

SENATE BILL 137

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Michael Padilla

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO COMMUNICATIONS; RENAMING THE ENHANCED 911 ACT AS THE 911 ACT; RENAMING THE ENHANCED 911 FUND AS THE 911 EMERGENCY SERVICE FUND; RENAMING THE ENHANCED 911 BOND ACT AS THE 911 BOND ACT; UPDATING DEFINITIONS; INCREASING THE 911 SURCHARGE; UPDATING THE USES OF THE 911 SURCHARGE; EXPANDING GRANT FUNDING.

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

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SECTION 1. Section 63-9D-1 NMSA 1978 (being Laws 1989, Chapter 25, Section 1, as amended) is amended to read:

"63-9D-1. SHORT TITLE.--Sections 63-9D-1 through 63-9D-11.1 NMSA 1978 may be cited as the "[Enhanced] 911 Act"."

SECTION 2. Section 63-9D-2 NMSA 1978 (being Laws 1989, Chapter 25, Section 2, as amended) is amended to read:

"63-9D-2. FINDINGS AND PURPOSE.--

A. The legislature finds that:

(1) isolated people, the elderly, the young and victims of crime are often at risk and without help;

(2) children, elderly persons and victims of crime are frequently unable to explain directions to the location of an emergency situation;

(3) life-threatening accidents, fires, crimes and natural disasters occur in the state each year;

(4) ~~[an-enhanced]~~ a 911 telephone emergency system provides:

(a) expansion of the benefits of the basic 911 emergency telephone number;

(b) faster response time, which minimizes the loss of life and property;

(c) automatic routing to the appropriate emergency response unit;

(d) immediate visual display of the location and telephone number of the caller; ~~[and]~~

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(e) curtailment of abuses of the emergency system by documenting callers; and

(f) enhanced capabilities through next generation 911, including: 1) the ability to process emergency communications through voice, text, video and data, increasing accessibility for all residents; 2) improved accuracy and efficiency in emergency response due to advanced geographic system capabilities and internet-protocol-based technologies; and 3) greater system resilience and redundancy to ensure continuous operation during emergencies; and

(5) New Mexico communities could make efficient use of the [enhanced] 911 telephone emergency system if the communities had adequate funding available.

B. It is the purpose of the [Enhanced] 911 Act to further the public interest and protect the safety, health and welfare of the people of New Mexico by enabling the development, installation and operation of [enhanced] 911 emergency reporting systems, including next generation 911 and advancing 911 technologies, to be operated under shared state and local governmental management and control."

SECTION 3. Section 63-9D-3 NMSA 1978 (being Laws 1989, Chapter 25, Section 3, as amended) is amended to read:

"63-9D-3. DEFINITIONS.--As used in the [Enhanced] 911 Act:

A. "911 call" means any real-time communication,

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message, signal or transmission between a person needing assistance and a public safety answering point call-taker by dialing 9-1-1 or its equivalent;

B. "911 equipment" means the public safety answering point equipment directly related to the operation of a 911 system, including automatic number identification or automatic location identification controllers and display units, printers, logging recorders and software associated with call detail recording, call center work stations, training, latitude and longitude base station or cell site location data, next generation 911 core services and components, such as the emergency services internet protocol network, location information servers, policy routing functions, border control functions and other cybersecurity functions and geographic information system equipment necessary to obtain and process locational map and emergency service zone data for a 911 call;

~~[B.]~~ C. "911 service area" means the area designated by the fiscal agent, local governing body or the division to receive [enhanced] 911 service;

D. "911 surcharge" means the monthly charge and prepaid wireless surcharge assessed on each access line in the state, on each active number for a commercial mobile radio service subscriber and on the number of voice-over-internet protocol lines for which the voice-over-internet protocol service provider enables the capacity for simultaneous calls,

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regardless of actual usage, to be connected to the public switched telephone network during the period for which the fixed charge is imposed for a voice-over-internet protocol service subscriber in New Mexico and the charge assessed on any other consumer purchase of communication service provided by a communications service provider that enables communication between a person needing assistance and a public safety answering point call-taker by dialing 9-1-1 or its equivalent; provided that a 911 surcharge shall not be assessed on the provision of broadband internet access service;

E. "911 system" means an integrated system or database that manages emergency calls and dispatches resources, including technological and procedural components involved in receiving, processing and responding to 911 calls and coordinating field responders;

~~[G.]~~ F. "access line" means a telecommunications company's line that has the capability to reach local public safety agencies by dialing 911, but does not include a line used for the provision of interexchange services or commercial mobile radio service;

