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HOUSE BILL 456

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Joe Stell

FOR THE UTILITIES AND TELECOMMUNICATIONS REVIEW COMMITTEE

AN ACT

RELATING TO PUBLIC SAFETY; EXPANDING THE PURPOSES FOR WHICH  
THE 911 EMERGENCY SURCHARGES MAY BE USED; PROVIDING FOR  
PAYMENTS OF THE SURCHARGES ON WIRELESS COMMUNICATIONS;  
AMENDING SECTIONS OF THE NMSA 1978.

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 emergency surcharge" means the monthly  
uniform charge assessed on each [~~local exchange service~~  
~~customer in the state for each local exchange access line to~~  
~~pay for the purchase, lease, installation and maintenance of~~  
~~equipment necessary for the establishment of a 911 system,~~  
~~including the repayment of bonds issued pursuant to the~~

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1 ~~Enhanced 911 Bond Act~~] subscriber of a telecommunications  
2 company;

3 B. "911 service area" means the area within a  
4 local governing body's jurisdiction that has been designated  
5 by the local governing body or the division to receive  
6 enhanced 911 service;

7 C. "911 system" means the basic 911 system or the  
8 enhanced 911 system;

9 D. "access line" means a line of a  
10 telecommunications company that has the capability of reaching  
11 local public safety service agencies, but does not include any  
12 line used by a carrier for the provision of interexchange  
13 services;

14 ~~[D.]~~ E. "basic 911 system" means a telephone  
15 service that automatically connects a person dialing the  
16 single three-digit number 911 to an established public safety  
17 answering point through normal telephone service facilities;

18 ~~[E.]~~ F. "commission" means the public regulation  
19 commi ssi on;

20 ~~[F.]~~ G. "department" means the taxation and  
21 revenue department;

22 ~~[G.]~~ H. "division" means the local government  
23 division of the department of finance and administration;

24 ~~[H.]~~ I. "enhanced 911 system" means a telephone  
25 system consisting of network, database and on-premises

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

6 (1) selectively route incoming 911 calls to  
7 the appropriate public safety answering point operating in a  
8 911 service area; and

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

12 [~~I.~~] J. "enhanced 911 equipment" means the  
13 [~~customer premises~~] public safety answering point equipment  
14 directly related to the operation of an enhanced 911 system,  
15 including automatic number identification or automatic  
16 location identification controllers and display units,  
17 printers, cathode ray tubes and software associated with call  
18 detail recording;

19 [~~J.~~] K. "equipment supplier" means a person who  
20 provides or offers to provide telecommunications equipment  
21 necessary for the establishment of enhanced 911 services;

22 [~~K.~~] "~~local 911 surcharge~~" ~~means the additional~~  
23 ~~charge imposed by a local governing body of a community served~~  
24 ~~by a local exchange telephone company that has not otherwise~~  
25 ~~provided for enhanced 911 capability in its network in order~~

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1 to provide funding for the local governing body to pay for  
2 development of the network and database;

3 L. ~~"local exchange access line" means a telephone~~  
4 ~~line that connects a local exchange service customer to the~~  
5 ~~local switching office and has the capability of reaching~~  
6 ~~local public safety service agencies, but does not include any~~  
7 ~~line used by a carrier for the provision of interexchange~~  
8 ~~services;~~

9 M. ~~"local exchange area" means a geographic area~~  
10 ~~encompassing one or more local communities, as described in~~  
11 ~~maps, tariffs or rate schedules filed with the commission,~~  
12 ~~where local exchange rates apply;~~

13 N.] L. "local exchange service" means the  
14 transmission of two-way interactive switched voice  
15 communications furnished by a local exchange telephone company  
16 within a local exchange area, including access to enhanced 911  
17 systems;

18 [O.] M. "local exchange telephone company" means a  
19 telecommunications company [as defined by Subsection M of  
20 Section 63-9A-3 NMSA 1978] certified to provide local exchange  
21 service;

22 [P.] N. "local governing body" means the board of  
23 county commissioners of a county or the governing body of a  
24 municipality as defined in the Municipal Code;

25 [Q.] O. "network" means a system designed to

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1 provide one or more access paths for communications between  
2 users at different geographic locations; provided that a  
3 system may be designed for voice, data or both and may feature  
4 limited or open access and may employ appropriate analog,  
5 digital switching or transmission technologies;

