



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER _____

SENATE BILL 422, as amended

Introduced by

SENATOR NANCY RODRIGUEZ



VETOED

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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
12 commercial 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
6 situations, thereby enabling a caller to reach a public
7 safety answering point to report emergencies by dialing 911,
8 and includes the 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
17 locations through a network system that may be designed for
18 voice or data, or both, and may feature limited or open
19 access and may employ appropriate analog, digital switching
20 or transmission technologies; and

21 (4) relay to a designated public safety
22 answering point a 911 caller's number and base station or
23 cell 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
6 and software associated with call detail recording, call
7 center work stations, training, latitude and longitude base
8 station or cell site location data and GIS equipment
9 necessary to obtain and process locational map and emergency
10 service zone 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
3 operational 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
22 communications service provider; and provided further that
23 "proprietary information" does not include individual
24 payments made by the division or any list of names and
25 identifying information of subscribers who have not paid the

1 surcharge;

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

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

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

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

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

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

20 BB. "VoIP" means "interconnected voice-over-
21 internet protocol service" or "interconnected VoIP service"
22 as defined in the Code of Federal Regulations, Title 47, Part
23 9 Section 9.3, as amended; and

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

1 entity that provides interconnected voice over internet
2 protocol service to end users."

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

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

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

25 B. All communications service providers shall be

1 required to bill and collect the surcharge from their
2 subscribers whose places of primary use, as defined in the
3 federal Mobile Telecommunications Sourcing Act, are in New
4 Mexico. The surcharge required to be collected by all
5 communications service providers shall be added to and stated
6 clearly and separately in the billings to the subscriber.
7 The surcharge collected by the communications service
8 provider shall not be considered revenue of the
9 communications service provider.

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

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

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

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

3 "PREPAID WIRELESS 911 SURCHARGE--COLLECTION AND
4 ADMINISTRATION OF SURCHARGE--LIABILITY OF SELLERS--
5 EXCLUSIVITY OF SURCHARGE.--

6 A. As used in this section:

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

10 (2) "department" means the taxation and
11 revenue department;

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

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

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

25 (6) "retail transaction" means the purchase

1 of prepaid wireless communication service from a seller for
2 any purpose other than resale;

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

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

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

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

25 D. The prepaid wireless E911 charge is the

1 liability of the consumer and not of the seller or of any
2 provider, except that the seller shall be liable to remit all
3 prepaid wireless E911 charges that the seller collects from
4 consumers as provided in this section, including all such
5 charges that the seller is deemed to collect where the amount
6 of the charge has not been separately stated on an invoice,
7 receipt or other similar document provided to the consumer by
8 the seller.

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

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

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

24 (2) portion of the price that is
25 attributable to the prepaid wireless communication service by

1 reasonable and verifiable standards from its books and
2 records that are kept in the regular course of business for
3 other purposes, including but not limited to non-tax
4 purposes.

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

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

21 H. A seller shall be permitted to deduct and
22 retain three percent of prepaid wireless E911 charges that
23 are collected by the seller from consumers as the
24 administrative cost for collecting the surcharge.

25 I. The audit and appeal procedures applicable to

1 the Gross Receipts and Compensating Tax Act shall apply to
2 prepaid wireless E911 charges.

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

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

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

25 M. In addition to the protection from liability

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

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

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

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

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

1 collected.

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

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

10 "63-9D-8. ENHANCED 911 FUND--CREATION--ADMINISTRATION--
11 DISBURSEMENT--REPORTS TO LEGISLATURE.--

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

15 B. All surcharges collected and remitted to the
16 department shall be deposited in the fund.

17 C. Money deposited in the fund and income earned
18 by investment of the fund are appropriated for expenditure in
19 accordance with the Enhanced 911 Act and shall not revert to
20 the general fund.

21 D. Payments shall be made from the fund to, or on
22 behalf of, participating local governing bodies or their
23 fiscal agents upon vouchers signed by the director of the
24 division solely for the purpose of reimbursing local
25 governing bodies or their fiscal agents and communications

1 service providers for their costs of providing enhanced 911
2 service. A person who purchases communications services from
3 a communications service provider for the purpose of
4 reselling that service is not eligible for reimbursement from
5 the fund. Money in the fund may be used for the payment of
6 bonds issued pursuant to the Enhanced 911 Bond Act.

7 E. Annually, the division may expend no more than
8 five percent of all money deposited annually in the fund for
9 administering and coordinating activities associated with
10 implementation of the Enhanced 911 Act.

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

21 G. After requesting enhanced 911 service from a
22 communications service provider, a local governing body may,
23 by ordinance or resolution, recover from the fund an amount
24 necessary to recover the costs of providing the enhanced 911
25 system in its designated 911 service area. The division, on

1 behalf of local governing bodies, shall directly pay or
2 reimburse communications service providers for their costs of
3 providing enhanced 911 service. If a communications service
4 provider does not receive payment or reimbursement for the
5 costs of providing enhanced 911 service, the provider is not
6 obligated to provide that service.

7 H. The division shall report to the legislature
8 each session the status of the fund and whether the current
9 level of the 911 emergency surcharge is sufficient, excessive
10 or insufficient to fund the anticipated needs for the next
11 year."

