

1 HOUSE BILL 588

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Linda M. Trujillo

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9  
10 AN ACT

11 RELATING TO EXECUTIVE REORGANIZATION; MOVING ADMINISTRATION OF  
12 THE ENHANCED 911 PROGRAM FROM THE DEPARTMENT OF FINANCE AND  
13 ADMINISTRATION TO THE DEPARTMENT OF INFORMATION TECHNOLOGY.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 63-9D-3 NMSA 1978 (being Laws 1989,  
17 Chapter 25, Section 3, as amended) is amended to read:

18 "63-9D-3. DEFINITIONS.--As used in the Enhanced 911 Act:

19 A. "911 call" means any real-time communication,  
20 message, signal or transmission between a person needing  
21 assistance and a public safety answering point call-taker by  
22 dialing 9-1-1 or its equivalent;

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

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1 C. "access line" means a telecommunications  
2 company's line that has the capability to reach local public  
3 safety agencies by dialing 911, but does not include a line  
4 used for the provision of interexchange services or commercial  
5 mobile radio service;

6 D. "advisory board" means the enhanced 911 advisory  
7 board created pursuant to Section 7 of this 2019 act;

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

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

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

16 (3) a personal communications service; or

17 (4) a network radio access line;

18 ~~[E.]~~ F. "commercial mobile radio service provider"  
19 means a person who provides commercial mobile radio services,  
20 including a person who purchases commercial mobile radio  
21 service from a provider and resells that service;

22 ~~[F. "commission" means the public regulation~~  
23 ~~commission;]~~

24 G. "communication service" means any service that:

25 (1) is capable of and required by law to

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1 access, connect with or interface with the enhanced 911 system  
2 by directly dialing, initializing or otherwise activating the  
3 enhanced 911 system regardless of the transmission medium or  
4 technology employed; and

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

7 H. "communications service provider" means any  
8 entity that provides communication services;

9 I. "database" means information that is collected,  
10 formatted and disseminated and that is necessary for the  
11 functioning of the enhanced 911 system, including geographic  
12 information system (GIS) addressing and digital mapping  
13 information;

14 J. "department" means the ~~[taxation and revenue]~~  
15 department of information technology;

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

18 ~~L.]~~ K. "enhanced 911 surcharge" means the monthly  
19 uniform charge assessed on each access line in the state, on  
20 each active number for a commercial mobile radio service  
21 subscriber and on the number of VoIP lines for which the VoIP  
22 service provider enables the capacity for simultaneous calls,  
23 regardless of actual usage, to be connected to the public  
24 switched telephone network during the period for which the  
25 fixed charge is imposed for a VoIP service subscriber in New

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1 Mexico and the charge assessed on any other consumer purchase  
2 of communication service provided by a communications service  
3 provider that enables communication between a person needing  
4 assistance and a public safety answering point call-taker by  
5 dialing 9-1-1 or its equivalent; provided that an enhanced 911  
6 surcharge shall not be assessed on the provision of broadband  
7 internet access service;

8 ~~[M-]~~ L. "enhanced 911 system" means, regardless of  
9 the technology used, a landline, wireless, NG-911 or ESInet  
10 system consisting of network switching equipment, database,  
11 mapping and on-premises equipment, or the functional equivalent  
12 thereof, that uses the single three-digit number 911 for  
13 reporting police, fire, medical or other emergency situations,  
14 thereby enabling a caller to reach a public safety answering  
15 point to report emergencies by dialing 911, and includes the  
16 capability to:

17 (1) selectively route incoming 911 calls to  
18 the appropriate public safety answering point operating in a  
19 911 service area;

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

23 (3) provide one or more access paths for  
24 communications between users at different geographic locations  
25 through a network system that may be designed for voice, text

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1 or data, or any combination of these, and may feature limited  
2 or open access and may employ appropriate analog, digital  
3 switching or transmission technologies;

