

AN ACT

RELATING TO COMMUNICATIONS REVENUES; ESTABLISHING A WIRELESS ENHANCED 911 SURCHARGE; CREATING A FUND; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. 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 emergency surcharge" means the monthly uniform charge assessed on each access line in the state;

B. "911 service area" means the area within a local governing body's jurisdiction that has been designated by the local governing body or the division to receive enhanced 911 service;

C. "911 system" means the basic 911 system or the enhanced 911 system;

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

E. "basic 911 system" means a telephone service that automatically connects a person dialing the single

three-digit number 911 to a designated public safety answering point;

F. "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;

(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;

G. "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;

H. "commission" means the public regulation commission;

I. "department" means the taxation and revenue department;

J. "division" means the local government division of the department of finance and administration;

K. "enhanced 911 system" means a system consisting of network, database and on-premises equipment 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; and

(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;

L. "enhanced 911 equipment" means the public safety 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, cathode ray tubes and software associated with call detail recording;

M. "enhanced 911 wireless service" means the relay to a designated public safety answering point of:

(1) a 911 caller's number and base station or cell site location; and

(2) the latitude and longitude of the 911 caller's location in relation to a designated public safety answering point;

N. "equipment supplier" means a person who provides or offers to provide telecommunications equipment

necessary for the establishment of enhanced 911 services;

O. "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;

P. "network" means a system designed to provide one or more access paths for communications between users at different geographic locations; provided that a system may be designed for voice, data or both and may feature limited or open access and may employ appropriate analog, digital switching or transmission technologies;

Q. "network and database surcharge" means the monthly uniform charge assessed on each access line to pay the costs of developing and maintaining a network and database for a 911 emergency system;

R. "proprietary information" means customer lists, customer counts, technology descriptions or trade secrets, including the actual or development costs of individual components of enhanced 911 wireless service; provided that such information is designated as proprietary by the commercial mobile radio 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;

S. "public safety answering point" means a

twenty-four-hour local jurisdiction communications facility that receives 911 service calls and directly dispatches emergency response services or that relays calls to the appropriate public or private safety agency;

T. "subscriber" means a person who is a retail purchaser of telecommunications services that are capable of originating a 911 call;

U. "telecommunications company" means a person who provides wire telecommunications services that are capable of originating a 911 call; and

V. "wireless enhanced 911 surcharge" means the monthly uniform charge assessed on each active number for a commercial mobile radio service subscriber whose billing address is in New Mexico."

Section 2. Section 63-9D-4 NMSA 1978 (being Laws 1989, Chapter 25, Section 4, as amended) is amended to read:

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

A. A local governing body may incur costs for the purchase, lease, installation or maintenance of equipment necessary for the establishment of a 911 system at public safety answering points and may pay such costs through disbursements from the enhanced 911 fund. Necessary network

and database costs may:

(1) be recovered by a local governing body from the network and database surcharge fund in amounts approved by the state board of finance; or

(2) be disbursed from the network and database surcharge fund and paid directly to a vendor pursuant to a state price agreement or to a telecommunications company on behalf of a local governing body. The amount of the payment shall be approved by the state board of finance.

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 necessary equipment for the enhanced 911 system shall be entered into by each local governing body, unless a local governing body expressly excludes itself from the agreement. An agreement shall provide that each local governing body not excluded from the agreement shall make payment for the enhanced 911 system from general revenues. Nothing in this subsection shall be construed to prevent two or more local governing bodies from entering into a joint powers agreement pursuant to the Joint Powers Agreements Act

to establish a separate legal entity that can enter into an agreement as the enhanced 911 customer.

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

Section 3. 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--NOTIFICATION.--

There is imposed a 911 emergency surcharge in the amount of twenty-five cents (\$.25) and a network and database surcharge in the amount of twenty-six cents (\$.26) to be billed to each subscriber access line by a telecommunications company; provided, however, that the 911 emergency surcharge and the network and database surcharge shall not be imposed upon subscribers receiving reduced rates pursuant to the Low Income Telephone Service Assistance Act. The 911 emergency surcharge shall commence with the first billing period of each subscriber on or following ninety days after the effective date of the Enhanced 911 Act. The network and database surcharge shall commence with the first billing period of each subscriber on or following ninety days after July 1, 1993. Each local governing body shall notify the

division and the telecommunications company providing local exchange service to the 911 service area of the boundaries of the 911 service area and the costs to the local governing body of purchasing or leasing, installing and maintaining the equipment necessary to provide 911 emergency services in the 911 service area. A local governing body that seeks funding for its 911 system shall file an application with the division requesting approval of the state board of finance for disbursement from the enhanced 911 fund and the network and database surcharge fund."