~~[D.]~~ G. "commercial mobile radio service" means service provided by a wireless real-time two-way voice communication device, including:

(1) radio-telephone communications used in cellular telephone service;

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(2) the functional or competitive equivalent of radio-telephone communications used in cellular telephone service;

(3) a personal communications service; or

(4) a network radio access line;

[E.] H. "commercial mobile radio service provider" means a person who provides commercial mobile radio services, including a person who purchases commercial mobile radio service from a provider and resells that service;

[F.] I. "commission" means the public regulation commission;

[G.] J. "communication service" means [any] a service that:

(1) is capable of and required by law to access, connect with or interface with the [enhanced] 911 system by directly dialing, initializing or otherwise activating the [enhanced] 911 system regardless of the transmission medium or technology employed; and

(2) provides or enables real-time or interactive communication;

[H.] K. "communications service provider" means any entity that provides communication services;

[I.] L. "database" means information that is collected, formatted and disseminated and that is necessary for the functioning of the [enhanced] 911 system, including

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geographic information system [~~(GIS)~~] addressing and digital mapping information;

[~~J.~~] M. "department" means the taxation and revenue department;

[~~K.~~] N. "division" means the local government division of the department of finance and administration;

[~~L.~~] "~~enhanced 911 surcharge~~" ~~means the monthly uniform charge assessed on each access line in the state, on each active number for a commercial mobile radio service subscriber and on the number of VoIP lines for which the VoIP service provider enables the capacity for simultaneous calls, regardless of actual usage, to be connected to the public switched telephone network during the period for which the fixed charge is imposed for a VoIP service subscriber in New Mexico and the charge assessed on any other consumer purchase of communication service provided by a communications service provider that enables communication between a person needing assistance and a public safety answering point call-taker by dialing 9-1-1 or its equivalent; provided that an enhanced 911 surcharge shall not be assessed on the provision of broadband internet access service;~~

~~M.~~ "~~enhanced 911 system~~" ~~means regardless of the technology used, a landline, wireless, NG-911 or ESInet system consisting of network switching equipment, database, mapping and on-premises equipment, or the functional equivalent~~

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~~thereof, that uses the single three-digit number 911 for reporting police, fire, medical or other emergency situations, thereby enabling a caller to reach a public safety answering point to report emergencies by dialing 911, and includes the capability to:~~

~~(1) selectively route incoming 911 calls to the appropriate public safety answering point operating in a 911 service area;~~

~~(2) automatically display the name, address and telephone number of an incoming 911 call on a video monitor at the appropriate public safety answering point;~~

~~(3) provide one or more access paths for communications between users at different geographic locations through a network system that may be designed for voice, text or data, or any combination of these, and may feature limited or open access and may employ appropriate analog, digital switching or transmission technologies;~~

~~(4) relay to a designated public safety answering point a 911 caller's number and base station or cell site location and the latitude and longitude of the 911 caller's location in relation to the designated public safety answering point; and~~

~~(5) manage or administer the functions listed in Paragraphs (1) through (4) of this subsection;~~

~~N. "enhanced 911 equipment" means the public safety~~



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~~answering point equipment directly related to the operation of an enhanced 911 system, including automatic number identification or automatic location identification controllers and display units, printers, logging recorders and software associated with call detail recording, call center work stations, training, latitude and longitude base station or cell site location data, and GIS equipment necessary to obtain and process locational map and emergency service zone data for landline and wireless callers;]~~

O. "emergency services internet protocol network" means an internet-protocol-based, multipurpose inter-network supporting local, regional, state and national public safety communications services in addition to 911;

[~~0.~~] P. "equipment supplier" means a person who provides or offers to provide communications equipment necessary [for the establishment of enhanced] to establish 911 services;

[~~P. "ESInet" means "emergency services internet protocol network", an internet-protocol-based, multipurpose inter-network supporting local, regional, state and national public safety communications services in addition to 911;~~]

Q. "fiscal agent" means the local governing body that administers grants from the fund for a given locality or region by agreement;

R. "fund" means the [enhanced] 911 emergency

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service fund;

S. "local governing body" means the board of county commissioners of a county or the governing body of a municipality [~~as defined in the Municipal Code~~];

T. [~~"NG-911"~~] "next generation 911" means a [~~"next generation 911"~~] system consisting of network, hardware, software, data and operational policies and procedures that:

(1) provides standardized interfaces from call and message services;

(2) processes all types of emergency calls, including non-voice (multimedia) messages;

