



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER _____

HOUSE BILL 328, as amended

Introduced by

REPRESENTATIVE ROBERTO "BOBBY" J. GONZALES

REPRESENTATIVE LUCIANO "LUCKY" VARELA
REPRESENTATIVE NICK L. SALAZAR
REPRESENTATIVE W. KEN MARTINEZ
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AN ACT

RELATING TO COMMUNICATIONS; AMENDING, REPEALING AND ENACTING
SECTIONS OF THE ENHANCED 911 ACT AND AMENDING SECTIONS OF THE
ENHANCED 911 BOND ACT TO PROVIDE FOR SURCHARGES TO BE IMPOSED
ON COMMUNICATIONS SERVICES, INCLUDING VOICE OVER INTERNET
PROTOCOL SUBSCRIPTIONS AND ELECTRONIC DATA NETWORKS.

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 call" means any real-time communication,
message, signal or transmission between a person needing
assistance and a public safety answering point call-taker;

B. "911 emergency surcharge" means the monthly
uniform charge assessed on each access line in the state, on
each active number for a commercial mobile radio service
subscriber on each active number for a VoIP service subscriber
in New Mexico and the charge assessed on any other consumer
purchase of communications service provided by a
communications service provider that enables communication
between a person needing assistance and a public safety
answering point call-taker. The E911 surcharge should be
assessed to the retail customer based upon the maximum number

1 of active telephone numbers capable of simultaneously
2 contacting the local public safety answering point; provided
3 that a 911 emergency surcharge shall not be assessed on the
4 provision of broadband internet access service;

5 C. "911 service area" means the area designated by
6 the fiscal agent, local governing body or the division to
7 receive enhanced 911 service;

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

13 E. "commercial mobile radio service" means service
14 provided by a wireless real-time two-way voice communication
15 device, including:

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

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

21 (3) a personal communications service; or

22 (4) a network radio access line;

23 F. "commercial mobile radio service provider"
24 means a person who provides commercial mobile radio services,
25 including a person who purchases commercial mobile radio

1 service from a provider and resells that service;

2 G. "commission" means the public regulation
3 commission;

4 H. "communication service" means any service that:

5 (1) uses telephone, internet protocol
6 addresses, electronic data networks or protocols or their
7 functional equivalents or successors;

8 (2) is capable of accessing, connecting with
9 or interfacing with the enhanced 911 system by dialing,
10 initializing or otherwise activating the enhanced 911 system
11 regardless of the transmission medium or technology employed;
12 and

13 (3) provides or enables real-time or
14 interactive communications;

15 I. "communications service provider" means any
16 entity that provides communication services;

17 J. "database" means information that is collected,
18 formatted and disseminated and that is necessary for the
19 functioning of the enhanced 911 system, including geographic
20 information system (GIS) addressing and digital mapping
21 information;

22 K. "department" means the taxation and revenue
23 department;

24 L. "division" means the local government division
25 of the department of finance and administration;

1 M. "enhanced 911 system" means a landline,
2 wireless, NG-911 or ESInet system consisting of network
3 switching equipment, database, mapping and on-premises
4 equipment that uses the single three-digit number 911 for
5 reporting police, fire, medical or other emergency situations,
6 thereby enabling a caller to reach a public safety answering
7 point to report emergencies by dialing 911, and includes the
8 capability to:

9 (1) selectively route incoming 911 calls to
10 the appropriate public safety answering point operating in a
11 911 service area;

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

15 (3) provide one or more access paths for
16 communications between users at different geographic locations
17 through a network system that may be designed for voice or
18 data, or both, and may feature limited or open access and may
19 employ appropriate analog, digital switching or transmission
20 technologies; and

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

1 N. "enhanced 911 equipment" means the public
2 safety answering point equipment directly related to the
3 operation of an enhanced 911 system, including automatic
4 number identification or automatic location identification
5 controllers and display units, printers, logging recorders and
6 software associated with call detail recording, call center
7 work stations, training, latitude and longitude base station
8 or cell site location data and GIS equipment necessary to
9 obtain and process locational map and emergency service zone
10 data for landline and wireless callers;

11 O. "equipment supplier" means a person who
12 provides or offers to provide communications equipment
13 necessary for the establishment of enhanced 911 services;

14 P. "ESInet" means emergency services internet
15 protocol network, an internet-protocol-based, multipurpose
16 inter-network (network of networks) supporting local,
17 regional, state and national public safety communications
18 services in addition to 911;