6 ~~[R.]~~ P. "network and database surcharge" means the  
7 monthly uniform charge assessed on each ~~[ local exchange~~  
8 ~~service customer in the state for each local exchange access-~~  
9 ~~line]~~ subscriber to pay ~~[for]~~ the costs of developing and  
10 maintaining a network and database for a 911 emergency system;  
11 ~~[and~~

12 ~~S.]~~ Q. "public safety answering point" means a  
13 twenty-four-hour local jurisdiction communications facility  
14 that receives 911 service calls and directly dispatches  
15 emergency response services or that relays calls to the  
16 appropriate public or private safety agency;

17 R. "subscriber" means a person who is a retail  
18 purchaser of telecommunications services that are capable of  
19 originating a 911 call; and

20 S. "telecommunications company" means a person who  
21 provides wire or wireless telecommunications services that are  
22 capable of originating a 911 emergency call."

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

25 "63-9D-4. PROVISION FOR 911 SERVICES BY LOCAL GOVERNING

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1 BODIES-- 911 SYSTEM COSTS AND NETWORK AND DATABASE COSTS--  
2 PAYMENT OF COSTS-- JOINT POWERS AGREEMENTS-- AID OUTSIDE  
3 JURISDICTIONAL BOUNDARIES. --

4 A. A local governing body may incur costs for [ ~~the~~  
5 ~~purchase or lease, installation and maintenance of equipment~~ ]  
6 911 call reception training; addressing; purchasing, leasing,  
7 installing and maintaining 911 voice call reception and  
8 recording equipment; hardware and software for automatic  
9 number identification and automatic location identification  
10 processing; and developing and maintaining a network and  
11 database necessary for the establishment of a 911 system at  
12 public safety answering points and may pay such costs through  
13 disbursements from the enhanced 911 fund. Necessary network  
14 and database costs may:

15 (1) be recovered by a local governing body  
16 from the network and database surcharge fund in amounts  
17 approved by the state board of finance; or

18 (2) be disbursed from the network and  
19 database surcharge fund and paid directly to a vendor pursuant  
20 to a state price agreement or to a telecommunications company  
21 on behalf of a local governing body. The amount of the  
22 payment shall be approved by the state board of finance .

23 B. If the enhanced 911 system is to be provided  
24 for territory that is included in whole or in part in the  
25 jurisdiction of the local governing bodies of two or more

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1 public agencies that are the primary providers of emergency  
2 fire fighting, law enforcement, ambulance, emergency medical  
3 or other emergency services, the agreement for the procurement  
4 of the necessary equipment for a 911 system shall be entered  
5 into by each local governing body, unless a local governing  
6 body expressly excludes itself from the agreement. Any  
7 agreement shall provide that each local governing body not  
8 excluded from the agreement shall make payment [ ~~therefor~~ ] for  
9 the enhanced 911 system from general revenues. Nothing in  
10 this subsection shall be construed to prevent two or more such  
11 local governing bodies from entering into a [ ~~contract~~ ] joint  
12 powers agreement pursuant to the Joint Powers Agreement Act to  
13 establish a separate legal entity [ ~~that is, separate governing~~  
14 ~~body, and thereunder to~~ ] that can enter into an agreement as  
15 the enhanced 911 customer.

16 C. All public agencies in a 911 system shall  
17 provide that once an emergency unit is dispatched in response  
18 to a request for aid through the 911 system, the emergency  
19 unit shall render services to the requester without regard to  
20 whether the unit is operating outside its normal  
21 jurisdictional boundaries. "

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

24 "63-9D-5. IMPOSITION OF SURCHARGE--NOTIFICATION.--  
25 There is imposed a 911 emergency surcharge in the amount of

