

1 AN ACT
2 RELATING TO EMERGENCY RESPONSE; ENACTING THE EMERGENCY
3 COMMUNICATIONS INTEROPERABILITY ACT; ESTABLISHING THE
4 INTEROPERABILITY PLANNING COMMISSION; ASSIGNING DUTIES TO THE
5 HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT;
6 REQUIRING STATE AND LOCAL AGENCY COMPLIANCE.

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

9 Section 1. A new section of Chapter 12 NMSA 1978 is
10 enacted to read:

11 "SHORT TITLE.--This act may be cited as the "Emergency
12 Communications Interoperability Act"."

13 Section 2. A new section of Chapter 12 NMSA 1978 is
14 enacted to read:

15 "DEFINITIONS.--As used in the Emergency Communications
16 Interoperability Act:

17 A. "department" means the homeland security and
18 emergency management department;

19 B. "first responder" means a public safety
20 employee or volunteer whose duties include responding rapidly
21 to an emergency, including but not limited to:

- 22 (1) a law enforcement officer;
- 23 (2) a firefighter or certified volunteer
24 firefighter; and
- 25 (3) an emergency medical services provider;

1 C. "infrastructure equipment" means the underlying
2 fixed equipment required to establish interoperable
3 communications between radio systems used by local, state,
4 tribal and federal agencies and first responders; and

5 D. "interoperability" means coordination of
6 critical information communication systems or networks,
7 including radio and emergency coordination information
8 equipment, that are consistently operable with all relevant
9 local, state, tribal and federal agencies and first
10 responders."

11 Section 3. A new section of Chapter 12 NMSA 1978 is
12 enacted to read:

13 "INTEROPERABILITY PLANNING COMMISSION--CREATED.--

14 A. The "interoperability planning commission" is
15 created and administratively attached to the department.

16 B. The interoperability planning commission is a
17 permanent advisory commission created to advise and support
18 the department on emergency response and homeland security
19 activities relating to interoperability, the obtaining of
20 funding and the use of available funding.

21 C. The commission consists of twelve members,
22 including:

23 (1) the lieutenant governor;

24 (2) the homeland security advisor;

25 (3) the secretary of information technology

1 or the secretary's designee;

2 (4) the adjutant general or a representative
3 from the department of military affairs;

4 (5) the secretary of energy, minerals and
5 natural resources or the secretary's designee;

6 (6) the state fire marshal or the fire
7 marshal's designee;

8 (7) the secretary of Indian affairs or the
9 secretary's designee;

10 (8) the secretary of transportation or the
11 secretary's designee;

12 (9) the secretary of health or the
13 secretary's designee;

14 (10) the secretary of public safety or the
15 secretary's designee;

16 (11) the executive director of the New
17 Mexico municipal league or the executive director's designee;
18 and

19 (12) the executive director of the New
20 Mexico association of counties or the executive director's
21 designee.

22 D. The commission shall appoint a chair and vice
23 chair from among its members. The commission shall meet at
24 the call of the chair but no less than two times each year.

25 E. Members of the commission, or their designees,

1 who are not supported by public money may be reimbursed for
2 per diem and mileage pursuant to the Per Diem and Mileage
3 Act, but shall not receive any other compensation, perquisite
4 or allowance."

5 Section 4. A new section of Chapter 12 NMSA 1978 is
6 enacted to read:

7 "INTEROPERABILITY PLANNING COMMISSION--DUTIES.--The
8 interoperability planning commission shall advise the
9 department on:

10 A. the development and coordination of a statewide
11 interoperable emergency communications plan in compliance
12 with national incident management system guidelines,
13 including an integrated public safety radio communications
14 system and other coordinated critical information systems, to
15 achieve interoperability within and between local, state,
16 tribal and federal agencies and first responders;

17 B. implementation of the interoperable emergency
18 communications plan by state and local agencies and shall
19 provide specific directions for methods by which agencies
20 shall implement those strategies;

21 C. priorities relating to the interoperable
22 emergency communications plan; and

23 D. other matters relating to planning,
24 development, coordination, promotion and implementation of
25 the interoperable emergency communications plan."

1 Section 5. A new section of Chapter 12 NMSA 1978 is
2 enacted to read:

3 "INTEROPERABILITY--DEPARTMENT.--The department shall:

4 A. establish, implement and administer a statewide
5 interoperable emergency communications plan and standards for
6 a statewide integrated public safety radio communications
7 system;

8 B. train representatives of entities in the state
9 that are involved in emergency response and homeland security
10 activities with respect to interoperability;

11 C. require that all radio communications at
12 emergency incidents adhere to the national incident
13 management system guidelines established by the federal
14 department of homeland security and statewide integrated
15 public safety radio communications standards;

16 D. use appropriated money, including money from
17 relevant federal homeland security grants, for the purposes
18 of designing and promulgating systems compliant with the
19 standards established under Subsection A of this section and
20 to enable the implementation and maintenance of a statewide
21 interoperable public safety radio communications system; and

22 E. report annually to the appropriate interim
23 legislative committee."

24 Section 6. A new section of Chapter 12 NMSA 1978 is
25 enacted to read:

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"INTEROPERABILITY--AGENCY COMPLIANCE.--All state and local agency budgets and plans to purchase infrastructure equipment shall conform to the interoperability standards developed by the department."
