

1 SENATE BILL
2 57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025
3 INTRODUCED BY
4 Michael Padilla
5
6
7
8
9

10 AN ACT

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

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

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

21 "63-9D-1. SHORT TITLE.--Sections 63-9D-1 through
22 63-9D-11.1 NMSA 1978 may be cited as the "[Enhanced] 911 Act"."

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

25 "63-9D-2. FINDINGS AND PURPOSE.--

.229282.2

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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]~~

(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

.229282.2

underscoring material = new
[bracketed material] = delete

1 system capabilities and internet-protocol-based technologies;
2 and 3) greater system resilience and redundancy to ensure
3 continuous operation during emergencies; and

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

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

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

16 "63-9D-3. DEFINITIONS.--As used in the [~~Enhanced~~] 911
17 Act:

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

22 B. "911 equipment" means the public safety
23 answering point equipment directly related to the operation of
24 a 911 system, including automatic number identification or
25 automatic location identification controllers and display

.229282.2

underscoring material = new
[bracketed material] = delete

1 units, printers, logging recorders and software associated with
2 call detail recording, call center work stations, training,
3 latitude and longitude base station or cell site location data,
4 next generation 911 core services and components, such as the
5 emergency services internet protocol network, location
6 information servers, policy routing functions, border control
7 functions and other cybersecurity functions and geographic
8 information system equipment necessary to obtain and process
9 locational map and emergency service zone data for a 911 call;

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

13 D. "911 surcharge" means the monthly charge and
14 prepaid wireless surcharge assessed on each access line in the
15 state, on each active number for a commercial mobile radio
16 service subscriber and on the number of voice-over-internet
17 protocol lines for which the voice-over-internet protocol
18 service provider enables the capacity for simultaneous calls,
19 regardless of actual usage, to be connected to the public
20 switched telephone network during the period for which the
21 fixed charge is imposed for a voice-over-internet protocol
22 service subscriber in New Mexico and the charge assessed on any
23 other consumer purchase of communication service provided by a
24 communications service provider that enables communication
25 between a person needing assistance and a public safety

.229282.2

underscoring material = new
~~[bracketed material] = delete~~

1 answering point call-taker by dialing 9-1-1 or its equivalent;
2 provided that a 911 surcharge shall not be assessed on the
3 provision of broadband internet access service;

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

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

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

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

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

22 (3) a personal communications service; or

23 (4) a network radio access line;

24 ~~[E.]~~ H. "commercial mobile radio service provider"
25 means a person who provides commercial mobile radio services,

.229282.2

underscoring material = new
[bracketed material] = delete

1 including a person who purchases commercial mobile radio
2 service from a provider and resells that service;

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

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

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

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

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

16 ~~[I.]~~ L. "database" means information that is
17 collected, formatted and disseminated and that is necessary for
18 the functioning of the ~~[enhanced]~~ 911 system, including
19 geographic information system ~~[GIS]~~ addressing and digital
20 mapping information;

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

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

25 ~~[L.] "enhanced 911 surcharge" means the monthly~~

.229282.2

underscored material = new
[bracketed material] = delete

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

15 M. ~~"enhanced 911 system" means regardless of the~~
16 ~~technology used, a landline, wireless, NG-911 or ESInet system~~
17 ~~consisting of network switching equipment, database, mapping~~
18 ~~and on-premises equipment, or the functional equivalent~~
19 ~~thereof, that uses the single three-digit number 911 for~~
20 ~~reporting police, fire, medical or other emergency situations,~~
21 ~~thereby enabling a caller to reach a public safety answering~~
22 ~~point to report emergencies by dialing 911, and includes the~~
23 ~~capability to:~~

24 ~~(1) selectively route incoming 911 calls to~~
25 ~~the appropriate public safety answering point operating in a~~

