secretary of finance and administration pursuant to vouchers signed by the chair of the council. Any unexpended or unencumbered balance in the fund remaining at the end of a fiscal year shall not revert to the general fund.

B. The council shall establish a broadband grant program to develop, expand and support access to broadband services; provided that:

(1) the grants shall be awarded on a competitive basis; and

(2) the council shall each year seek to award grants

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for proposals submitted by the following entities throughout the state:

- (a) local governments;
- (b) state agencies;
- (c) public educational institutions;
- (d) tribal governments; and
- (e) entities created by a joint powers agreement pursuant to the Joint Powers Agreements Act.

C. The council shall adopt rules establishing the application procedure, the required qualifications for projects and the purposes for which the grants may be used. In approving grants, consideration shall be given to:

- (1) the extent to which the project connects residents in New Mexico with limited or no access to broadband services, with priority given to projects that will connect residents who currently do not have broadband access;
- (2) the extent to which the project leverages existing infrastructure;
- (3) the extent to which the project leverages regional collaboration;
- (4) the extent to which the project complements or coordinates with the statewide broadband plan;
- (5) the extent to which the project stimulates in-state economic development, including the creation of jobs and apprenticeships; and

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(6) the extent to which the project leverages in-kind or financial support from local agencies or entities or federal funding for broadband projects.".

7. On page 6, line 24, through page 7, line 6, strike Section 5 in its entirety.

Respectfully submitted,

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GEORGE MUÑOZ, CHAIRMAN

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

No: 0

Excused: Diamond

Absent: None

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