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

22 R. "fund" means the enhanced 911 fund;

23 S. "local governing body" means the board of
24 county commissioners of a county or the governing body of a
25 municipality as defined in the Municipal Code;

1 T. "NG-911" means a next generation 911 system
2 comprised of network, hardware, software, data and operational
3 policies and procedures to:

4 (1) provide standardized interfaces from
5 call and message services;

6 (2) process all types of emergency calls
7 including non-voice (multimedia) messages;

8 (3) acquire and integrate additional data
9 useful to call routing and handling;

10 (4) deliver the calls, messages and data to
11 appropriate public safety answering points and other
12 appropriate emergency entities;

13 (5) support data and communications needs
14 for coordinated incident response and management; and

15 (6) provide a secure environment for
16 emergency communications;

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

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

6 W. "subscriber" means a person who purchases
7 communications services at retail from a communications
8 service provider that are capable of originating a 911 call;

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

10 Y. "surcharge collected" means the amount of E911
11 surcharge billed or received or deemed to have been received
12 by the seller or provider, consistent with the seller's or
13 provider's method of accounting, including accrual or cash;

14 Z. "telecommunications company" means a person who
15 provides wire telecommunications services that are capable of
16 originating a 911 call;

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

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

23 CC. "VoIP service provider" or "interconnected
24 voice-over-internet protocol service provider" means an entity
25 that provides interconnected voice over internet protocol

1 service to end users."

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

4 "63-9D-5. IMPOSITION OF SURCHARGE.--

5 A. There is imposed a 911 emergency surcharge in
6 the amount of fifty-one cents (\$.51) to be billed to each
7 subscriber access line by a communications service provider,
8 on each active number for a commercial mobile radio service
9 subscriber, and on each active number for a VoIP service
10 subscriber, that allows communication between a person needing
11 assistance and a public service answering point call-taker.
12 The surcharge is imposed on all subscribers whose place of
13 primary use as defined in the federal Mobile
14 Telecommunications Sourcing Act is in New Mexico; provided,
15 however, that the surcharge shall not be imposed upon
16 subscribers receiving reduced rates pursuant to the Low Income
17 Telephone Service Assistance Act; and provided further that
18 the surcharge shall not apply to prepaid wireless
19 communication service, which shall be subject to the surcharge
20 imposed pursuant to the Enhanced 911 Act; and provided further
21 that a 911 emergency surcharge shall not be assessed on the
22 provision of broadband internet access service.

23 B. All communications service providers shall be
24 required to bill and collect the surcharge from their
25 subscribers whose places of primary use, as defined in the

1 federal Mobile Telecommunications Sourcing Act, are in New
2 Mexico. The surcharge required to be collected by all
3 communications service providers shall be added to and stated
4 clearly and separately in the billings to the subscriber. The
5 surcharge collected by the communications service provider
6 shall not be considered revenue of the communications service
7 provider.

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

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

22 E. The surcharge shall commence with the first
23 billing period of each subscriber on or after July 1, 2005."

24 SECTION 3. A new section of the Enhanced 911 Act is
25 enacted to read:

1 "PREPAID WIRELESS 911 SURCHARGE--COLLECTION AND
2 ADMINISTRATION OF SURCHARGE--LIABILITY OF SELLERS--EXCLUSIVITY
3 OF SURCHARGE.--

4 A. As used in this section:

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

8 (2) "department" means the taxation and
9 revenue department;

10 (3) "prepaid wireless E911 charge" means the
11 charge that is required to be collected by a seller from a
12 consumer in the amount established under Subsection B of this
13 section;

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

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

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

25 (7) "seller" means a person who sells

1 prepaid wireless communication service to another person; and

2 (8) "wireless communication service" means
3 commercial mobile radio service as defined by Section 20.3 of
4 Title 47 of the Code of Federal Regulations, as amended.

5 B. A prepaid wireless E911 charge of one and
6 thirty-eight hundredths percent is imposed on each retail
7 transaction. The prepaid wireless E911 charge shall be
8 collected by the seller from the consumer with respect to each
9 retail transaction occurring in this state. The amount of the
10 prepaid wireless E911 charge shall be either separately stated
11 on an invoice, receipt or other similar document that is
12 provided to the consumer by the seller, or otherwise disclosed
13 to the consumer.

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

22 D. The prepaid wireless E911 charge is the
23 liability of the consumer and not of the seller or of any
24 provider, except that the seller shall be liable to remit all
25 prepaid wireless E911 charges that the seller collects from

1 consumers as provided in this section, including all such
2 charges that the seller is deemed to collect where the amount
3 of the charge has not been separately stated on an invoice,
4 receipt or other similar document provided to the consumer by
5 the seller.