.229282.2

1 ~~911 service area;~~

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

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

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

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

18 ~~N. "enhanced 911 equipment" means the public safety~~
19 ~~answering point equipment directly related to the operation of~~
20 ~~an enhanced 911 system, including automatic number~~
21 ~~identification or automatic location identification controllers~~
22 ~~and display units, printers, logging recorders and software~~
23 ~~associated with call detail recording, call center work~~
24 ~~stations, training, latitude and longitude base station or cell~~
25 ~~site location data, and GIS equipment necessary to obtain and~~

.229282.2

underscored material = new
[bracketed material] = delete

1 ~~process locational map and emergency service zone data for~~
2 ~~landline and wireless callers;]~~

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

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

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

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

18 R. "fund" means the ~~[enhanced]~~ 911 emergency
19 service fund;

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

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

.229282.2

underscored material = new
[bracketed material] = delete

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

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

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

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

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

12 (6) provides a secure environment for
13 emergency communications;

14 U. "proprietary information" means customer lists,
15 customer counts, technology descriptions or trade secrets,
16 including the actual or development costs of individual
17 components of ~~[an enhanced]~~ a 911 system, ~~[provided that such]~~
18 if the information is designated as proprietary by the
19 communications service provider. ~~[and provided further that]~~
20 "Proprietary information" does not include individual payments
21 made by the division or any list of names and identifying
22 information of subscribers who have not paid the surcharge;

23 V. "public safety answering point" means a twenty-
24 four-hour local communications facility that receives 911
25 service communications and directly dispatches emergency

.229282.2

underscoring material = new
[bracketed material] = delete

1 response services or that relays communications to the
2 appropriate public or private safety agency;

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

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

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

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

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

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

25 [~~BB. "VoIP" means interconnected~~] CC. "voice-over-

.229282.2

underscoring material = new
[bracketed material] = delete

1 internet protocol service" [~~as defined in the Code of Federal~~
2 ~~Regulations, Title 47, Part 9, Section 9.3, as amended; and~~
3 means a service that:

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

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

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

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

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

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

19 "63-9D-4. PROVISION FOR [~~ENHANCED~~] 911 SERVICES BY LOCAL
20 GOVERNING BODIES--[~~ENHANCED~~] 911 SYSTEM COSTS--PAYMENT OF
21 COSTS--JOINT POWERS AGREEMENTS--AID OUTSIDE JURISDICTIONAL
22 BOUNDARIES.--

23 A. A local governing body, [~~or~~] a consortium of
24 local governing bodies or a primary or secondary public safety
25 answering point may incur costs for the purchase, lease,

.229282.2

underscored material = new
[bracketed material] = delete

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

8 B. If the [~~enhanced~~] 911 system is to be provided
9 for territory that is included in whole or in part in the
10 jurisdiction of the local governing bodies of two or more
11 public agencies that are the primary providers of emergency
12 firefighting, law enforcement, ambulance, emergency medical or
13 other emergency services, the agreement for the procurement of
14 the [~~enhanced~~] 911 system shall be entered into by the fiscal
15 agent designated by the local governing bodies. A local
16 governing body may expressly exclude itself from the agreement.
17 Nothing in this subsection shall be construed to prevent two or
18 more local governing bodies from entering into a joint powers
19 agreement pursuant to the Joint Powers Agreements Act to
20 establish a separate legal entity that can enter into an
21 agreement as the [~~enhanced~~] 911 system customer.

22 C. A public agency in [~~an enhanced~~] a 911 emergency
23 service area shall provide that once an emergency unit is
24 dispatched in response to a request for aid through the
25 [~~enhanced~~] 911 system, the emergency unit shall render services

.229282.2

underscored material = new
~~[bracketed material] = delete~~

1 to the requester without regard to whether the emergency unit
2 is operating outside its normal jurisdictional boundaries.

