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HOUSE BILL 773

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Patricia A. Lundstrom

AN ACT

RELATING TO EMERGENCY 911 SERVICE; DEFINING "CONSOLIDATED PUBLIC SAFETY ANSWERING POINT"; REMOVING ELIGIBILITY FOR FUNDING IN CERTAIN CASES; PROVIDING FOR EMAIL ADMINISTRATIVE NOTIFICATION; AUTHORIZING THE LOCAL GOVERNMENT DIVISION OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO REQUIRE THE CONSOLIDATION OF PUBLIC SAFETY ANSWERING POINTS; AMENDING SECTIONS OF THE NMSA 1978.

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

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

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

A. The legislature finds that:

(1) isolated people, the elderly, the young and victims of crime are often at risk and without help;

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1 (2) children, elderly persons and victims of
2 crime are frequently unable to explain directions to the
3 location of an emergency situation;

4 (3) life-threatening accidents, fires, crimes
5 and natural disasters occur in the state each year;

6 (4) an enhanced 911 [~~telephone~~] emergency
7 system provides:

8 (a) expansion of the benefits of the
9 basic 911 emergency telephone number;

10 (b) faster response time, which
11 minimizes the loss of life and property;

12 (c) automatic routing to the appropriate
13 emergency response unit;

14 (d) immediate visual display of the
15 location and telephone number of the caller; and

16 (e) curtailment of abuses of the
17 emergency system by documenting callers; and

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

21 B. It is the purpose of the Enhanced 911 Act to
22 further the public interest and protect the safety, health and
23 welfare of the people of New Mexico by enabling the
24 development, installation and operation of enhanced 911
25 emergency reporting systems to be operated under shared state

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1 and local governmental management and control."

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

4 "63-9D-3. DEFINITIONS.--As used in the Enhanced 911 Act:

5 A. "911 emergency surcharge" means the monthly
6 uniform charge assessed on each access line in the state and on
7 each active number for a commercial mobile radio service
8 subscriber whose billing address is in New Mexico;

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

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

17 D. "commercial mobile radio service" means service
18 provided by a wireless real-time two-way voice communication
19 device, including:

20 (1) radio-telephone communications used in
21 cellular telephone service;

22 (2) the functional or competitive equivalent
23 of radio-telephone communications used in cellular telephone
24 service;

25 (3) a personal communications service; or

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(4) a network radio access line;

E. "commercial mobile radio service provider" means a person who provides commercial mobile radio services, including a person who purchases commercial mobile radio service from a provider and resells that service;

F. "commission" means the public regulation commission;

G. "consolidated public safety answering point" means a single public safety answering point facility within a territory operated pursuant to a joint powers agreement between two or more local governing bodies in which both 911 call answering and radio dispatch for the territory occur within that one facility;

~~[G.]~~ H. "database" means information that is collected, formatted and disseminated and that is necessary for the functioning of the enhanced 911 system, including geographic information system ~~[(GIS)]~~ addressing and digital mapping information;

~~[H.]~~ I. "department" means the taxation and revenue department;

~~[I.]~~ J. "division" means the local government division of the department of finance and administration;

~~[J.]~~ K. "enhanced 911 system" means a landline or wireless system consisting of network switching equipment, database, mapping and on-premises equipment that uses the

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1 single three-digit number 911 for reporting police, fire,
2 medical or other emergency situations, thereby enabling a
3 caller to reach a public safety answering point to report
4 emergencies by dialing 911, and includes the capability to:

5 (1) selectively route incoming 911 calls to
6 the appropriate public safety answering point operating in a
7 911 service area;

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

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

17 (4) relay to a designated public safety
18 answering point a 911 caller's number and base station or cell
19 site location and the latitude and longitude of the 911
20 caller's location in relation to the designated public safety
21 answering point;

22 [~~K-~~] L. "enhanced 911 equipment" means the public
23 safety answering point equipment directly related to the
24 operation of an enhanced 911 system, including automatic number
25 identification or automatic location identification controllers

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1 and display units, printers, logging recorders and software
2 associated with call detail recording, call center work
3 stations, training, latitude and longitude base station or cell
4 site location data and ~~[GIS]~~ geographic information system
5 equipment necessary to obtain and process locational map and
6 emergency service zone data for landline and wireless callers;

7 ~~[L-]~~ M. "equipment supplier" means a person who
8 provides or offers to provide telecommunications equipment
9 necessary for the establishment of enhanced 911 services;

10 ~~[M-]~~ N. "fiscal agent" means the local governing
11 body that administers grants from the fund for a given locality
12 or region by agreement;