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

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

11 ~~[N-]~~ M. "enhanced 911 equipment" means the public  
12 safety answering point equipment directly related to the  
13 operation of an enhanced 911 system, including automatic number  
14 identification or automatic location identification controllers  
15 and display units, printers, logging recorders and software  
16 associated with call detail recording, call center work  
17 stations, training, latitude and longitude base station or cell  
18 site location data and GIS equipment necessary to obtain and  
19 process locational map and emergency service zone data for  
20 landline and wireless callers;

21 ~~[O-]~~ N. "equipment supplier" means a person who  
22 provides or offers to provide communications equipment  
23 necessary for the establishment of enhanced 911 services;

24 ~~[P-]~~ O. "ESInet" means emergency services internet  
25 protocol network, an internet-protocol-based, multipurpose

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1 inter-network supporting local, regional, state and national  
2 public safety communications services in addition to 911;

3 [Q-] P. "fiscal agent" means the local governing  
4 body that administers grants from the fund for a given locality  
5 or region by agreement;

6 [R-] Q. "fund" means the enhanced 911 fund;

7 [S-] R. "local governing body" means the board of  
8 county commissioners of a county or the governing body of a  
9 municipality as defined in the Municipal Code;

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

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

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

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

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

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

24 (6) provides a secure environment for  
25 emergency communications;

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1           [~~U-~~] T. "proprietary information" means customer  
2 lists, customer counts, technology descriptions or trade  
3 secrets, including the actual or development costs of  
4 individual components of an enhanced 911 system; provided that  
5 such information is designated as proprietary by the  
6 communications service provider; and provided further that  
7 "proprietary information" does not include individual payments  
8 made by the [~~division~~] department or any list of names and  
9 identifying information of subscribers who have not paid the  
10 surcharge;

11           [~~V-~~] U. "public safety answering point" means a  
12 twenty-four-hour local communications facility that receives  
13 911 service communications and directly dispatches emergency  
14 response services or that relays communications to the  
15 appropriate public or private safety agency;

16           V. "secretary" means the secretary of information  
17 technology;

18           W. "subscriber" means a person who purchases  
19 communication services at retail from a communications service  
20 provider that are capable of originating a 911 communication;

21           X. "surcharge" means the 911 emergency surcharge;

22           Y. "surcharge collected" means the amount of  
23 enhanced 911 surcharge billed or received or deemed to have  
24 been received by the seller or provider, consistent with the  
25 seller's or provider's method of accounting, including accrual

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1 or cash;

2 Z. "telecommunications company" means a person who  
3 provides wire telecommunications services that are capable of  
4 originating a 911 communication;

5 AA. "vendor" means a person that provides 911  
6 equipment, service or network support;

7 BB. "VoIP" means "interconnected voice-over-  
8 internet protocol service" as defined in the Code of Federal  
9 Regulations, Title 47, Part 9, Section 9.3, as amended; and

10 CC. "VoIP service provider" or "interconnected  
11 voice-over-internet protocol service provider" means an entity  
12 that provides interconnected voice-over-internet protocol  
13 service to end users."

14 SECTION 2. Section 63-9D-5 NMSA 1978 (being Laws 1989,  
15 Chapter 25, Section 5, as amended) is amended to read:

16 "63-9D-5. IMPOSITION OF SURCHARGE.--

17 A. There is imposed a 911 emergency surcharge in  
18 the amount of fifty-one cents (\$.51) to be billed to each  
19 subscriber access line by a communications service provider, on  
20 each active number for a commercial mobile radio service  
21 subscriber and on the number of VoIP lines for which the VoIP  
22 service provider enables the capacity for simultaneous calls,  
23 regardless of actual usage, to be connected to the public  
24 switched telephone network during the period for which the  
25 fixed charge is imposed. The surcharge is imposed on all

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1 subscribers whose place of primary use, as defined in the  
2 federal Mobile Telecommunications Sourcing Act, is in New  
3 Mexico; provided, however, that the surcharge shall not be  
4 imposed upon subscribers receiving reduced rates pursuant to  
5 the Low Income Telephone Service Assistance Act; and provided  
6 further that the surcharge shall not apply to prepaid wireless  
7 communication service; and provided further that a 911  
8 emergency surcharge shall not be assessed on the provision of  
9 broadband internet access service.

