

LFC Requester:	Hitzman
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**AGENCY BILL ANALYSIS
2022 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 January 19, 2022

Bill No: SB42/STBTCS

Sponsor: Padilla

Agency Name and Code Number: PED - 924

Short Title: Utility Easements for Broadband Act

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
FY22	FY23		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY22	FY23	FY24		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The Senate Tax, Business, and Transportation Committee substitute for Senate Bill 42 (SB42/STBTC) creates new sections in Chapter 62, NMSA 1978, the Electric, Gas, and Water Utilities code titled the “Utility Easements for Broadband Act.” The act authorizes public utilities to construct and maintain communication infrastructure in areas subject to utility easements.

This analysis is limited to the bill’s impact on the Public Education Department (PED).

FISCAL IMPLICATIONS

PED staff anticipate no fiscal impact to the department, school districts, or schools.

SIGNIFICANT ISSUES

PED partners with school districts, schools, and internet service providers (ISPs) in an attempt to ensure all students have access to high-speed internet, both in the classroom and at home. SB42/STBTC may allow ISPs better access to burdened parcels of land, potentially improving ISPs’ ability to reach students who currently have little to no internet access. The extent of this impact is difficult to quantify given the attenuated relationship between PED, ISPs, and the school districts, students, and families they serve. PED’s efforts to improve student access to broadband are focused on other initiatives (See “**Other Substantive Issues**”).

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

On May 18, 2021, Judge Wilson issued a ruling in the Martinez and Yazzie consolidated lawsuit ordering the PED to immediately provide students in the 23 focus school districts with devices, connectivity, and sufficient IT staff support. Following the ruling, the department has helped school districts identify disconnected students and author plans to connect those students. The PED has worked with school districts to help them take advantage of two expansions of the federal E-Rate program:

- the emergency Broadband Benefit (EBB), which provides internet subscription subsidies to low income families, and
- the Emergency Connectivity Fund (ECF), which expands the federal E-Rate program to help schools cover the costs of hotspots, modems, routers, and devices.

PED's work to immediately connect students was largely successful. Over 52 thousand families qualified for EBB, receiving over \$2.6 million monthly in subsidized internet access. Additionally, New Mexico school districts have applied for and will receive \$66.7 million from the ECF to provide devices and hotspots to disconnected students. The PED has also begun piloting a technique called "datacasting" in areas with severe infrastructure deficiencies. Datacasting involves using a device that interfaces with public television signals to provide access to educational resources. While the solution does not provide full-scale internet access, students who rely on datacasting are able to download and upload course content and participate in their educational experience from home. Currently, the PED is piloting the datacasting project in five school districts and plans to scale the project statewide by March 2022

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

N/A