(3) acquires and integrates additional data useful to call routing and handling;

(4) delivers the calls, messages and data to appropriate public safety answering points and other appropriate emergency entities;

(5) supports data and communications needs for coordinated incident response and management; and

(6) provides a secure environment for emergency communications;

U. "proprietary information" means customer lists, customer counts, technology descriptions or trade secrets, including the actual or development costs of individual components of [~~an enhanced~~] a 911 system, [~~provided that such~~] if the information is designated as proprietary by the

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communications service provider. [~~and provided further that~~]  
"Proprietary information" does not include individual payments made by the division or any list of names and identifying information of subscribers who have not paid the surcharge;

V. "public safety answering point" means a twenty-four-hour local communications facility that receives 911 service communications and directly dispatches emergency response services or that relays communications to the appropriate public or private safety agency;

W. "secondary public safety answering point" means a facility that receives 911 calls from the primary public safety answering point of which the facility is not the initial point of contact for 911 calls but provides additional services or information in support of the primary public safety answering point and includes facilities within Indian nations, tribes and pueblos located wholly within the state;

[~~W.~~] X. "subscriber" means a person who purchases communication services at retail from a communications service provider that are capable of originating a 911 communication;

[~~X.~~] Y. "surcharge" means the 911 emergency surcharge;

[~~Y.~~] Z. "surcharge collected" means the amount of enhanced 911 surcharge billed or received or deemed to have been received by the seller or provider, consistent with the seller's or provider's method of accounting, including accrual

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or cash;

~~[Z.]~~ AA. "telecommunications company" means a person ~~[who]~~ that provides ~~[wire]~~ telecommunications services that are capable of originating a 911 communication;

~~[AA.]~~ BB. "vendor" means a person that provides 911 equipment, service or network support;

~~[BB. "VoIP" means interconnected]~~ CC. "voice-over-internet protocol service" ~~[as defined in the Code of Federal Regulations, Title 47, Part 9, Section 9.3, as amended; and]~~ means a service that:

(1) enables real-time, two-way voice communications;

(2) requires a broadband connection from the user's location;

(3) requires internet protocol-compatible customer premises equipment; and

(4) allows users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network; and

~~[CC. "VoIP service provider" or interconnected]~~ DD. "voice-over-internet protocol service provider" means an entity that provides interconnected voice-over-internet protocol service to end users."

**SECTION 4.** Section 63-9D-4 NMSA 1978 (being Laws 1989, Chapter 25, Section 4, as amended) is amended to read:

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"63-9D-4. PROVISION FOR [ENHANCED] 911 SERVICES BY LOCAL GOVERNING BODIES--[ENHANCED] 911 SYSTEM COSTS--PAYMENT OF COSTS--JOINT POWERS AGREEMENTS--AID OUTSIDE JURISDICTIONAL BOUNDARIES.--

A. A local governing body, [~~or~~] a consortium of local governing bodies or a primary or secondary public safety answering point may incur costs for the purchase, lease, installation or maintenance of [enhanced] 911 equipment and training necessary for the establishment of [~~an enhanced~~] a 911 system and may pay such costs through disbursements from the fund; provided that the local governing body, primary or secondary public safety answering point has employed properly trained staff in its public safety answering point pursuant to the Public Safety Telecommunicator Training Act.

B. If the [enhanced] 911 system is to be provided for territory that is included in whole or in part in the jurisdiction of the local governing bodies of two or more public agencies that are the primary providers of emergency firefighting, law enforcement, ambulance, emergency medical or other emergency services, the agreement for the procurement of the [enhanced] 911 system shall be entered into by the fiscal agent designated by the local governing bodies. A local governing body may expressly exclude itself from the agreement. Nothing in this subsection shall be construed to prevent two or more local governing bodies from entering into a joint powers

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agreement pursuant to the Joint Powers Agreements Act to establish a separate legal entity that can enter into an agreement as the [enhanced] 911 system customer.

C. A public agency in [an-enhanced] a 911 emergency service area shall provide that once an emergency unit is dispatched in response to a request for aid through the [enhanced] 911 system, the emergency unit shall render services to the requester without regard to whether the emergency unit is operating outside its normal jurisdictional boundaries.

D. A local governing body in [an-enhanced] a 911 emergency service area shall provide [GIS] geographic information system addressing and digital mapping data to the public safety answering point that provides the [enhanced] 911 service to the local governing body."