10 B. All communications service providers shall be  
11 required to bill and collect the surcharge from their  
12 subscribers whose places of primary use, as defined in the  
13 federal Mobile Telecommunications Sourcing Act, are in New  
14 Mexico. The surcharge required to be collected by the  
15 communications service provider shall be added to and stated  
16 clearly and separately in the billings to the subscriber. The  
17 surcharge collected by the communications service provider  
18 shall not be considered revenue of the communications service  
19 provider.

20 C. A billed subscriber is liable for payment of the  
21 911 emergency surcharge until it has been paid to the  
22 communications service provider.

23 D. A communications service provider has no  
24 obligation to take legal action to enforce the collection of  
25 the surcharge; an action may be brought by or on behalf of the

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1 taxation and revenue department. A communications service  
2 provider, upon request and not more than once a year, shall  
3 provide to [~~the~~] that department a list of the surcharge  
4 amounts uncollected, along with the names and addresses of  
5 subscribers who carry a balance that can be determined by the  
6 communications service provider to be nonpayment of the  
7 surcharge. The communications service provider shall not be  
8 held liable for uncollected surcharge amounts."

9 SECTION 3. Section 63-9D-5.1 NMSA 1978 (being Laws 2017,  
10 Chapter 122, Section 10) is amended to read:

11 "63-9D-5.1. PREPAID WIRELESS ENHANCED 911 SURCHARGE--  
12 COLLECTION AND ADMINISTRATION OF SURCHARGE--LIABILITY OF  
13 SELLERS--EXCLUSIVITY OF SURCHARGE.--

14 A. As used in this section:

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

17 (2) "prepaid wireless communication service"  
18 means a wireless communication service that allows a caller to  
19 dial 911 to access the 911 system, which service must be paid  
20 for in advance and is sold in predetermined units or dollars of  
21 which the number declines with use in a known amount;

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

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

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

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

9 (7) "wireless communication service" means  
10 commercial mobile radio service as defined by Section 20.3 of  
11 Title 47 of the Code of Federal Regulations, as amended.

12 B. A prepaid wireless enhanced 911 surcharge of one  
13 and thirty-eight hundredths percent is imposed on the gross  
14 value of each retail transaction. The prepaid wireless  
15 enhanced 911 surcharge shall be collected by the seller from  
16 the consumer with respect to each retail transaction occurring  
17 in this state. The amount of the prepaid wireless enhanced 911  
18 surcharge shall be either separately stated on an invoice,  
19 receipt or other similar document that is provided to the  
20 consumer by the seller, or otherwise disclosed to the consumer.

21 C. For purposes of Subsection B of this section, a  
22 retail transaction that is effected in person by a consumer at  
23 a business location of the seller shall be treated as occurring  
24 in this state if that business location is in this state, and  
25 any other retail transaction shall be treated as occurring in

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1 this state if the retail transaction is treated as occurring in  
2 this state for purposes of the Gross Receipts and Compensating  
3 Tax Act.

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

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

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

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

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

10 G. However, if a minimal amount of prepaid wireless  
11 communication service is sold with a prepaid wireless device  
12 for a single, non-itemized price, the seller may elect not to  
13 apply the percentage specified in Subsection B of this section  
14 to such transaction. For purposes of this subsection, an  
15 amount of service denominated as ten minutes or less, or five  
16 dollars (\$5.00) or less, is minimal.

17 H. Prepaid wireless enhanced 911 surcharges  
18 collected by sellers shall be remitted to the taxation and  
19 revenue department at the times and in the manner provided with  
20 respect to the Gross Receipts and Compensating Tax Act. The  
21 taxation and revenue department shall establish registration  
22 and payment procedures that substantially coincide with the  
23 registration and payment procedures that apply to the Gross  
24 Receipts and Compensating Tax Act. A seller shall be permitted  
25 to deduct and retain three percent of prepaid wireless enhanced

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1 911 surcharges that are collected by the seller from the  
2 consumer.