6 E. The amount of the prepaid wireless E911 charge
7 that is collected by a seller from a consumer, if such amount
8 is separately stated on an invoice, receipt or other similar
9 document provided to the consumer by the seller, shall not be
10 included in the base for measuring any tax, fee, surcharge or
11 other charge that is imposed by this state, any political
12 subdivision of this state or any intergovernmental agency.

13 F. When prepaid wireless communication service is
14 sold with one or more other products or services for a single,
15 non-itemized price, then the percentage specified in
16 Subsection B of this section shall apply to the entire non-
17 itemized price unless the seller can identify and disclose to
18 the purchaser the:

19 (1) actual dollar amount of the prepaid
20 wireless communication service included in the package; or

21 (2) portion of the price that is
22 attributable to the prepaid wireless communication service by
23 reasonable and verifiable standards from its books and records
24 that are kept in the regular course of business for other
25 purposes, including but not limited to non-tax purposes.

1 If such identification and disclosure can be made, the
2 percentage shall be applied to that portion of the package.
3 However, if a minimal amount of prepaid wireless communication
4 service is sold with a prepaid wireless device for a single,
5 non-itemized price, then the seller may elect not to apply the
6 percentage specified in Subsection B of this section to such
7 transaction. For purposes of this subsection, an amount of
8 service denominated as ten minutes or less, or five dollars
9 (\$5.00) or less, is minimal.

10 G. Prepaid wireless E911 charges collected by
11 sellers shall be remitted to the department at the times and
12 in the manner provided by with respect to the Gross Receipts
13 and Compensating Tax Act. The department shall establish
14 registration and payment procedures that substantially
15 coincide with the registration and payment procedures that
16 apply to the Gross Receipts and Compensating Tax Act.

17 H. A seller shall be permitted to deduct and
18 retain three percent of prepaid wireless E911 charges that are
19 collected by the seller from consumers as the administrative
20 cost for collecting the surcharge.

21 I. The audit and appeal procedures applicable to
22 the Gross Receipts and Compensating Tax Act shall apply to
23 prepaid wireless E911 charges.

24 J. The department shall establish procedures by
25 which a seller of prepaid wireless communication services may

1 document that a sale is not a retail transaction, which
2 procedures shall substantially coincide with the procedures
3 for documenting sale for resale transactions for the Gross
4 Receipts and Compensating Tax Act.

5 K. No provider or seller of prepaid wireless
6 communication services shall be liable for damages to any
7 person resulting from or incurred in connection with the
8 provision of, or failure to provide, 911 or E911 service, or
9 for identifying, or failing to identify, the telephone number,
10 address, location or name associated with any person or device
11 that is accessing or attempting to access 911 or E911 service.

12 L. 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 any assistance to any investigative or law
16 enforcement officer of the United States, this or any other
17 state, or any political subdivision of this or any other
18 state, in connection with any investigation or other law
19 enforcement activity by such law enforcement officer.

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

24 N. The prepaid wireless E911 charge applies to
25 retail transactions occurring on or after July 1, 2011."

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

3 "63-9D-7. REMITTANCE OF CHARGES--ADMINISTRATIVE FEE.--

4 A. The surcharge collected shall be remitted
5 monthly to the department, which shall administer and enforce
6 collection of the surcharge in accordance with the Tax
7 Administration Act. The surcharge shall be remitted to the
8 department no later than the twenty-fifth day of the month
9 following the month in which the surcharge was imposed. At
10 that time, a return for the preceding month shall be filed
11 with the department in such form as the department and
12 communications service provider shall agree upon. A
13 communications service provider required to file a return
14 shall deliver the return together with a remittance of the
15 amount of the surcharge payable to the department. The
16 communications service provider shall maintain a record of the
17 amount of each surcharge collected pursuant to the Enhanced
18 911 Act. The record shall be maintained for a period of three
19 years after the time the surcharges were collected.

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

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

3 "63-9D-8. ENHANCED 911 FUND--CREATION--ADMINISTRATION--
4 DISBURSEMENT--REPORTS TO LEGISLATURE.--

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

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

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

14 D. Payments shall be made from the fund to, or on
15 behalf of, participating local governing bodies or their
16 fiscal agents upon vouchers signed by the director of the
17 division solely for the purpose of reimbursing local governing
18 bodies or their fiscal agents and communications service
19 providers for their costs of providing enhanced 911 service.
20 A person who purchases communications services from a
21 communications service provider for the purpose of reselling
22 that service is not eligible for reimbursement from the fund.
23 Money in the fund may be used for the payment of bonds issued
24 pursuant to the Enhanced 911 Bond Act.