Section 4. Section 63-9D-6 NMSA 1978 (being Laws 1989, Chapter 25, Section 6, as amended) is amended to read:

"63-9D-6. PARTICIPATION IN FUNDS--LIABILITY OF SUBSCRIBER FOR SURCHARGE--COLLECTION--UNCOLLECTED AMOUNTS.--

A. The local governing body may, by ordinance or resolution, recover from the enhanced 911 fund and the network and database surcharge fund an amount necessary to recover the costs of purchasing, leasing, installing and maintaining equipment and the costs of developing and maintaining a network and database necessary to provide a 911 system in its designated 911 service area.

B. Telecommunications companies shall be required to bill and collect the 911 emergency surcharge and the network and database surcharge from their subscribers. The 911 emergency surcharge and the network and database

surcharge required to be collected by the telecommunications company shall be added to and stated in the billings to the subscriber. The 911 emergency surcharge and the network and database surcharge collected shall not be considered revenues of the telecommunications company.

C. A billed subscriber is liable for payment of the 911 emergency surcharge and the network and database surcharge until they have been paid to a telecommunications company.

D. A telecommunications company has no obligation to take legal action to enforce the collection of the 911 emergency surcharge or the network and database surcharge. An action may be brought by or on behalf of the department. A telecommunications company, upon request and not more than once a year, shall provide the department a list of the amounts uncollected along with the names and addresses of subscribers who carry a balance that can be determined by the telecommunications company to be the nonpayment of the 911 emergency surcharge and the network and database surcharge. The telecommunications company shall not be liable for uncollected amounts. "

Section 5. Section 63-9D-7 NMSA 1978 (being Laws 1989, Chapter 25, Section 7, as amended) is amended to read:

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

A. The 911 emergency surcharge and the network

and database surcharge collected shall be remitted monthly to the department, which shall administer and enforce collection of each surcharge in accordance with the Tax Administration Act. The 911 emergency surcharge and the network and database 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 telecommunications company shall agree upon. A telecommunications company required to file a return shall deliver the return together with a remittance of the amount of the 911 emergency surcharge and the network and database surcharge payable to the department. The telecommunications company 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 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 911 emergency surcharge and the network and database surcharge. "

Section 6. Section 63-9D-8 NMSA 1978 (being Laws 1989, Chapter 25, Section 8, as amended) is amended to read:

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

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

B. All 911 emergency surcharges collected and remitted to the department shall be deposited in the enhanced 911 fund.

C. Money deposited in the enhanced 911 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 enhanced 911 fund to, or on behalf of, participating local governing bodies upon vouchers signed by the director of the division.

E. Money in the enhanced 911 fund may be used for the purchase, lease, installation or maintenance of equipment necessary for a 911 system, including the repayment of bonds issued pursuant to the Enhanced 911 Bond Act. Annually, the division may expend no more than five percent of all money deposited annually in the enhanced 911 fund for administering and coordinating activities associated with implementation of

the Enhanced 911 Act.

F. The division shall report to the legislature each session the status of the enhanced 911 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 7. 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 basic 911 systems pursuant to the provisions of the Enhanced 911 Act.

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

D. Unless otherwise provided by law, no rule affecting any person, agency, local governing body, commercial mobile radio service provider or telecommunications company 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 him. 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, telecommunications companies and commercial mobile radio service providers.

E. All rules shall be filed in accordance with the State Rules Act. "

Section 8. Section 63-9D-8.2 NMSA 1978 (being Laws 1993, Chapter 48, Section 11) is amended to read:

"63-9D-8.2. NETWORK AND DATABASE SURCHARGE FUND--
CREATION--ADMINISTRATION--DISBURSEMENT--REPORT.--

A. There is created in the state treasury the "network and database surcharge fund". The network and database surcharge fund shall be administered by the division.

B. Network and database surcharges collected and remitted to the department shall be deposited in the network and database surcharge fund.

C. Money deposited in the network and database surcharge fund and income earned by investment of the network

and database surcharge fund are appropriated for expenditure in accordance with the provisions of the Enhanced 911 Act and shall not revert to the general fund.

D. Payments shall be made from the network and database surcharge fund to, or on behalf of, participating local governing bodies upon vouchers signed by the director of the division.

E. Annually, the division may expend no more than two and one-half percent of all money deposited annually in the network and database surcharge fund for administering and coordinating activities associated with implementation of the network and database surcharge fund.