SECTION 5. Section 63-9D-5 NMSA 1978 (being Laws 1989, Chapter 25, Section 5, as amended) is amended to read:

"63-9D-5. IMPOSITION OF SURCHARGE.--

A. [There is imposed] A 911 emergency surcharge is imposed in the amount of [fifty-one cents (\$.51)] STBTC→one dollar fifty cents (\$1.50)←STBTC STBTC→one dollar (\$1.00)←STBTC to be billed to each subscriber access line by a communications service provider, on each active number for a commercial mobile radio service subscriber and on the number of [VoIP] voice-over-internet protocol lines for which the [VoIP] voice-over-internet protocol service provider enables the

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capacity for simultaneous calls, regardless of actual usage, to be connected to the public switched telephone network during the period for which the fixed charge is imposed. The surcharge is imposed on all subscribers whose place of primary use, as defined in the federal Mobile Telecommunications Sourcing Act, is in New Mexico; provided, however, that the surcharge shall not be imposed upon subscribers receiving reduced rates pursuant to the Low Income Telephone Service Assistance Act; and provided further that the surcharge shall not apply to prepaid wireless communication service; and provided further that a 911 emergency surcharge shall not be assessed on the provision of broadband internet access service.

B. [All] A communications service [~~providers~~] provider shall [~~be required to~~] bill and collect the surcharge from [~~their~~] subscribers whose places of primary use, as defined in the federal Mobile Telecommunications Sourcing Act, are in New Mexico. The surcharge required to be collected by the communications service provider shall be added to and stated clearly and separately in the billings to the subscriber. The surcharge collected by the communications service provider shall not be considered revenue of the communications service provider.

C. A billed subscriber is liable for payment of the 911 emergency surcharge until it has been paid to the communications service provider.

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D. A communications service provider has no obligation to take legal action to enforce the collection of the surcharge; an action may be brought by or on behalf of the department. A communications service provider, upon request and not more than once a year, shall provide to the department a list of the surcharge amounts uncollected, along with the names and addresses of subscribers who carry a balance that can be determined by the communications service provider to be nonpayment of the surcharge. The communications service provider shall not be held liable for uncollected surcharge amounts."

SECTION 6. Section 63-9D-5.1 NMSA 1978 (being Laws 2017, Chapter 122, Section 10) is amended to read:

"63-9D-5.1. PREPAID WIRELESS [ENHANCED] 911 SURCHARGE--  
COLLECTION AND ADMINISTRATION OF SURCHARGE--LIABILITY OF  
SELLERS--EXCLUSIVITY OF SURCHARGE.--

A. As used in this section:

(1) "consumer" means a person who purchases prepaid wireless communication service in a retail transaction;

(2) "prepaid wireless communication service" means a wireless communication service that allows [a caller] the user to [dial] make 911 [~~to access the 911 system~~] calls; [~~which service must be~~] is paid for in advance; [~~and~~] is sold in predetermined units of time or dollars [~~of which the number declines with use in a known amount~~] that decline with use in a



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known amount or provides unlimited use of the service for a fixed amount of time; and allows a user to access 911 emergency service;

(3) "prepaid wireless [~~enhanced~~] 911 surcharge" means the charge that is required to be collected by a seller from a consumer in the amount established [~~under~~] pursuant to Subsection B of this section;

(4) "provider" means a person that provides prepaid wireless communication service pursuant to a license issued by the federal communications commission;

(5) "retail transaction" means the purchase of prepaid wireless communication service from a seller for any purpose other than resale;

(6) "seller" means a person who sells prepaid wireless communication service to another person; and

(7) "wireless communication service" means [~~commercial mobile radio service as defined by Section 20.3 of Title 47 of the Code of Federal Regulations, as amended~~] a mobile service that is:

(a) provided with the intent of receiving compensation or monetary gain;

(b) an interconnected service; and

(c) available to the public.

B. A prepaid wireless [~~enhanced~~] 911 surcharge of one and thirty-eight hundredths percent is imposed on the gross

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value of each retail transaction. The prepaid wireless  
[~~enhanced~~] 911 surcharge shall be collected by the seller from  
the consumer with respect to each retail transaction occurring  
in [~~this~~] the state. The amount of the prepaid wireless  
[~~enhanced~~] 911 surcharge shall be either separately stated on  
an invoice, receipt or other similar document that is provided  
to the consumer by the seller, or otherwise disclosed to the  
consumer.

C. For purposes of Subsection B of this section, a  
retail transaction that is effected in person by a consumer at  
a business location of the seller shall be treated as occurring  
in this state if that business location is in this state, and  
any other retail transaction shall be treated as occurring in  
this state if the retail transaction is treated as occurring in  
this state for purposes of the Gross Receipts and Compensating  
Tax Act.