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1 twenty-five cents (\$.25) and a network and database surcharge  
2 in the amount of twenty-six cents (\$.26) to be billed [ by  
3 ~~local exchange telephone companies on all local exchange~~  
4 ~~access lines in the state~~] to each subscriber by a  
5 telecommunications company; provided, however, that [a] the  
6 911 emergency surcharge and the network and database surcharge  
7 shall not be imposed upon [ ~~local exchange service customers~~]  
8 subscribers receiving reduced rates pursuant to the Low Income  
9 Telephone Service Assistance Act. The 911 emergency surcharge  
10 shall commence with the first billing period of each customer  
11 on or following ninety days after the effective date of the  
12 Enhanced 911 Act. The network and database surcharge shall  
13 commence with the first billing period of each [ ~~customer~~]  
14 subscriber on or following ninety days after July 1, 1993.  
15 Each local governing body shall notify the division and the  
16 [~~local exchange telephone~~] telecommunications company  
17 providing local exchange service to the 911 service area of  
18 the boundaries of the 911 service area and the costs to the  
19 local governing body of purchasing or leasing, installing and  
20 maintaining the equipment necessary to provide 911 emergency  
21 services in the 911 service area. Each local governing body  
22 that seeks funding for its 911 system shall file an  
23 application with the division requesting approval of the state  
24 board of finance for disbursement from the enhanced 911 fund  
25 and the network and database fund. "

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1 Section 4. Section 63-9D-6 NMSA 1978 (being Laws 1989,  
2 Chapter 25, Section 6, as amended) is amended to read:

3 "63-9D-6. PARTICIPATION IN FUNDS--LIABILITY OF USER FOR  
4 SURCHARGE--COLLECTION--UNCOLLECTED AMOUNTS. --

5 A. The local governing body may, by ordinance or  
6 resolution, recover from the enhanced 911 fund and the network  
7 and database surcharge fund an amount necessary to recover the  
8 costs of [~~purchasing, leasing, installing and maintaining~~  
9 ~~equipment and the costs of~~] 911 call reception training;  
10 addressing; purchasing, leasing, installing and maintaining  
11 911 voice call reception and recording equipment; hardware and  
12 software for automatic number identification and automatic  
13 location identification processing; and developing and  
14 maintaining a network and database necessary to provide a 911  
15 [emergency] system in its designated 911 service area.

16 B. [~~Local exchange telephone~~] telecommunications  
17 companies shall be required to bill and collect the 911  
18 emergency surcharge and the network and database surcharge  
19 from their [~~local exchange service customers~~] subscribers.  
20 The 911 emergency surcharge and the network and database  
21 surcharge required to be collected by the [~~local exchange~~  
22 ~~telephone~~] telecommunications company shall be added to and  
23 [~~shall be~~] stated clearly and separately in the billings to  
24 the [~~local exchange service customer~~] subscriber. The money  
25 collected by the [~~local exchange telephone~~] telecommunications

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1 company as the 911 emergency surcharge and the network and  
2 database surcharge shall not be considered as revenues of the  
3 [~~local exchange telephone~~] telecommunications company.

4 C. Every billed [~~local exchange service customer~~]  
5 subscriber is liable for payment of the 911 emergency  
6 surcharge and the network and database surcharge until they  
7 have been paid to the [~~local exchange telephone~~]  
8 telecommunications company.

9 D. The [~~local exchange telephone~~]  
10 telecommunications company has no obligation to take any legal  
11 action to enforce the collection of the 911 emergency  
12 surcharge or the network and database surcharge. An action  
13 may be brought by or on behalf of the department. The [~~local~~  
14 ~~exchange telephone~~] telecommunications company shall annually  
15 provide the department a list of the amounts uncollected along  
16 with the names and addresses of [~~those local exchange service~~  
17 ~~customers~~] subscribers who carry a balance that can be  
18 determined by the [~~local exchange telephone~~]  
19 telecommunications company to be the nonpayment of the 911  
20 emergency surcharge and the network and database surcharge.  
21 The [~~local exchange telephone~~] telecommunications company  
22 shall not be held liable for uncollected amounts."

23 Section 5. Section 63-9D-7 NMSA 1978 (being Laws 1989,  
24 Chapter 25, Section 7, as amended) is amended to read:

25 "63-9D-7. REMITTANCE OF CHARGES--ADMINISTRATIVE FEE--

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1 AUDITS. --

2 A. Amounts collected by reason of the 911  
3 emergency surcharge and the network and database surcharge  
4 shall be remitted monthly to the department, which shall  
5 administer and enforce collection of each surcharge in  
6 accordance with the Tax Administration Act. The amount of the  
7 911 emergency surcharge and the network and database surcharge  
8 shall be remitted to the department no later than the twenty-  
9 fifth day of the month following the month in which the  
10 surcharge was imposed. At that time, a return for the  
11 preceding month shall be filed with the department in such  
12 form as the department and [~~local exchange telephone~~]  
13 telecommunications company shall agree upon. The [~~local~~  
14 ~~exchange telephone~~] telecommunications company required to  
15 file the return shall deliver the return together with a  
16 remittance of the amount of the 911 emergency surcharge and  
17 the network and database surcharge payable to the department.  
18 The [~~local exchange telephone~~] telecommunications company  
19 shall maintain a record of the amount of each charge collected  
20 pursuant to the Enhanced 911 Act. The record shall be  
21 maintained for a period of three years after the time the  
22 charges were collected.