12 SECTION 6. Section 63-9D-8.1 NMSA 1978 (being Laws
13 1990, Chapter 87, Section 3, as amended) is amended to read:

14 "63-9D-8.1. DIVISION POWERS.--

15 A. The division may adopt reasonable rules
16 necessary to carry out the provisions of the Enhanced 911
17 Act.

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

20 C. Division powers are limited and do not include
21 power to intervene between two vendors or restrict marketing
22 efforts of vendors.

23 D. The division and the local governing body may
24 establish 911 service areas.

25 E. Unless otherwise provided by law, no rule

1 affecting any person, agency, local governing body or
2 communications service provider shall be adopted, amended or
3 repealed without a public hearing on the proposed action
4 before the director of the division or a hearing officer
5 designated by the director. The public hearing shall be held
6 in Santa Fe unless otherwise permitted by statute. Notice of
7 the subject matter of the rule, the action proposed to be
8 taken, the time and place of the hearing, the manner in which
9 interested persons may present their views and the method by
10 which copies of the proposed rule or proposed amendment or
11 repeal of an existing rule may be obtained shall be published
12 once at least thirty days prior to the hearing in a newspaper
13 of general circulation and mailed at least thirty days prior
14 to the hearing date to all persons or agencies who have made
15 a written request for advance notice of the hearing and to
16 all local governing bodies and communications service
17 providers.

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

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

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

1 for such services or the provisioning of an enhanced 911
2 system, except for gross or willful or wanton negligence or
3 intentional acts, the local governing body, public agency,
4 equipment supplier, communications service provider and their
5 employees and agents are not liable for damages resulting
6 from installing, maintaining or providing enhanced 911
7 systems or transmitting 911 calls."

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

10 "63-9D-11. PRIVATE LISTING SUBSCRIBERS AND 911
11 SERVICE.--

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

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

23 C. Proprietary information provided by a
24 communications service provider is not public information and
25 may not be released to any person without the express

1 permission of the submitting provider, except that
2 information may be released or published as aggregated data
3 that does not identify the number of subscribers or identify
4 enhanced 911 system costs attributable to an individual
5 communications service provider."

6 SECTION 9. Section 63-9D-11.1 NMSA 1978 (being Laws
7 1993, Chapter 48, Section 13) is amended to read:

8 "63-9D-11.1. VIOLATION--PENALTIES.--

9 A. Any person who knowingly dials 911 for the
10 purpose of reporting a false alarm, making a false complaint
11 or reporting false information that results in an emergency
12 response by any public safety agency is guilty of a petty
13 misdemeanor and shall be punished by a fine of not more than
14 five hundred dollars (\$500) or imprisonment for a term not to
15 exceed six months, or both.

16 B. A municipality or a county may adopt an
17 ordinance making it a violation for any person to knowingly
18 dial 911 for the purpose of reporting a false alarm, making a
19 false complaint or reporting false information that results
20 in an emergency response by any public safety agency. The
21 municipality may adopt and enforce the ordinance pursuant to
22 the authority provided in Section 3-17-1 NMSA 1978. The
23 county may adopt and enforce the ordinance pursuant to the
24 authority provided in Section 4-37-1 NMSA 1978."

25 SECTION 10. Section 63-9D-14 NMSA 1978 (being Laws

1 1990, Chapter 61, Section 3, as amended) is amended to read:

2 "63-9D-14. ENHANCED 911 BONDS--AUTHORITY TO ISSUE--
3 PLEDGE OF REVENUES--LIMITATION ON ISSUANCE.--

4 A. In addition to any other law authorizing the
5 board to issue revenue bonds, the board may issue enhanced
6 911 bonds pursuant to the Enhanced 911 Bond Act for the
7 purposes specified in this section.

8 B. Enhanced 911 bonds may be issued for:

9 (1) acquiring, extending, enlarging,
10 bettering, repairing, improving, constructing, purchasing,
11 furnishing, equipping or rehabilitating the enhanced 911
12 system, the payment of which shall be secured by enhanced 911
13 revenues;

14 (2) reimbursing a communications service
15 provider for its reasonable costs of providing enhanced 911
16 service, the payment of which shall be secured by enhanced
17 911 revenues; or

18 (3) reimbursing a local governing body or
19 its fiscal agent for its reasonable costs of providing the
20 enhanced 911 system, the payment of which shall be secured by
21 enhanced 911 revenues.

22 C. The board may pledge irrevocably enhanced 911
23 revenues in the manner set forth in Subsection B of this
24 section to the payment of the interest on and principal of
25 enhanced 911 bonds. Any general determination by the board

1 that expenditures are reasonably related to and constitute a
2 part of a specified enhanced 911 project shall be conclusive
3 if set forth in the proceedings authorizing the enhanced 911
4 bonds."

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

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s/John A. Sanchez
John A. Sanchez, President
Senate

s/Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate

s/Ben Lujan
Ben Lujan, Speaker
House of Representatives

s/Stephen R. Arias
Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this _____ day of _____, 2011

s/Governor Susana Martinez
Governor Susana Martinez
State of New Mexico