D. The prepaid wireless [~~enhanced~~] 911 surcharge is  
the liability of the consumer and not of the seller or of any  
provider, except that the seller shall be liable to remit all  
prepaid wireless [~~enhanced~~] 911 surcharges that the seller  
collects from consumers as provided in this section, including  
all such surcharges that the seller is deemed to collect where  
the amount of the surcharge has not been separately stated on  
an invoice, receipt or other similar document provided to the  
consumer by the seller.

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E. The amount of the prepaid wireless ~~enhanced~~ 911 surcharge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge or other charge that is imposed by this state, any political subdivision of this state or any intergovernmental agency.

F. When prepaid wireless communication service is sold with one or more other products or services for a single, non-itemized price, the percentage specified in Subsection B of this section shall apply to the entire non-itemized price unless the seller elects to apply such percentage to:

(1) if the amount of the prepaid wireless communication service is disclosed to the consumer as a dollar amount, such dollar amount; or

(2) if the seller can identify the portion of the price that is attributable to the prepaid wireless communication service by reasonable and verifiable standards from its books and records that are kept in the regular course of business for other purposes, including non-tax purposes, such portion.

G. However, if a minimal amount of prepaid wireless communication service is sold with a prepaid wireless device for a single, non-itemized price, the seller may elect not to

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apply the percentage specified in Subsection B of this section to such transaction. For purposes of this subsection, an amount of service denominated as ten minutes or less, or five dollars (\$5.00) or less, is minimal.

H. Prepaid wireless [~~enhanced~~] 911 surcharges collected by sellers shall be remitted to the department at the times and in the manner provided with respect to the Gross Receipts and Compensating Tax Act. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply to the Gross Receipts and Compensating Tax Act. A seller [~~shall be permitted to~~] may deduct and retain three percent of prepaid wireless [~~enhanced~~] 911 surcharges that are collected by the seller from the consumer.

I. The audit and appeal procedures applicable to the Gross Receipts and Compensating Tax Act shall apply to prepaid wireless [~~enhanced~~] 911 surcharges.

J. The department shall establish procedures by which a seller of prepaid wireless communication services may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for the Gross Receipts and Compensating Tax Act.

K. No provider or seller of prepaid wireless communication services shall be liable for damages to any

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person resulting from or incurred in connection with the provision of or failure to provide 911 or [~~enhanced 911 service~~] next generation 911 services or for identifying or failing to identify the telephone number, address, location or name associated with any person or device that is accessing or attempting to access 911 or [~~enhanced 911 service~~] next generation 911 services.

L. No provider or seller of prepaid wireless communication services shall be liable for damages to [~~any~~] a person resulting from or incurred in connection with the provision of [~~any~~] assistance to [~~any~~] an investigative or law enforcement officer of the United States, this or [~~any other~~] another state, or any political subdivision of this or [~~any other~~] another state, in connection with [~~any~~] an investigation or other law enforcement activity by such law enforcement officer.

M. In addition to the protection from liability provided by Subsections K and L of this section, each provider and seller [~~shall be~~] is entitled to the further protection from liability as provided pursuant to Section 63-9D-10 NMSA 1978.

N. The prepaid wireless [~~enhanced~~] 911 surcharge applies to retail transactions occurring on or after July 1, 2017."

SECTION 7. Section 63-9D-7 NMSA 1978 (being Laws 1989,

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Chapter 25, Section 7, as amended) is amended to read:

"63-9D-7. REMITTANCE OF CHARGES--ADMINISTRATIVE FEE.--

A. The surcharge collected shall be remitted monthly to the department, which shall administer and enforce collection of the surcharge in accordance with the Tax Administration Act. The surcharge shall be remitted to the department no later than the twenty-fifth day of the month following the month in which the surcharge was imposed. At that time, a return for the preceding month shall be filed with the department in such form as the department and communications service provider shall agree upon. A communications service provider required to file a return shall deliver the return together with a remittance of the amount of the surcharge payable to the department. The communications service provider shall maintain a record of the amount of each surcharge collected pursuant to the [Enhanced] 911 Act. The record shall be maintained for a period of three years after the time the surcharges were collected.

B. From a remittance to the department made on or before the date it becomes due, a telecommunications company or commercial mobile radio service provider required to make a remittance shall be entitled to deduct and retain one percent of the collected amount or fifty dollars (\$50.00), whichever is greater, as the administrative cost for collecting the surcharge."