F. Money in the network and database surcharge fund may be awarded as grant assistance upon application of local governing bodies to the division and approval by the state board of finance. If it is anticipated that the funds available will not be sufficient to pay all requests for grants, the state board of finance may reduce the percentage of assistance to be awarded. In the event of such a reduction, the state board of finance may award supplemental grants to local governing bodies that demonstrate financial hardship.

G. The division shall report to the legislature each session the status of the network and database surcharge fund and whether the current level of the network and

database surcharge is sufficient, excessive or insufficient to fund the anticipated needs for the next year. "

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

"63-9D-9. USE OF FUNDS COLLECTED. --Money received by a local governing body from the enhanced 911 fund shall be spent solely to pay for 911 equipment costs, associated installation costs and maintenance costs necessary to provide enhanced 911 services. Money from the network and database surcharge fund shall be spent solely to pay for the network capability and databases for an enhanced 911 system. "

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

"63-9D-10. IMMUNITY. --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 a 911 system, except for willful or wanton negligence or intentional acts, the local governing body, public agency, equipment supplier, telecommunications company, commercial mobile radio service provider, and their employees and agents are not liable for damages resulting from installing, maintaining or providing 911 systems or transmitting 911 calls. "

Section 11. Section 63-9D-11 NMSA 1978 (being Laws

1989, Chapter 25, Section 11) 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, including names, addresses, telephone numbers or other identifying information, is not a public record and is not available for inspection.

C. Proprietary information provided by a commercial mobile radio 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 commercial mobile radio service provider."

Section 12. A new section of the Enhanced 911 Act is enacted to read:

"WIRELESS ENHANCED 911 FUND-- CREATION-- ADMINISTRATION-- DISBURSEMENT-- NOTIFICATION. --

A. There is created in the state treasury the "wireless enhanced 911 fund". The wireless enhanced 911 fund shall be administered by the division.

B. Wireless 911 enhanced surcharges remitted to the department shall be deposited in the wireless enhanced 911 fund.

C. Money deposited in the wireless enhanced 911 fund and income earned by investment of the wireless enhanced 911 fund are appropriated for expenditure on enhanced 911 wireless service in accordance with the provisions of the Enhanced 911 Act and shall not revert to the general fund.

D. Payments shall be made from the wireless enhanced 911 fund to, or on behalf of, participating local governing bodies upon vouchers signed by the director of the division solely for the purpose of reimbursing local governing bodies and commercial mobile radio service providers for their costs of providing enhanced 911 wireless service. A person who purchases commercial mobile radio services from a commercial mobile radio service provider for the purpose of reselling that service is not eligible for reimbursement from the wireless enhanced 911 fund.

E. The division may expend no more than five percent of the money deposited annually in the wireless enhanced 911 fund for administering and coordinating activities associated with implementation of the wireless

enhanced 911 fund.

F. Money in the wireless enhanced 911 fund may be awarded as grant assistance to provide enhanced 911 wireless service upon application of local governing bodies to the division and upon approval by the state board of finance. If it is anticipated that the funds 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. A local governing body shall notify the division and the commercial mobile radio service provider providing enhanced 911 wireless service to the 911 service area of the boundaries of the 911 service area and the costs to the local governing body for providing enhanced 911 wireless service to the 911 service area.

H. After requesting enhanced 911 wireless service from a commercial mobile radio service provider, a local governing body may, by ordinance or resolution, recover from the wireless enhanced 911 fund an amount necessary to recover the costs of purchasing, leasing, installing and maintaining 911 voice call reception and recording equipment; hardware and software for automatic number identification processing; hardware and software for automatic location identification

processing; and developing and maintaining a network and database necessary to provide enhanced 911 wireless service in its designated 911 service area. The division, on behalf of local governing bodies, shall directly pay or reimburse commercial mobile radio service providers for their costs of providing enhanced 911 wireless service. If a commercial mobile radio service provider does not receive payment or reimbursement for the costs of providing enhanced 911 wireless service, the provider is not obligated to provide that service.

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

Section 13. A new section of the Enhanced 911 Act is enacted to read:

"IMPOSITION OF SURCHARGE--LIABILITY OF USER FOR SURCHARGE-- COLLECTION-- UNCOLLECTED AMOUNTS. --

A. There is imposed a wireless enhanced 911 surcharge in the amount of fifty-one cents (\$.51) that shall commence with the first billing period of each subscriber on or following ninety days after July 1, 2001.