23 B. From every remittance to the department made on  
24 or before the date when it becomes due, the [~~local exchange~~  
25 ~~telephone~~] telecommunications company required to make a

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1 remittance shall be entitled to deduct and retain one percent  
2 of the collected amount or fifty dollars (\$50.00), whichever  
3 is greater, as the cost of administration for collecting the  
4 911 emergency surcharge and the network and database  
5 surcharge. "

6 Section 6. Section 63-9D-8 NMSA 1978 (being Laws 1989,  
7 Chapter 25, Section 8, as amended) is amended to read:

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

10 A. There is created in the state treasury a fund,  
11 which shall be known as the "enhanced 911 fund". The enhanced  
12 911 fund shall be administered by the division.

13 B. All money remitted to the department as a  
14 result of collection of the 911 emergency surcharge shall be  
15 deposited in the enhanced 911 fund.

16 C. All money deposited in the enhanced 911 fund  
17 and all income earned by investment of the fund are [ hereby]  
18 appropriated for expenditure in accordance with the Enhanced  
19 911 Act and shall not revert to the general fund.

20 D. Payments shall be made from the enhanced 911  
21 fund to participating local governing bodies upon vouchers  
22 signed by the director of the division.

23 E. Money in the enhanced 911 fund may be used for  
24 the [purchase, lease, installation or maintenance of  
25 equipment] 911 call reception training; addressing;

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1 purchasing, leasing, installing and maintaining 911 voice call  
2 reception and recording equipment; hardware and software for  
3 automatic number identification; and automatic location  
4 identification processing; necessary for a 911 system,  
5 including the repayment of bonds issued pursuant to the  
6 Enhanced 911 Bond Act. [~~Annually~~] The division may expend no  
7 more than five percent of all money deposited annually in the  
8 enhanced 911 fund for the purpose of [~~administering~~]  
9 administering and coordinating activities associated with  
10 implementation of the Enhanced 911 Act.

11 F. The division shall report to the legislature  
12 each session as to the status of the enhanced 911 fund and  
13 whether the current level of the 911 emergency surcharge is  
14 adequate, excessive or insufficient to fund the anticipated  
15 needs for the next year. "

16 Section 7. Section 63-9D-8.1 NMSA 1978 (being Laws 1990,  
17 Chapter 87, Section 3, as amended) is amended to read:

18 "63-9D-8.1. DIVISION POWERS. --

19 A. The division may adopt such reasonable rules as  
20 [~~are deemed~~] necessary to carry out the provisions of the  
21 Enhanced 911 Act.

22 B. The division [~~shall have the authority to~~] may  
23 fund basic 911 systems pursuant to the provisions of the  
24 Enhanced 911 Act.

25 C. The division and the local governing body

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1 [shall have the authority to] may establish 911 service areas.

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

20 E. All rules shall be filed in accordance with the  
21 State Rules Act. "

22 Section 8. Section 63-9D-8.2 NMSA 1978 (being Laws 1993,  
23 Chapter 48, Section 11) is amended to read:

24 "63-9D-8.2. NETWORK AND DATABASE SURCHARGE FUND--  
25 CREATION-- ADMINISTRATION-- DISBURSEMENT. --

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1           A. There is created in the state treasury the  
2 "network and database surcharge fund". The network and  
3 database surcharge fund shall be administered by the division.

4           B. All money remitted to the department as a  
5 result of the network and database surcharge shall be  
6 deposited in the network and database surcharge fund.

7           C. All money deposited in the network and database  
8 surcharge fund and all income earned by investment of the  
9 network and database surcharge fund are [ hereby ] appropriated  
10 for expenditure in accordance with the provisions of the  
11 Enhanced 911 Act and shall not revert to the general fund.

12           D. Payments shall be made from the network and  
13 database surcharge fund to participating local governing  
14 bodies upon vouchers signed by the director of the division.