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SECTION 8. Section 63-9D-8 NMSA 1978 (being Laws 1989, Chapter 25, Section 8, as amended) is amended to read:

"63-9D-8. [ENHANCED] 911 EMERGENCY SERVICE FUND--  
CREATION--ADMINISTRATION--DISBURSEMENT--REPORTS TO  
LEGISLATURE.--

A. [There] The "911 emergency service fund" is created in the state treasury [~~a fund that shall be known as the "enhanced 911 fund"~~]. The fund shall be administered by the division.

B. All surcharges collected and remitted to the department shall be deposited in the fund.

C. Money deposited in the fund and income earned by investment of the fund are appropriated for expenditure in accordance with the [Enhanced] 911 Act and shall not revert to the general fund.

D. Payments shall be made from the fund to, or on behalf of, participating local governing bodies, primary or secondary public safety answering points or their fiscal agents upon vouchers signed by the director of the division solely for the purpose of reimbursing local governing bodies, primary or secondary public safety answering points or their fiscal agents and communications service providers for their costs of providing [enhanced] 911 [~~service~~] emergency services, including next generation 911 equipment and infrastructure. A person who purchases communication services from a

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communications service provider [~~for the purpose of reselling that service~~] to resell is not eligible for reimbursement from the fund. Money in the fund may be used for the payment of bonds issued pursuant to the [Enhanced] 911 Bond Act.

E. Annually, the division may expend no more than five percent of all money deposited annually in the fund for administering and coordinating activities associated with implementation of the [Enhanced] 911 Act, including next generation 911 transition and support.

F. Money in the fund may be awarded as grant assistance to provide [enhanced] 911 [~~service~~] services and equipment upon application of local governing bodies, primary or secondary public safety answering points or their fiscal agents to the division and upon approval by the state board of finance. If it is anticipated that the [funds] money available to pay all requests for grants will be insufficient, the state board of finance may reduce the percentage of assistance to be awarded. In the event of such reduction, the state board of finance may award supplemental grants to local governing bodies that demonstrate financial hardship.

G. After requesting [enhanced] 911 [~~service~~] services from a communications service provider, a local governing body may, by ordinance or resolution, recover from the fund an amount necessary to recover the costs of providing the [enhanced] 911 system in its designated 911 service area.



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The division, on behalf of local governing bodies, shall directly pay or reimburse communications service providers for their costs of providing ~~[enhanced]~~ 911 ~~[service]~~ services. If a communications service provider does not receive payment or reimbursement for the costs of providing ~~[enhanced]~~ 911 ~~[service]~~ services, the provider is not obligated to provide ~~[that service]~~ those services.

H. The division shall report to the legislature each session the status of the fund and whether the current level of the 911 emergency surcharge is sufficient, excessive or insufficient to fund the anticipated needs for the next year."

SECTION 9. Section 63-9D-8.1 NMSA 1978 (being Laws 1990, Chapter 87, Section 3, as amended) is amended to read:

"63-9D-8.1. DIVISION POWERS.--

A. The division may adopt reasonable rules necessary to carry out the provisions of the ~~[Enhanced]~~ 911 Act.

B. The division may fund ~~[enhanced]~~ 911 systems pursuant to the provisions of the ~~[Enhanced]~~ 911 Act.

C. Division powers are limited and do not include power to intervene between two vendors or restrict marketing efforts of vendors.

D. The division and the local governing body may establish 911 service areas.

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E. Unless otherwise provided by law, no rule affecting any person, agency, local governing body or communications service provider shall be adopted, amended or repealed without a public hearing on the proposed action [~~before the director of the division or a hearing officer designated by the director. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the rule, the action proposed to be taken, the time and place of the hearing, the manner in which interested persons may present their views and the method by which copies of the proposed rule or proposed amendment or repeal of an existing rule may be obtained shall be published once at least thirty days prior to the hearing in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons or agencies who have made a written request for advance notice of the hearing and to all local governing bodies and communications service providers~~] as provided in the State Rules Act, with the additional requirements that notice of the public hearing shall be published in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons or agencies who have made a written request for advance notice of the hearing and to all local governing bodies and communications service providers.

F. All rules shall be filed in accordance with the

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State Rules Act."