B. Commercial mobile radio service providers shall be required to bill and collect the wireless enhanced

911 surcharge from their subscribers whose billing addresses are in New Mexico. The wireless enhanced 911 surcharge required to be collected by the commercial mobile radio service provider shall be added to and stated clearly and separately in the billings to the subscriber. The wireless enhanced 911 surcharge collected by the commercial mobile radio service provider shall not be considered revenue of the commercial mobile radio service provider.

C. A billed subscriber is liable for payment of the wireless enhanced 911 surcharge until it has been paid to the commercial mobile radio service provider.

D. A commercial mobile radio service provider has no obligation to take legal action to enforce the collection of the wireless enhanced 911 surcharge. An action may be brought by or on behalf of the department. A commercial mobile radio service provider, upon request and not more than once a year, shall provide the department a list of the wireless enhanced 911 surcharge amounts uncollected along with the names and addresses of subscribers who carry a balance that can be determined by the commercial mobile radio service provider to be the nonpayment of the wireless enhanced 911 surcharge. The commercial mobile radio service provider shall not be held liable for uncollected wireless enhanced 911 surcharge amounts. "

Section 14. A new section of the Enhanced 911 Act is

HB 339
Page 20

enacted to read:

"REMITTANCE OF SURCHARGES-- ADMINISTRATIVE FEE-- AUDITS. -

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A. Wireless enhanced 911 surcharges collected shall be remitted monthly to the department, which shall administer and enforce collection of each surcharge in accordance with the Tax Administration Act. The wireless enhanced 911 surcharges collected 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 the commercial mobile radio service provider shall agree upon. The commercial mobile radio service provider required to file the return shall deliver the return together with a remittance of the amount of the wireless enhanced 911 surcharge payable to the department. The commercial mobile radio 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 are collected.

B. From every remittance to the department made on or before the date it becomes due, the 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 cost of administration for collecting the wireless enhanced 911 surcharge. "

Section 15. 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. "board" means the state board of finance;
- B. "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 911 system;
- 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;
- F. "network and database surcharge revenue" means the revenue to and the income of the network and database surcharge fund that are pledged to the payment of enhanced 911 bonds under the Enhanced 911 Bond Act; and
- G. "wireless enhanced 911 revenue" means the revenue to and the income of the wireless enhanced 911 fund

that are pledged to the payment of enhanced 911 bonds under the Enhanced 911 Bond Act. "

Section 16. 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, furnishing, equipping or rehabilitating the enhanced 911 system, the payment of which shall be secured by enhanced 911 revenues or network and database surcharge revenues;

(2) reimbursing a commercial mobile radio service provider for its reasonable costs of providing enhanced wireless 911 service, the payment of which shall be secured by wireless enhanced 911 revenues; or

(3) reimbursing a local governing body for its reasonable costs of providing enhanced wireless 911 service, the payment of which shall be secured by wireless enhanced 911 revenues.

C. The board may pledge irrevocably enhanced 911

revenues, network and database surcharge revenues and wireless 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 any facilities or equipment are reasonably related to and shall constitute a part of a specified enhanced 911 project shall be conclusive if set forth in the proceedings authorizing the enhanced 911 bonds. "

Section 17. Section 63-9D-17 NMSA 1978 (being Laws 1990, Chapter 61, Section 6) 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 fund, the network and database surcharge fund or the wireless enhanced 911 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.--

A. 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 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.

B. No enhanced 911 bonds that are secured by enhanced 911 revenues or network and database surcharge revenues shall be refunded by enhanced 911 bonds that are secured by wireless enhanced 911 revenues. No enhanced 911 bonds that are secured by wireless enhanced 911 revenues shall be refunded by enhanced 911 bonds that are secured by enhanced 911 revenues or network and database surcharge revenues. "

Section 19. Section 63-9D-20 NMSA 1978 (being Laws 1992, Chapter 102, Section 5) is amended to read:

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

A. The legislature shall provide for the continued imposition, collection and deposit of the 911 emergency surcharge, the network and database surcharge and the wireless enhanced 911 surcharge into the enhanced 911 fund, the network and database surcharge fund and the wireless enhanced 911 fund, as applicable, in amounts that, together with other amounts deposited into the funds, will be 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, the network and database surcharge or the wireless enhanced 911 surcharge in a manner that impairs any outstanding enhanced 911 bonds secured by a pledge of the 911 emergency surcharge, the network and database surcharge or the wireless enhanced 911 surcharge unless:

(1) the outstanding enhanced 911 bonds to which the revenues from such surcharges 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 such surcharges are pledged.

C. Nothing in this section shall require any increase in the 911 emergency surcharge, the network and database surcharge or the wireless enhanced 911 surcharge."

Section 20. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2001. _____