15           E. [ Annually ] The division may expend no more than  
16 two and one-half percent of all money deposited annually in  
17 the network and database surcharge fund for the purpose of  
18 administering and coordinating activities associated with  
19 implementation of the network and database surcharge fund.

20           F. Money in the network and database surcharge  
21 fund may be awarded as grant assistance upon application of  
22 local governing bodies to the division and approval by the  
23 state board of finance. If it is anticipated that  
24 insufficient funds will be available to pay all requests for  
25 grants, the state board of finance may reduce the percentage

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1 of assistance to be awarded. In the event of such a  
2 reduction, the state board of finance may award supplemental  
3 grants to local governing bodies that can demonstrate  
4 financial hardship. "

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

7 "63-9D-9. AGREEMENTS OR CONTRACTS FOR 911 SYSTEMS-- USE  
8 OF FUNDS COLLECTED [ ~~TRANSFER OF FUNDS~~]. -- [A.] Money received  
9 by a local governing body from the enhanced 911 fund shall be  
10 spent solely to pay for [ ~~911 equipment costs, associated~~  
11 ~~installation costs and maintenance costs necessary to provide~~  
12 ~~enhanced 911 services. Money received as a result of the~~  
13 ~~network and database surcharge shall be spent solely to pay~~  
14 ~~for the network capability and database for an enhanced 911~~  
15 ~~system.~~

16 B. ~~Money received by a local governing body from~~  
17 ~~the local 911 surcharge shall be credited to separate cash~~  
18 ~~funds, apart from the general fund of the local governing~~  
19 ~~body, for network and database payments. Any local 911~~  
20 ~~surcharge money remaining on July 1, 1993 shall be transferred~~  
21 ~~to the network and database surcharge fund] 911 call reception~~  
22 ~~training; addressing; purchasing, leasing, installing and~~  
23 ~~maintaining 911 voice call reception and recording equipment;~~  
24 ~~hardware and software for automatic number identification; and~~  
25 ~~automatic location identification processing. Money received~~

1 by a local governing body from the network and database  
2 surcharge fund shall be spent solely to pay for developing and  
3 maintaining a network and database necessary for the  
4 establishment of a 911 system. "

5 Section 10. EFFECTIVE DATE. -- The effective date of the  
6 provisions of this act is July 1, 1999.

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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5  
6 February 18, 1999

7  
8 Mr. Speaker:

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10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
11 been referred

12  
13 HOUSE BILL 456

14  
15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, and thence referred to the  
17 JUDICIARY COMMITTEE.

18 Respectfully submitted,

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22 \_\_\_\_\_  
23 Debbie A. Rodella, Chairwoman

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

3 HBIC/HB 456

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4 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

6 (Chief Clerk)

(Chief Clerk)

8 Date \_\_\_\_\_

10 The roll call vote was 10 For 0 Against

11 Yes: 10

12 Excused: Sanchez

13 Absent: Mohorovic

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1 FORTY- FOURTH LEGISLATURE  
2 FIRST SESSION, 1999

3  
4 February 27, 1999

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7 Mr. Speaker:

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9 Your JUDICIARY COMMITTEE, to whom has been referred

10 HOUSE BILL 456

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12 has had it under consideration and reports same with  
13 recommendation that it DO PASS.

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15 Respectfully submitted,

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20 R. David Pederson, Chairman  
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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HJC/HB 456

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Luna, Mallory, T. Taylor, Rios

Absent: None

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

1 HJC/HB 456

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

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March 6, 1999

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Mr. President:

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11

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to

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whom has been referred

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HOUSE BILL 456

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has had it under consideration and reports same with

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recommendation that it DO PASS.

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Respectfully submitted,

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Roman M. Maes, Chairman

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

1 HJC/HB 456

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Adopted \_\_\_\_\_ Not

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Adopted \_\_\_\_\_

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(Chief Clerk)

(Chief Clerk)

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7

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Date \_\_\_\_\_

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The roll call vote was 6 For 0 Against

12

Yes: 6

13

No: 0

14

Excused: Aragon, Kidd, Rawson, Robinson

15

Absent: None

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FORTY-FOURTH LEGISLATURE  
FIRST SESSION

March 9, 1999

SENATE FLOOR AMENDMENT number \_\_\_\_\_ to HOUSE BILL 456

Amendment sponsored by Senator Roman M. Maes

1. On page 1, line 14, after "AMENDING" insert "AND ENACTING".

2. On page 2, line 2, after "company" insert "or commercial mobile radio service provider".

3. On page 2, between lines 13 and 14, insert the following new subsections:

"E. "commercial mobile radio service" means services provided by a wireless real-time two-way voice communication device, including radio-telephone communications used in cellular telephone service; personal communications service; or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a

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FORTY- FOURTH LEGISLATURE  
FIRST SESSION

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personal communications service or a network radio access line;

F. "commercial mobile radio service provider" means a person that provides commercial mobile radio service and includes resellers;".

