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| LFC Requester: | Liu |
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**AGENCY BILL ANALYSIS
2021 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date 2/4/2021
Bill No: SB144

Sponsor: Sen. Pete Campos
REMOTE EDUCATION
Short Title: TECHNOLOGY
INFRASTRUCTURE

Agency Name and Code PED - 924
Number: _____

Person Writing: John Sena
Phone: 505-570-7816 **Email** John.Sena@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY21 | FY22 | | |
| NFI | N/A | N/A | N/A |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY21 | FY22 | FY23 | | |
| N/A | N/A | N/A | N/A | N/A |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY21 | FY22 | FY23 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | N/A | N/A | N/A | N/A | N/A | N/A |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB10, Broadband Development Division; HB85, Yazzie Lawsuit Response Funding; HB86, Native American Library, Internet, and Education; HB141, Ed Infrastructure Technology Definition; SB43, Funding of Demolition of Abandoned Schools; SB93, Broadband Access and Expansion Act; and SB131, Discretionary School Funding Program Units.

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 144 (SB144) proposes an amendment to the definition of “educational technology infrastructure,” in the Public School Capital Outlay Act (PSCOA), to include physical hardware “necessary to establish broadband connectivity among students, teachers, and the educational resources used for school work, whether within a school campus or for remote learning, and to create interconnectivity for education personnel and students within school districts.

Additionally, the bill would require the Public School Capital Outlay Council (PSCOC) to develop guidelines for a statewide education technology infrastructure network that integrates regional hub locations for network services and the installation and maintenance of equipment. PSCOC may also fund education technology infrastructure projects or items that the PSCOC determines are in accord with the guidelines and necessary to education for students, school buses, internet connectivity within a school district, a multi-district regional education network, and a statewide education network.

SB144 includes an emergency clause.

FISCAL IMPLICATIONS

SB144 does not contain an appropriation.

The Public School Capital Outlay Fund (PSCOF) is funded from supplemental severance tax bonds (SSTBs) originally dedicated by the legislature solely for financing standards-based projects as defined in the PSCOA. The provisions of this bill are adding another initiative, which could result in a reduction in funding for regular standards-based projects. In recent years, a number of initiatives have been added to the list of eligible programs funded by the PSCOA. Currently, funds are used to support the Capital Improvements Act (SB9), the lease payment assistance program, Construction Industries Division reimbursements, State Fire Marshall reimbursements, the Public School Facilities Authority (PSFA) operating budget, master facility

plans, broadband deficiencies, school buses, and emergency allocations.

The additional uses of the PSCOF have increased considerably in recent years, significantly reducing available revenues for standard-based construction projects. Enacting this bill would continue this trend and further reduce funding available for standards-based projects.

SIGNIFICANT ISSUES

Due to the recent pandemic, all school districts and charter schools have been forced to provide education through remote means. Additionally, many students still lack high quality, affordable internet connectivity, making remote learning extremely difficult. This bill would allow the PSCOC to make expenditures to assist not only school districts and charter schools, but also students and teachers with broadband connectivity and remote learning.

Furthermore, this bill aligns with the PED's legislative initiatives in closing the digital divide. Many financial and logistical efforts have been made to ensure all New Mexico students have both the digital devices and the internet connectivity they need to effectively access distance learning; however, there is still much work to do. This bill would support continued efforts to ensure students have devices and the connection needed to use it, in order to access digital content and instruction, both during the health pandemic and in the future.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

The PSCOC and the PSFA would be required to develop guidelines and standards for providing the additional expenditures, which may include an application and ranking methodology.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB10, Broadband Development Division; HB85, Yazzie Lawsuit Response Funding; HB86, Native American Library, Internet, and Education; HB141, Ed Infrastructure Technology Definition; SB43, Funding of Demolition of Abandoned Schools; SB93, Broadband Access and Expansion Act; and SB131, Discretionary School Funding Program Units.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

The use of public funds for private entities and individuals in certain instances can be a violation of the New Mexico Constitution and the Anti-Donation Clause. Providing funding directly to students and teachers for connectivity services may need to be reviewed to ensure there is no anti-donation violation.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A