

FIFTY-SECOND LEGISLATURE
FIRST SESSION, 2015

HB 174/a

March 14, 2015

Mr. President:

Your **JUDICIARY COMMITTEE**, to whom has been referred

HOUSE BILL 174

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, lines 11 and 12, strike "CELLULAR SERVICE AND PAGING SERVICE COMPANIES" and insert in lieu thereof "COMMERCIAL MOBILE RADIO SERVICE PROVIDERS".

2. On page 1, lines 12 and 13, strike "TEXT MESSAGE NOTIFICATIONS OF" and insert in lieu thereof "WIRELESS EMERGENCY ALERTS, INCLUDING".

3. On page 1, line 13, after "ALERTS", insert a comma.

4. On page 1, line 14, after "AREAS", insert "; PROVIDING DEFINITIONS".

5. On pages 1 and 2, strike Section 1 in its entirety and insert in lieu thereof the following new section:

"SECTION 1. Section 63-9B-4.1 NMSA 1978 (being Laws 2005, Chapter 142, Section 2) is amended to read:

"63-9B-4.1. WIRELESS EMERGENCY ALERTS--AMBER ALERT NOTIFICATION.--

A. Each [~~cellular service company or paging service company~~] commercial mobile radio service provider that is authorized to conduct business in New Mexico [~~and offers text messaging services to its customers shall file with~~] shall submit to the authorized requester, designated by the chief of the New Mexico state police pursuant to the AMBER Alert Law, the [~~names and telephone numbers of representatives that will be available at all~~

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~~times for notification of] provider's procedure for receiving a wireless emergency alert, including an AMBER alert, and for disseminating those alerts to the provider's customers as provided in this section.~~

~~[B. The authorized requester may designate one or more services to accept notification of an AMBER alert and deliver the notification to each cellular service company or paging service company. Connections with the services]~~

B. Every alerting authority that has the necessary computer software or other infrastructure shall use the federal emergency management agency's integrated public alert and warning system or its successor federal public alert system to communicate wireless emergency alerts.

C. Upon receipt of a wireless emergency alert initiated by an alerting authority, every commercial mobile radio service provider shall disseminate the wireless emergency alert to the provider's customers in the geographic area identified in the wireless emergency alert. Dissemination of a wireless emergency alert as provided in this section shall be [made] undertaken in the most technically efficient manner possible, using standard network sharing protocol from authorized agencies or their respective communication contractors.

~~[C. Upon notification of an AMBER alert by the requester, a representative of a cellular service company or paging service company may cause a text message to be sent to its customers that use a text messaging service, alerting them that an AMBER alert has been declared and containing such other information about the child and the abductor that may reasonably lead to the expedient and successful end to the abduction.]~~

D. A wireless emergency alert disseminated pursuant to this section shall be disseminated at no additional expense to a provider's customer.

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E. As used in this section:

(1) "alerting authority" means a state, local or tribal government that is authorized to use the federal emergency management agency's integrated public alert and warning system to communicate a wireless emergency alert;

(2) "commercial mobile radio service provider" means a federal communications commission licensee that provides commercial radio communication service for profit and that makes interconnected service available to the public in the state;

(3) "integrated public alert and warning system" means an internet-based system that provides for the dissemination of a wireless emergency alert; and

(4) "wireless emergency alert" means a public alert disseminated pursuant to the integrated public alert and warning system by an alerting authority through a commercial mobile radio service provider and includes:

(a) an extreme weather or other emergency alert;

(b) an AMBER alert; and

(c) an alert issued by the president during a national emergency."

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Respectfully submitted,

Richard C. Martinez, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against
Yes: 9
No: 0
Excused: Lopez
Absent: None

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