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

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

10 "63-9D-5. IMPOSITION OF SURCHARGE.--

11 A. [~~There is imposed~~] A 911 emergency surcharge is
12 imposed in the amount of [~~fifty-one cents (\$.51)~~] one dollar
13 fifty cents (\$1.50) to be billed to each subscriber access line
14 by a communications service provider, on each active number for
15 a commercial mobile radio service subscriber and on the number
16 of [~~VoIP~~] voice-over-internet protocol lines for which the
17 [~~VoIP~~] voice-over-internet protocol service provider enables
18 the capacity for simultaneous calls, regardless of actual
19 usage, to be connected to the public switched telephone network
20 during the period for which the fixed charge is imposed. The
21 surcharge is imposed on all subscribers whose place of primary
22 use, as defined in the federal Mobile Telecommunications
23 Sourcing Act, is in New Mexico; provided, however, that the
24 surcharge shall not be imposed upon subscribers receiving
25 reduced rates pursuant to the Low Income Telephone Service

.229282.2

underscored material = new
~~[bracketed material] = delete~~

1 Assistance Act; and provided further that the surcharge shall
2 not apply to prepaid wireless communication service; and
3 provided further that a 911 emergency surcharge shall not be
4 assessed on the provision of broadband internet access service.

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

15 C. A billed subscriber is liable for payment of the
16 911 emergency surcharge until it has been paid to the
17 communications service provider.

18 D. A communications service provider has no
19 obligation to take legal action to enforce the collection of
20 the surcharge; an action may be brought by or on behalf of the
21 department. A communications service provider, upon request
22 and not more than once a year, shall provide to the department
23 a list of the surcharge amounts uncollected, along with the
24 names and addresses of subscribers who carry a balance that can
25 be determined by the communications service provider to be

.229282.2

underscoring material = new
[bracketed material] = delete

1 nonpayment of the surcharge. The communications service
2 provider shall not be held liable for uncollected surcharge
3 amounts."

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

6 "63-9D-5.1. PREPAID WIRELESS [ENHANCED] 911 SURCHARGE--
7 COLLECTION AND ADMINISTRATION OF SURCHARGE--LIABILITY OF
8 SELLERS--EXCLUSIVITY OF SURCHARGE.--

9 A. As used in this section:

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

12 (2) "prepaid wireless communication service"
13 means a wireless communication service that allows [~~a caller~~]
14 the user to [dial] make 911 [to access the 911 system] calls;
15 [~~which service must be~~] is paid for in advance; [~~and~~] is sold
16 in predetermined units of time or dollars [~~of which the number~~
17 ~~declines with use in a known amount]~~ that decline with use in a
18 known amount or provides unlimited use of the service for a
19 fixed amount of time; and allows a user to access 911 emergency
20 service;

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

25 (4) "provider" means a person that provides

underscored material = new
[bracketed material] = delete

1 prepaid wireless communication service pursuant to a license
2 issued by the federal communications commission;

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

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

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

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

14 (b) an interconnected service; and

15 (c) available to the public.

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

.229282.2

underscored material = new
~~[bracketed material]~~ = delete

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

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

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

.229282.2

underscored material = new
~~[bracketed material] = delete~~

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

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

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

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

22 H. Prepaid wireless [~~enhanced~~] 911 surcharges
23 collected by sellers shall be remitted to the department at the
24 times and in the manner provided with respect to the Gross
25 Receipts and Compensating Tax Act. The department shall

.229282.2

underscored material = new
[bracketed material] = delete

1 establish registration and payment procedures that
2 substantially coincide with the registration and payment
3 procedures that apply to the Gross Receipts and Compensating
4 Tax Act. A seller [~~shall be permitted to~~] may deduct and
5 retain three percent of prepaid wireless [~~enhanced~~] 911
6 surcharges that are collected by the seller from the consumer.

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

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

16 K. No provider or seller of prepaid wireless
17 communication services shall be liable for damages to any
18 person resulting from or incurred in connection with the
19 provision of or failure to provide 911 or [~~enhanced 911~~
20 ~~service~~] next generation 911 services or for identifying or
21 failing to identify the telephone number, address, location or
22 name associated with any person or device that is accessing or
23 attempting to access 911 or [~~enhanced 911 service~~] next
24 generation 911 services.

