

1 SENATE BILL 366

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 George K. Munoz

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10 AN ACT

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

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

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

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

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

24 (1) evaluate the existing and emerging
25 technologies for establishing high-altitude or satellite

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1 platforms for broadband connectivity transmission for residents
2 of New Mexico; and

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

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

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

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

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

22 A. On or before June 30, 2022, the department
23 shall, based on the platform recommendation pursuant to Section
24 1 of this 2021 act, enter into:

25 (1) a lease of high-altitude or satellite

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1 platforms, including a minimum ten-year guarantee of platform
2 functionality or replacement, for broadband connectivity
3 transmission for the residents of New Mexico; and

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

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

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

16 SECTION 3. APPROPRIATION.--

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

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

25 (2) nineteen million eight hundred thousand

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1 dollars (\$19,800,000) of the appropriation shall be used for
2 the leases and contracts required pursuant to Section 2 of this
3 act.

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

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