3 I. The audit and appeal procedures applicable to  
4 the Gross Receipts and Compensating Tax Act shall apply to  
5 prepaid wireless enhanced 911 surcharges.

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

12 K. No provider or seller of prepaid wireless  
13 communication services shall be liable for damages to any  
14 person resulting from or incurred in connection with the  
15 provision of, or failure to provide, 911 or enhanced 911  
16 service, or for identifying, or failing to identify, the  
17 telephone number, address, location or name associated with any  
18 person or device that is accessing or attempting to access 911  
19 or enhanced 911 service.

20 L. No provider or seller of prepaid wireless  
21 communication services shall be liable for damages to any  
22 person resulting from or incurred in connection with the  
23 provision of any assistance to any investigative or law  
24 enforcement officer of the United States, this or any other  
25 state, or any political subdivision of this or any other state,

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1 in connection with any investigation or other law enforcement  
2 activity by such law enforcement officer.

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

7 N. The prepaid wireless enhanced 911 surcharge  
8 applies to retail transactions occurring on or after July 1,  
9 2017."

10 SECTION 4. Section 63-9D-7 NMSA 1978 (being Laws 1989,  
11 Chapter 25, Section 7, as amended) is amended to read:

12 "63-9D-7. REMITTANCE OF CHARGES--ADMINISTRATIVE FEE.--

13 A. The surcharge collected shall be remitted  
14 monthly to the taxation and revenue department, which shall  
15 administer and enforce collection of the surcharge in  
16 accordance with the Tax Administration Act. The surcharge  
17 shall be remitted to the taxation and revenue department no  
18 later than the twenty-fifth day of the month following the  
19 month in which the surcharge was imposed. At that time, a  
20 return for the preceding month shall be filed with the taxation  
21 and revenue department in such form as [~~the~~] that department  
22 and communications service provider shall agree upon. A  
23 communications service provider required to file a return shall  
24 deliver the return together with a remittance of the amount of  
25 the surcharge payable to the taxation and revenue department.

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1 The communications service provider shall maintain a record of  
2 the amount of each surcharge collected pursuant to the Enhanced  
3 911 Act. The record shall be maintained for a period of three  
4 years after the time the surcharges were collected.

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

12 SECTION 5. Section 63-9D-8 NMSA 1978 (being Laws 1989,  
13 Chapter 25, Section 8, as amended) is amended to read:

14 "63-9D-8. ENHANCED 911 FUND--CREATION--ADMINISTRATION--  
15 DISBURSEMENT--REPORTS TO LEGISLATURE.--

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

19 B. All surcharges collected and remitted to the  
20 taxation and revenue department shall be deposited in the fund.

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

25 D. Payments shall be made from the fund to, or on

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1 behalf of, participating local governing bodies or their fiscal  
2 agents upon vouchers signed by the [~~director of the division~~]  
3 secretary or the secretary's designee solely for the purpose of  
4 reimbursing local governing bodies or their fiscal agents and  
5 communications service providers for their costs of providing  
6 enhanced 911 service. A person who purchases communication  
7 services from a communications service provider for the purpose  
8 of reselling that service is not eligible for reimbursement  
9 from the fund. Money in the fund may be used for the payment  
10 of bonds issued pursuant to the Enhanced 911 Bond Act.

11 E. Annually, the [~~division~~] department may expend  
12 no more than [~~five~~] ten percent of all money deposited annually  
13 in the fund for administering and coordinating activities  
14 associated with implementation of the Enhanced 911 Act.

15 F. Money in the fund may be awarded as grant  
16 assistance to provide enhanced 911 service and equipment upon  
17 application of local governing bodies or their fiscal agents to  
18 the [~~division~~] department and upon approval by the state board  
19 of finance. If it is anticipated that the funds available to  
20 pay all requests for grants will be insufficient, the state  
21 board of finance may reduce the percentage of assistance to be  
22 awarded. In the event of such reduction, the state board of  
23 finance may award supplemental grants to local governing bodies  
24 that demonstrate financial hardship.