**SECTION 10.** Section 63-9D-10 NMSA 1978 (being Laws 1989, Chapter 25, Section 10, as amended) is amended to read:

"63-9D-10. IMMUNITY.--[Enhanced] 911 systems are within the governmental powers and authorities of the local governing body or state agency in the provision of services for the public health, welfare and safety. In contracting for such services or the provisioning of [an-enhanced] a 911 system, except for intentional acts, the local governing body, public agency, equipment supplier, communications service provider and their officers, directors, vendors, employees and agents are not liable for damages resulting from installing, maintaining or providing [enhanced] 911 systems or transmitting 911 calls."

**SECTION 11.** Section 63-9D-11 NMSA 1978 (being Laws 1989, Chapter 25, Section 11, as amended) is amended to read:

"63-9D-11. PRIVATE LISTING SUBSCRIBERS AND 911 SERVICE.--

A. Private listing subscribers waive the privacy afforded by nonlisted or nonpublished numbers only to the extent that the name and address associated with the telephone number may be furnished to the [enhanced] 911 system for call routing or for automatic retrieval of location information in response to a call initiated to 911.

B. Information regarding the identity of private listing subscribers provided by a communications service provider, including names, addresses, telephone numbers or

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other identifying information, is not a public record and is not available for inspection.

C. Proprietary information provided by a communications service provider is not public information and may not be released to any person without the express permission of the submitting provider except that information may be released or published as aggregated data that does not identify the number of subscribers or identify [enhanced] 911 system costs attributable to an individual communications service provider."

SECTION 12. Section 63-9D-12 NMSA 1978 (being Laws 1990, Chapter 61, Section 1, as amended) is amended to read:

"63-9D-12. SHORT TITLE.--Sections 63-9D-12 through 63-9D-20 NMSA 1978 may be cited as the "[Enhanced] 911 Bond Act"."

SECTION 13. Section 63-9D-13 NMSA 1978 (being Laws 1990, Chapter 61, Section 2, as amended) is amended to read:

"63-9D-13. DEFINITIONS.--As used in the [Enhanced] 911 Bond Act:

A. "911 bonds" means the bonds authorized in the 911 Bond Act;

B. "911 project" means actions authorized pursuant to Section 63-9D-14 NMSA 1978 that pertain to a specific component of the 911 system;

C. "911 revenue" means the revenue to and income of

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the 911 emergency service fund that are pledged to the payment of 911 bonds pursuant to the 911 Bond Act;

[A.] D. "board" means the state board of finance;  
and

[B.] E. "division" means the local government division of the department of finance and administration.

~~[C.] "enhanced 911 bonds" means the bonds authorized in the Enhanced 911 Bond Act;~~

~~D. "enhanced 911 project" means actions authorized under Section 63-9D-14 NMSA 1978 that pertain to a specific component of the enhanced 911 system; and~~

~~E. "enhanced 911 revenue" means the revenue to and the income of the enhanced 911 fund that are pledged to the payment of enhanced 911 bonds under the Enhanced 911 Bond Act]"~~

SECTION 14. Section 63-9D-14 NMSA 1978 (being Laws 1990, Chapter 61, Section 3, as amended) is amended to read:

"63-9D-14. [ENHANCED] 911 BONDS--AUTHORITY TO ISSUE-- PLEDGE OF REVENUES--LIMITATION ON ISSUANCE.--

A. In addition to any other law authorizing the board to issue revenue bonds, the board may issue [enhanced] 911 bonds pursuant to the [Enhanced] 911 Bond Act for the purposes specified in this section.

B. [Enhanced] 911 bonds may be issued for:

(1) acquiring, extending, enlarging, bettering, repairing, improving, constructing, purchasing,

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furnishing, equipping or rehabilitating the [enhanced] 911 system, the payment of which shall be secured by [enhanced] 911 revenues;

(2) reimbursing a communications service provider for its reasonable costs of providing [enhanced] 911 service, the payment of which shall be secured by [enhanced] 911 revenues; or

(3) reimbursing a local governing body or its fiscal agent for [its] the reasonable costs of providing the [enhanced] 911 system, the payment of which shall be secured by [enhanced] 911 revenues.

C. The board may pledge irrevocably [enhanced] 911 revenues in the manner set forth in Subsection B of this section to the payment of the interest on and principal of [enhanced] 911 bonds. Any general determination by the board that expenditures are reasonably related to and constitute a part of a specified [enhanced] 911 project shall be conclusive if set forth in the proceedings authorizing the [enhanced] 911 bonds."

SECTION 15. Section 63-9D-15 NMSA 1978 (being Laws 1990, Chapter 61, Section 4) is amended to read:

"63-9D-15. USE OF PROCEEDS OF BOND ISSUE.--It is unlawful to divert, use or expend any money received from the issuance of [enhanced] 911 bonds for any purpose other than the purposes for which the bonds were issued."