25 E. Annually, the division may expend no more than

1 five percent of all money deposited annually in the fund for
2 administering and coordinating activities associated with
3 implementation of the Enhanced 911 Act.

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

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

25 H. The division shall report to the legislature

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 6. Section 63-9D-8.1 NMSA 1978 (being Laws
6 1990, 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 Act.

10 B. The division may fund enhanced 911 systems
11 pursuant to the provisions of the Enhanced 911 Act.

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

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

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

1 interested persons may present their views and the method by
2 which copies of the proposed rule or proposed amendment or
3 repeal of an existing rule may be obtained shall be published
4 once at least thirty days prior to the hearing in a newspaper
5 of general circulation and mailed at least thirty days prior
6 to the hearing date to all persons or agencies who have made a
7 written request for advance notice of the hearing and to all
8 local governing bodies and communications service providers.

9 F. All rules shall be filed in accordance with the
10 State Rules Act."

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

13 "63-9D-10. IMMUNITY.--Enhanced 911 systems are within
14 the governmental powers and authorities of the local governing
15 body or state agency in the provision of services for the
16 public health, welfare and safety. In contracting for such
17 services or the provisioning of an enhanced 911 system, except
18 for gross or willful or wanton negligence or intentional acts,
19 the local governing body, public agency, equipment supplier,
20 communications service provider and their employees and agents
21 are not liable for damages resulting from installing,
22 maintaining or providing enhanced 911 systems or transmitting
23 911 calls."

24 SECTION 8. Section 63-9D-11 NMSA 1978 (being Laws 1989,
25 Chapter 25, Section 11, as amended) is amended to read:

1 "63-9D-11. PRIVATE LISTING SUBSCRIBERS AND 911

2 SERVICE.--

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

9 B. Information regarding the identity of private
10 listing subscribers provided by a communications service
11 provider, including names, addresses, telephone numbers or
12 other identifying information, is not a public record and is
13 not available for inspection.

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

22 SECTION 9. Section 63-9D-11.1 NMSA 1978 (being Laws
23 1993, Chapter 48, Section 13) is amended to read:

24 "63-9D-11.1. VIOLATION--PENALTIES.--

25 A. Any person who knowingly dials 911 for the

1 purpose of reporting a false alarm, making a false complaint
2 or reporting false information that results in an emergency
3 response by any public safety agency is guilty of a petty
4 misdemeanor and shall be punished by a fine of not more than
5 five hundred dollars (\$500) or imprisonment for a term not to
6 exceed six months, or both.

7 B. A municipality or a county may adopt an
8 ordinance making it a violation for any person to knowingly
9 dial 911 for the purpose of reporting a false alarm, making a
10 false complaint or reporting false information that results in
11 an emergency response by any public safety agency. The
12 municipality may adopt and enforce the ordinance pursuant to
13 the authority provided in Section 3-17-1 NMSA 1978. The
14 county may adopt and enforce the ordinance pursuant to the
15 authority provided in Section 4-37-1 NMSA 1978."

16 SECTION 10. Section 63-9D-14 NMSA 1978 (being Laws
17 1990, Chapter 61, Section 3, as amended) is amended to read:

18 "63-9D-14. ENHANCED 911 BONDS--AUTHORITY TO ISSUE--
19 PLEDGE OF REVENUES--LIMITATION ON ISSUANCE.--

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

24 B. Enhanced 911 bonds may be issued for:

25 (1) acquiring, extending, enlarging,

1 bettering, repairing, improving, constructing, purchasing,
2 furnishing, equipping or rehabilitating the enhanced 911
3 system, the payment of which shall be secured by enhanced 911
4 revenues;

5 (2) reimbursing a communications service
6 provide for its reasonable costs of providing enhanced 911
7 service, the payment of which shall be secured by enhanced 911
8 revenues; or

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

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

21 SECTION 11. REPEAL.--Section 63-9D-4.1 NMSA 1978 (being
22 Laws 2003, Chapter 339, Section 1) is repealed. _____

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COMMUNITY OF COLORADO
JULY 26 10 21 10
LEGISLATION

S/ BEN LUJAN
BEN LUJAN, SPEAKER
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S/ STEPHEN R. ARIAS
STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

S/ JOHN A. SANCHEZ
JOHN A. SANCHEZ, PRESIDENT
SENATE

S/ LENORE M. NARANJO
LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this _____ day of _____, 2011

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO

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RECORDED