25 G. After requesting enhanced 911 service from a

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1 communications service provider, a local governing body may, by  
2 ordinance or resolution, recover from the fund an amount  
3 necessary to recover the costs of providing the enhanced 911  
4 system in its designated 911 service area. The [~~division~~  
5 department], on behalf of local governing bodies, shall directly  
6 pay or reimburse communications service providers for their  
7 costs of providing enhanced 911 service. If a communications  
8 service provider does not receive payment or reimbursement for  
9 the costs of providing enhanced 911 service, the provider is  
10 not obligated to provide that service.

11 H. The [~~division~~] department shall report to the  
12 legislature each session the status of the fund and whether the  
13 current level of the 911 emergency surcharge is sufficient,  
14 excessive or insufficient to fund the anticipated needs for the  
15 next year."

16 SECTION 6. Section 63-9D-8.1 NMSA 1978 (being Laws 1990,  
17 Chapter 87, Section 3, as amended) is amended to read:

18 "63-9D-8.1. [~~DIVISION~~] DEPARTMENT POWERS.--

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

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

24 C. [~~Division~~] Department powers are limited and do  
25 not include power to intervene between two vendors or restrict

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1 marketing efforts of vendors.

2 D. The [~~division~~] department and the local  
3 governing body may establish 911 service areas.

4 E. Unless otherwise provided by law, no rule  
5 affecting any person, agency, local governing body or  
6 communications service provider shall be adopted, amended or  
7 repealed without a public hearing on the proposed action before  
8 the [~~director of the division~~] secretary or a hearing officer  
9 designated by the [~~director~~] secretary. The public hearing  
10 shall be held in Santa Fe unless otherwise permitted by  
11 statute. Notice of the subject matter of the rule, the action  
12 proposed to be taken, the time and place of the hearing, the  
13 manner in which interested persons may present their views and  
14 the method by which copies of the proposed rule or proposed  
15 amendment or repeal of an existing rule may be obtained shall  
16 be published once at least thirty days prior to the hearing in  
17 a newspaper of general circulation and mailed at least thirty  
18 days prior to the hearing date to all persons or agencies who  
19 have made a written request for advance notice of the hearing  
20 and to all local governing bodies and communications service  
21 providers.

22 F. All rules shall be filed in accordance with the  
23 State Rules Act."

24 SECTION 7. A new section of the Enhanced 911 Act is  
25 enacted to read:

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1            "[NEW MATERIAL] ENHANCED 911 ADVISORY BOARD--CREATION--  
2 MEMBERSHIP--APPOINTMENTS--TERMS.--

3            A. The "enhanced 911 advisory board" is created as  
4 an advisory body to the department. The purpose of the  
5 advisory board is to advise and assist the department in  
6 coordinating and developing the implementation and operation of  
7 the enhanced 911 system and NG-911. The advisory board shall  
8 be composed of seven voting members as follows:

9                    (1) a director of a municipally operated  
10 public safety answering point with between two and nine  
11 answering positions appointed by the executive director of the  
12 New Mexico municipal league;

13                    (2) a director of a large municipally operated  
14 public safety answering point with ten or more answering  
15 positions appointed by the executive director of the New Mexico  
16 municipal league;

17                    (3) a director of a small-county-operated  
18 public safety answering point with between two and nine  
19 answering positions appointed by the chair of the New Mexico  
20 counties 911 affiliate;

21                    (4) a director of a large-county-operated  
22 public safety answering point with ten or more answering  
23 positions appointed by the chair of the New Mexico counties 911  
24 affiliate;

25                    (5) a director of a large or small public

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1 safety answering point with two or more answering positions  
2 appointed by the chair of the New Mexico counties 911  
3 affiliate;

4 (6) a designee of the New Mexico state police  
5 division of the department of public safety appointed by the  
6 chief of the New Mexico state police; and

7 (7) a director of a New Mexico tribal public  
8 safety answering point to be appointed by the secretary of  
9 Indian affairs.

10 B. Appointing authorities shall strive to ensure  
11 that the composition of the advisory board represents urban and  
12 rural areas of the state.