25 L. No provider or seller of prepaid wireless

.229282.2

underscoring material = new
[bracketed material] = delete

1 communication services shall be liable for damages to ~~[any]~~ a
2 person resulting from or incurred in connection with the
3 provision of ~~[any]~~ assistance to ~~[any]~~ an investigative or law
4 enforcement officer of the United States, this or ~~[any other]~~
5 another state, or any political subdivision of this or ~~[any~~
6 ~~other]~~ another state, in connection with ~~[any]~~ an investigation
7 or other law enforcement activity by such law enforcement
8 officer.

9 M. In addition to the protection from liability
10 provided by Subsections K and L of this section, each provider
11 and seller ~~[shall be]~~ is entitled to the further protection
12 from liability as provided pursuant to Section 63-9D-10 NMSA
13 1978.

14 N. The prepaid wireless ~~[enhanced]~~ 911 surcharge
15 applies to retail transactions occurring on or after July 1,
16 2017."

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

19 "63-9D-7. REMITTANCE OF CHARGES--ADMINISTRATIVE FEE.--

20 A. The surcharge collected shall be remitted
21 monthly to the department, which shall administer and enforce
22 collection of the surcharge in accordance with the Tax
23 Administration Act. The surcharge shall be remitted to the
24 department no later than the twenty-fifth day of the month
25 following the month in which the surcharge was imposed. At

.229282.2

underscoring material = new
[bracketed material] = delete

1 that time, a return for the preceding month shall be filed with
2 the department in such form as the department and
3 communications service provider shall agree upon. A
4 communications service provider required to file a return shall
5 deliver the return together with a remittance of the amount of
6 the surcharge payable to the department. The communications
7 service provider shall maintain a record of the amount of each
8 surcharge collected pursuant to the ~~[Enhanced]~~ 911 Act. The
9 record shall be maintained for a period of three years after
10 the time the surcharges were collected.

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

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

20 "63-9D-8. ~~[ENHANCED]~~ 911 EMERGENCY SERVICE FUND--
21 CREATION--ADMINISTRATION--DISBURSEMENT--REPORTS TO
22 LEGISLATURE.--

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

.229282.2

underscoring material = new
[bracketed material] = delete

1 the division.

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

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

8 D. Payments shall be made from the fund to, or on
9 behalf of, participating local governing bodies, primary or
10 secondary public safety answering points or their fiscal agents
11 upon vouchers signed by the director of the division solely for
12 the purpose of reimbursing local governing bodies, primary or
13 secondary public safety answering points or their fiscal agents
14 and communications service providers for their costs of
15 providing [enhanced] 911 [~~service~~] emergency services,
16 including next generation 911 equipment and infrastructure. A
17 person who purchases communication services from a
18 communications service provider [~~for the purpose of reselling~~
19 ~~that service~~] to resell is not eligible for reimbursement from
20 the fund. Money in the fund may be used for the payment of
21 bonds issued pursuant to the [Enhanced] 911 Bond Act.

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

.229282.2

underscored material = new
[bracketed material] = delete

1 generation 911 transition and support.

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

13 G. After requesting [~~enhanced~~] 911 [~~service~~]
14 services from a communications service provider, a local
15 governing body may, by ordinance or resolution, recover from
16 the fund an amount necessary to recover the costs of providing
17 the [~~enhanced~~] 911 system in its designated 911 service area.
18 The division, on behalf of local governing bodies, shall
19 directly pay or reimburse communications service providers for
20 their costs of providing [~~enhanced~~] 911 [~~service~~] services. If
21 a communications service provider does not receive payment or
22 reimbursement for the costs of providing [~~enhanced~~] 911
23 [~~service~~] services, the provider is not obligated to provide
24 [~~that service~~] those services.

25 H. The division shall report to the legislature

.229282.2

underscored material = new
~~[bracketed material] = delete~~

1 each session the status of the fund and whether the current
2 level of the 911 emergency surcharge is sufficient, excessive
3 or insufficient to fund the anticipated needs for the next
4 year."