13 ~~[N-]~~ O. "fund" means the enhanced 911 fund;

14 ~~[O-]~~ P. "local governing body" means the board of
15 county commissioners of a county or the governing body of a
16 municipality as defined in the Municipal Code;

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

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1 paid the surcharge;

2 [Q-] R. "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~~] dispatches calls to the appropriate
6 public or private safety agency;

7 [R-] S. "subscriber" means a person who is a retail
8 purchaser of telecommunications services that are capable of
9 originating a 911 call;

10 [S-] T. "surcharge" means the 911 emergency
11 surcharge;

12 [F-] U. "telecommunications company" means a person
13 [~~who~~] that provides wire telecommunications services that are
14 capable of originating a 911 call; and

15 [U-] V. "vendor" means a person that provides 911
16 equipment, service or network support."

17 Section 3. 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 local
24 governing bodies may incur costs for the purchase, lease,
25 installation or maintenance of enhanced 911 equipment and

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1 training necessary for the establishment of an enhanced 911
2 system and may pay such costs through disbursements from the
3 fund; provided that the local governing body has employed
4 properly trained staff in its public safety answering point
5 pursuant to the Public Safety Telecommunicator Training Act.

6 B. If the enhanced 911 system is to be provided for
7 territory that is included in whole or in part in the
8 jurisdiction of the local governing bodies of two or more
9 public agencies that are the ~~[primary]~~ providers of emergency
10 firefighting, law enforcement, ambulance, emergency medical or
11 other emergency services, ~~[the agreement]~~ a joint powers
12 agreement pursuant to the Joint Powers Agreements Act for the
13 procurement of the enhanced 911 system shall be entered into
14 ~~[by the fiscal agent designated by]~~ between the local governing
15 bodies, which agreement shall designate a fiscal agent for the
16 parties to the agreement. A local governing body may expressly
17 exclude itself from ~~[the agreement]~~ a joint powers agreement
18 between two or more local governing bodies for the procurement
19 of the enhanced 911 system. If a local public body is not a
20 party to the joint powers agreement, it shall not be eligible
21 for a distribution from the fund. Nothing in this subsection
22 shall be construed to prevent two or more local governing
23 bodies from entering into a joint powers agreement pursuant to
24 the Joint Powers Agreements Act to establish a separate legal
25 entity that can enter into an agreement as the enhanced 911

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1 system customer.

2 C. A public agency in an enhanced 911 service area
3 shall provide that, once an emergency unit is dispatched in
4 response to a request for aid through the enhanced 911 system,
5 the emergency unit shall render services to the requester
6 without regard to whether the unit is operating outside its
7 normal jurisdictional boundaries.

8 D. A local governing body in an enhanced 911
9 service area shall provide ~~[GIS]~~ geographic information system
10 addressing and digital mapping data to the public safety
11 answering point that provides the enhanced 911 service to the
12 local governing body."

13 Section 4. Section 63-9D-4.1 NMSA 1978 (being Laws 2003,
14 Chapter 339, Section 1) is amended to read:

15 "63-9D-4.1. EMAIL NOTIFICATION.--State and local 911
16 systems shall be able to receive ~~[emergency]~~ and send
17 administrative notifications by email."

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

20 "63-9D-8.1. DIVISION POWERS.--

21 A. The division may adopt reasonable rules
22 necessary to carry out the provisions of the Enhanced 911 Act.

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

25 C. The division may require the consolidation of

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1 two or more 911 service areas in a territory into a single
2 consolidated public safety answering point for that territory
3 as a condition for distributions from the fund.

4 [~~G-~~] D. Division powers are limited and do not
5 include power to intervene between two vendors or restrict
6 marketing efforts of vendors.

7 [~~D-~~] E. The division and the local governing body
8 may establish 911 service areas.

9 [~~E-~~] F. Unless otherwise provided by law, no rule
10 affecting any person, agency, local governing body, commercial
11 mobile radio service provider or telecommunications company
12 shall be adopted, amended or repealed without a public hearing
13 on the proposed action before the director of the division or a
14 hearing officer designated by the director. The public hearing
15 shall be held in Santa Fe unless otherwise permitted by
16 statute. Notice of the subject matter of the rule, the action
17 proposed to be taken, the time and place of the hearing, the
18 manner in which interested persons may present their views and
19 the method by which copies of the proposed rule or proposed
20 amendment or repeal of an existing rule may be obtained shall
21 be published once at least thirty days prior to the hearing in
22 a newspaper of general circulation and mailed at least thirty
23 days prior to the hearing date to all persons or agencies who
24 have made a written request for advance notice of the hearing
25 and to all local governing bodies, telecommunications companies

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