13 C. Advisory board members shall serve for a term of  
14 four years; provided that at the first meeting of the advisory  
15 board, the initial members shall draw lots to determine the  
16 length of their terms as follows:

17 (1) three members shall serve an initial term  
18 of two years; and

19 (2) four members shall serve an initial term  
20 of four years.

21 D. Advisory board members shall serve until a  
22 successor is duly appointed and confirmed.

23 E. An advisory board member shall not serve more  
24 than two successive terms.

25 F. The secretary shall call the initial meeting of

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1 the advisory board, at which time the advisory board shall  
2 elect a chair, vice chair and any other officers it deems  
3 necessary and appropriate to serve one-year terms in those  
4 offices. After the initial meeting of the advisory board, the  
5 chair shall call and preside over advisory board meetings. The  
6 vice chair shall preside over advisory board meetings and take  
7 necessary actions of the chair when the chair is absent.

8 G. After the initial meeting of the advisory board,  
9 the advisory board shall elect a chair and vice chair yearly.  
10 After the expiration of the terms of the initial advisory board  
11 chair and vice chair, nominees for chair and vice chair shall  
12 have a minimum of one year of experience serving on the  
13 advisory board.

14 H. The advisory board shall meet at least once per  
15 calendar quarter.

16 I. For voting purposes, a quorum shall consist of  
17 at least four advisory board members. Any official action of  
18 the advisory board shall require a vote of a quorum of advisory  
19 board members.

20 J. A member of the advisory board who fails to  
21 attend at least one-half of the regularly scheduled meetings of  
22 the advisory board within a twelve-month period shall  
23 automatically be removed and the successor member shall be  
24 appointed by the appointing authority to serve out the  
25 remaining term of the member being replaced.

underscored material = new  
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1           K. The advisory board shall devise bylaws for  
2 operation of the advisory board.

3           L. Public members of the advisory board may receive  
4 per diem and mileage in accordance with the provisions of the  
5 Per Diem and Mileage Act and shall receive no other  
6 compensation, perquisite or allowance for their service on the  
7 advisory board."

8           SECTION 8. Section 63-9D-13 NMSA 1978 (being Laws 1990,  
9 Chapter 61, Section 2, as amended) is amended to read:

10           "63-9D-13. DEFINITIONS.--As used in the Enhanced 911 Bond  
11 Act:

12           A. "board" means the state board of finance;

13           ~~[B. "division" means the local government division  
14 of the department of finance and administration;]~~

15           B. "department" means the department of information  
16 technology;

17           C. "enhanced 911 bonds" means the bonds authorized  
18 in the Enhanced 911 Bond Act;

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

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

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

.213263.3SA

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

2 "63-9D-17. BOND AUTHORIZATION.--The board may issue and  
3 sell enhanced 911 bonds in compliance with the Enhanced 911  
4 Bond Act. The board shall schedule the issuance and sale of  
5 the bonds in the most expeditious and economical manner upon a  
6 finding by the board that the [~~division~~] department has  
7 certified that the need exists for the issuance of bonds and  
8 upon an action by the board designating the enhanced 911 fund  
9 to be the source of pledged revenues."

10 SECTION 10. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS,  
11 PERSONNEL, APPROPRIATIONS, PROPERTY, RECORDS, CONTRACTS AND  
12 REFERENCES IN LAW.--

13 A. On July 1, 2019, all programs, functions,  
14 personnel, appropriations, money, statutory funds, records,  
15 furniture, equipment, supplies and other property belonging to  
16 the local government division of the department of finance and  
17 administration in relation to the administration of the  
18 enhanced 911 program pursuant to the Enhanced 911 Act are  
19 transferred to the department of information technology.

20 B. Beginning on July 1, 2019, all contractual  
21 obligations of the local government division of the department  
22 of finance and administration in relation to the administration  
23 of the enhanced 911 program pursuant to the Enhanced 911 Act  
24 are binding on the department of information technology.

25 SECTION 11. EFFECTIVE DATE.--The effective date of the  
.213263.3SA



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~~[bracketed material] = delete~~

1 provisions of this act is July 1, 2019.

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