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SECTION 16. Section 63-9D-16 NMSA 1978 (being Laws 1990, Chapter 61, Section 5) is amended to read:

"63-9D-16. ~~[ENHANCED]~~ 911 BONDS--TERMS.--~~[Enhanced]~~ 911 bonds:

A. shall bear interest at a coupon rate or coupon rates not exceeding the maximum coupon rate ~~[which]~~ that is permitted by the Public Securities Act; provided that interest shall be payable annually or semiannually and may or may not be evidenced by coupons; and provided further that the first interest payment date may be for interest accruing for any period not exceeding one year;

B. may be subject to a prior redemption at the board's option at such time or times and upon such terms and conditions, with or without the payment of such premium or premiums, as may be provided by action of the board;

C. may mature at any time or times not exceeding twenty years after the date of issuance;

D. may be serial in form and maturity or may consist of one bond payable at one time or in installments;

E. shall be sold for cash at, above or below par and at a price ~~[which]~~ that results in a net effective interest rate ~~[which]~~ that does not exceed the maximum permitted by the Public Securities Act; and

F. may be sold at public or private sale."

SECTION 17. Section 63-9D-17 NMSA 1978 (being Laws 1990,

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Chapter 61, Section 6, as amended) is amended to read:

"63-9D-17. BOND AUTHORIZATION.--The board may issue and sell [~~enhanced~~] 911 bonds in compliance with the [~~Enhanced~~] 911 Bond Act. The board shall schedule the issuance and sale of the bonds in the most expeditious and economical manner upon a finding by the board that the division has certified that the need exists for the issuance of bonds and upon an action by the board designating the [~~enhanced~~] 911 emergency service fund to be the source of pledged revenues."

SECTION 18. Section 63-9D-18 NMSA 1978 (being Laws 1990, Chapter 61, Section 7, as amended) is amended to read:

"63-9D-18. AUTHORITY TO REFUND BONDS.--The board may issue and sell at public or private sale [~~enhanced~~] 911 bonds to refund outstanding [~~enhanced~~] 911 bonds and other bonds payable from the [~~enhanced~~] 911 emergency service fund by exchange, immediate or prospective redemption, cancellation or escrow, including the escrow of debt service funds accumulated for payment of outstanding bonds or any combination [~~thereof~~], when, in its opinion, such action will be beneficial to the state."

SECTION 19. Section 63-9D-19 NMSA 1978 (being Laws 1990, Chapter 61, Section 8) is amended to read:

"63-9D-19. [~~ENHANCED~~] 911 BONDS NOT GENERAL OBLIGATIONS-- AUTHENTICATION.--

A. [~~Enhanced~~] 911 bonds or refunding bonds issued



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as authorized by the [~~Enhanced~~] 911 Bond Act are:

- (1) not general obligations of the state; and
- (2) collectible only from the proper pledged revenues, and each bond shall state that it is payable solely from the pledged revenues and that the bondholders may not look to any other state fund for the payment of the interest and principal of the bonds.

B. The bonds and coupons shall be signed and sealed as provided by the resolution of the board issuing the bond, and the Uniform Facsimile Signature of Public Officials Act shall be applicable."

SECTION 20. Section 63-9D-20 NMSA 1978 (being Laws 1992, Chapter 102, Section 5, as amended) is amended to read:

"63-9D-20. AMOUNT OF SURCHARGE--SECURITY FOR BONDS.--

A. The legislature shall provide for the continued imposition, collection and deposit of the 911 [~~emergency~~] surcharge into the [~~enhanced~~] 911 emergency service fund in amounts that, together with other amounts deposited into the fund, [~~will be~~] is sufficient to produce an amount necessary to meet annual debt service charges on all respective outstanding [~~enhanced~~] 911 bonds.

B. The legislature shall not repeal, amend or otherwise modify any law that affects the 911 [~~emergency~~] surcharge in a manner that impairs any outstanding [~~enhanced~~] 911 bonds secured by a pledge of the 911 [~~emergency~~] surcharge

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unless:

(1) the outstanding [~~enhanced~~] 911 bonds to which the revenues from the surcharge are pledged have been discharged in full; or

(2) provision has been made to discharge fully the outstanding [~~enhanced~~] 911 bonds to which the revenues from the surcharge are pledged.

C. Nothing in this section shall require any increase in the 911 [~~emergency~~] surcharge."

SECTION 21. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2025.