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

7 "63-9D-8.1. DIVISION POWERS.--

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

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

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

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

18 E. Unless otherwise provided by law, no rule
19 affecting any person, agency, local governing body or
20 communications service provider shall be adopted, amended or
21 repealed without a public hearing on the proposed action
22 ~~[before the director of the division or a hearing officer~~
23 ~~designated by the director. The public hearing shall be held~~
24 ~~in Santa Fe unless otherwise permitted by statute. Notice of~~
25 ~~the subject matter of the rule, the action proposed to be~~

.229282.2

underscored material = new
[bracketed material] = delete

1 ~~taken, the time and place of the hearing, the manner in which~~
2 ~~interested persons may present their views and the method by~~
3 ~~which copies of the proposed rule or proposed amendment or~~
4 ~~repeal of an existing rule may be obtained shall be published~~
5 ~~once at least thirty days prior to the hearing in a newspaper~~
6 ~~of general circulation and mailed at least thirty days prior to~~
7 ~~the hearing date to all persons or agencies who have made a~~
8 ~~written request for advance notice of the hearing and to all~~
9 ~~local governing bodies and communications service providers] as~~
10 provided in the State Rules Act, with the additional
11 requirements that notice of the public hearing shall be
12 published in a newspaper of general circulation and mailed at
13 least thirty days prior to the hearing date to all persons or
14 agencies who have made a written request for advance notice of
15 the hearing and to all local governing bodies and
16 communications service providers.

17 F. All rules shall be filed in accordance with the
18 State Rules Act."

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

21 "63-9D-10. IMMUNITY.--~~[Enhanced]~~ 911 systems are within
22 the governmental powers and authorities of the local governing
23 body or state agency in the provision of services for the
24 public health, welfare and safety. In contracting for such
25 services or the provisioning of ~~[an enhanced]~~ a 911 system,

.229282.2

underscored material = new
~~[bracketed material]~~ = delete

1 except for intentional acts, the local governing body, public
2 agency, equipment supplier, communications service provider and
3 their officers, directors, vendors, employees and agents are
4 not liable for damages resulting from installing, maintaining
5 or providing [~~enhanced~~] 911 systems or transmitting 911 calls."

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

8 "63-9D-11. PRIVATE LISTING SUBSCRIBERS AND 911 SERVICE.--

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

15 B. Information regarding the identity of private
16 listing subscribers provided by a communications service
17 provider, including names, addresses, telephone numbers or
18 other identifying information, is not a public record and is
19 not available for inspection.

20 C. Proprietary information provided by a
21 communications service provider is not public information and
22 may not be released to any person without the express
23 permission of the submitting provider except that information
24 may be released or published as aggregated data that does not
25 identify the number of subscribers or identify [~~enhanced~~] 911

.229282.2

underscored material = new
[bracketed material] = delete

1 system costs attributable to an individual communications
2 service provider."

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

5 "63-9D-12. SHORT TITLE.--Sections 63-9D-12 through
6 63-9D-20 NMSA 1978 may be cited as the "[Enhanced] 911 Bond
7 Act"."

8 SECTION 13. 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
11 Bond Act:

12 A. "911 bonds" means the bonds authorized in the
13 911 Bond Act;

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

17 C. "911 revenue" means the revenue to and income of
18 the 911 emergency service fund that are pledged to the payment
19 of 911 bonds pursuant to the 911 Bond Act;

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

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

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

.229282.2

underscoring material = new
[bracketed material] = delete

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

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

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

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

11 A. In addition to any other law authorizing the
12 board to issue revenue bonds, the board may issue [enhanced]
13 911 bonds pursuant to the [Enhanced] 911 Bond Act for the
14 purposes specified in this section.

