

LFC Requester:	Hitzman
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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 3/5/2021
Bill No: HB10

Sponsor: House Appropriations and Finance Committee
Short Title: BROADBAND DEVELOPMENT DIVISION

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	NFI	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		See fiscal implications	See fiscal implications			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: SB93, Broadband Access & Expansion Act; SB144, Remote Education Technology Infrastructure; SB413, Regional Broadband Franchise Act; HB85, Yazzie Lawsuit Response Funding; HB86, Native American Library, Internet, and Education; and HB141, Ed Infrastructure Technology Definition.

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The House Appropriations and Finance Committee Substitute of House Transportation, Public Works, and Capital Improvements Committee Substitute to House Bill 10 would create the “Connect New Mexico Act” and establish a Broadband Development Division within the Department of Information Technology (DoIT) and a steering council for purposes of supporting broadband investments across the state.

The committee substitute would require the new DoIT division to provide broadband-related technical and planning assistance to local governments, public education institutions, and state agencies as well as apply for federal funding assistance, and communicate with state agencies to minimize re-digging for broadband infrastructure.

The council created in the committee substitute would be tasked with evaluating grant proposals and awarding grants and coordinating broadband state agency programs.

The PED’s analysis of the committee substitute focuses on the duties of the PED and how the proposed bill impacts public school students.

FISCAL IMPLICATIONS

The committee substitute does not contain an appropriation.

The executive’s FY22 budget recommendation includes \$10 million for statewide digital access for students. This proposal would continue efforts to ensure every student has a device and the connection needed to use it, so that they can access digital content and instruction, both during the health pandemic and in the future.

SIGNIFICANT ISSUES

HB10 would require all state agencies involved in broadband to coordinate their efforts with the new division in DoIT.

The proposed legislation would allow all state agencies who are connected to broadband to

collaborate to develop a better system and long-range plan to close the digital divide in the state. Currently, many different agencies across the state work on different aspects of broadband. Bringing together all the expertise into a single entity to work through collaboration can benefit all the New Mexicans who do not have access to broadband.

The committee substitute addresses the issue in New Mexico of digging and trenching for fiber installation and would encourage a dig-once approach. Currently, the Navajo Nation is using this model to bring extra capacity to their communities that get funding for tribal schools from the Universal Service Administrative Company (USAC) under the Schools and Libraries program (E-rate program). A coordinated effort to address needs beyond connecting community anchor institutions has the potential to save the state money over time and improve return on investment.

PERFORMANCE IMPLICATIONS

Under the committee substitute, the PED would be required to collaborate with DoIT's Broadband Development Division when purchasing broadband infrastructure and when applications for federal assistance funding and grants is submitted.

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The committee substitute relates to SB93, Broadband Access & Expansion Act; SB144, Remote Education Technology Infrastructure; SB413, Regional Broadband Franchise Act; HB85, Yazzie Lawsuit Response Funding; HB86, Native American Library, Internet, and Education; and HB141, Ed Infrastructure Technology Definition.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

This legislation creates a unified and coherent path to address broadband needs in the state, including the option to include tribal governments who also seek to connect their tribal students. Silos that have developed over time have become a barrier to holistic solutions.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A