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

16 (1) acquiring, extending, enlarging,
17 bettering, repairing, improving, constructing, purchasing,
18 furnishing, equipping or rehabilitating the [enhanced] 911
19 system, the payment of which shall be secured by [enhanced] 911
20 revenues;

21 (2) reimbursing a communications service
22 provider for its reasonable costs of providing [enhanced] 911
23 service, the payment of which shall be secured by [enhanced]
24 911 revenues; or

25 (3) reimbursing a local governing body or its

.229282.2

underscoring material = new
[bracketed material] = delete

1 fiscal agent for ~~[its]~~ the reasonable costs of providing the
2 ~~[enhanced]~~ 911 system, the payment of which shall be secured by
3 ~~[enhanced]~~ 911 revenues.

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

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

14 "63-9D-15. USE OF PROCEEDS OF BOND ISSUE.--It is unlawful
15 to divert, use or expend any money received from the issuance
16 of ~~[enhanced]~~ 911 bonds for any purpose other than the purposes
17 for which the bonds were issued."

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

20 "63-9D-16. ~~[ENHANCED]~~ 911 BONDS--TERMS.--~~[Enhanced]~~ 911
21 bonds:

22 A. shall bear interest at a coupon rate or coupon
23 rates not exceeding the maximum coupon rate ~~[which]~~ that is
24 permitted by the Public Securities Act; provided that interest
25 shall be payable annually or semiannually and may or may not be

.229282.2

underscoring material = new
[bracketed material] = delete

1 evidenced by coupons; and provided further that the first
2 interest payment date may be for interest accruing for any
3 period not exceeding one year;

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

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

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

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

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

17 SECTION 17. Section 63-9D-17 NMSA 1978 (being Laws 1990,
18 Chapter 61, Section 6, as amended) is amended to read:

19 "63-9D-17. BOND AUTHORIZATION.--The board may issue and
20 sell [~~enhanced~~] 911 bonds in compliance with the [~~Enhanced~~] 911
21 Bond Act. The board shall schedule the issuance and sale of
22 the bonds in the most expeditious and economical manner upon a
23 finding by the board that the division has certified that the
24 need exists for the issuance of bonds and upon an action by the
25 board designating the [~~enhanced~~] 911 emergency service fund to

.229282.2

underscored material = new
[bracketed material] = delete

1 be the source of pledged revenues."

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

4 "63-9D-18. AUTHORITY TO REFUND BONDS.--The board may
5 issue and sell at public or private sale [~~enhanced~~] 911 bonds
6 to refund outstanding [~~enhanced~~] 911 bonds and other bonds
7 payable from the [~~enhanced~~] 911 emergency service fund by
8 exchange, immediate or prospective redemption, cancellation or
9 escrow, including the escrow of debt service funds accumulated
10 for payment of outstanding bonds or any combination [~~thereof~~],
11 when, in its opinion, such action will be beneficial to the
12 state."

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

15 "63-9D-19. [~~ENHANCED~~] 911 BONDS NOT GENERAL OBLIGATIONS--
16 AUTHENTICATION.--

17 A. [~~Enhanced~~] 911 bonds or refunding bonds issued
18 as authorized by the [~~Enhanced~~] 911 Bond Act are:

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

25 B. The bonds and coupons shall be signed and sealed

underscoring material = new
[bracketed material] = delete

1 as provided by the resolution of the board issuing the bond,
2 and the Uniform Facsimile Signature of Public Officials Act
3 shall be applicable."

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

6 "63-9D-20. AMOUNT OF SURCHARGE--SECURITY FOR BONDS.--

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

14 B. The legislature shall not repeal, amend or
15 otherwise modify any law that affects the 911 ~~[emergency]~~
16 surcharge in a manner that impairs any outstanding ~~[enhanced]~~
17 911 bonds secured by a pledge of the 911 ~~[emergency]~~ surcharge
18 unless:

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

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

25 C. Nothing in this section shall require any

.229282.2

underscored material = new
~~[bracketed material] = delete~~

1 increase in the 911 [~~emergency~~] surcharge."

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

4 - 34 -

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25