4. Reletter the succeeding subsections accordingly.

5. On page 2, line 25, after "system" insert "or commercial mobile radio service".

6. On page 3, line 3, after "system" insert "or commercial mobile radio service".

7. On page 3, between lines 21 and 22, insert the following new subsection:

"L. "enhanced 911 wireless service" means two-phase wireless E911 technology;".

8. Reletter the succeeding subsections accordingly.

9. On page 5, line 18, after "services" insert "or

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commercial mobile radio services".

10. On page 5, line 19, strike "and".

11. On page 5, line 21, strike "or wireless".

12. On page 5, line 22, strike the period and quotation marks, insert in lieu thereof "; and" and between lines 22 and 23, insert the following new subsection:

"T. "wireless fund" means the wireless 911 fee fund. "".

13. On page 6, line 18, strike "disbursed" and insert in lieu thereof "paid".

14. On page 6, line 19, strike "and paid" and insert in lieu thereof "or the wireless fund".

15. On page 6, line 20, after "company" insert "or commercial mobile radio service provider, but not a reseller."

16. On page 8, line 5, after "company" insert "or commercial mobile radio service provider".

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17. On page 8, line 16, after "company" insert "or commercial mobile radio service provider".

18. On page 10, line 3, after "company" insert "or commercial mobile radio service provider".

19. On page 10, line 8, after "company" insert "or commercial mobile radio service provider".

20. On page 10, line 10, strike "has" and insert in lieu thereof "and the commercial mobile radio service provider have".

21. On page 10, line 14, after "company" insert "or commercial mobile radio service provider".

22. On page 10, line 19, after "company" insert "or commercial mobile radio service provider".

23. On page 10, line 21, after "company" insert "or commercial mobile radio service provider".

24. On page 10, line 22, strike the quotation mark and between lines 22 and 23, insert the following new subsection:

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"E. A commercial mobile radio service provider, but not a reseller, or local governing body shall be reimbursed for all eligible costs associated with implementation and operation of enhanced 911 wireless services in accordance with federal communications commission requirements. "".

25. On page 11, line 13, after "company" insert "or commercial mobile radio service provider".

26. On page 11, line 14, after "company" insert "or commercial mobile radio service provider".

27. On page 11, line 18, after "company" insert "or commercial mobile radio service provider".

28. On page 14, line 4, after "company" insert "or commercial mobile radio service provider".

29. On page 14, line 19, after "companies" insert "and commercial mobile radio service providers".

30. On page 17, between lines 4 and 5, insert the following new sections:

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"Section 10. A new section of the Enhanced 911 Act is enacted to read:

"[NEW MATERIAL] WIRELESS 911 FEE FUND--CREATED--  
ADMINISTRATION--DISBURSEMENT--REPORT TO LEGISLATURE.--

A. The "wireless 911 fee fund" is created in the state treasury. The wireless 911 fee fund shall be administered by the division. The wireless 911 fee fund may commence with the first billing period of each subscriber ninety days after July 1, 1999.

B. All money remitted to the department as a result of collection of the 911 emergency surcharge from commercial mobile radio service providers shall be deposited in the wireless 911 fee fund. Commercial mobile radio service providers shall be entitled to deduct and retain two percent of the collected amounts for administrative costs.

C. All money deposited in the wireless 911 fee fund and all income earned by investment of the wireless fund are appropriated for expenditure in accordance with the Enhanced 911 Act and shall not revert to the general fund.

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D. Payments shall be made from the wireless 911 fee fund upon warrant of the secretary of finance and administration upon vouchers signed by the director of the division.

E. Money in the wireless 911 fee fund shall be used to reimburse commercial mobile radio service providers, but not resellers, and local governing bodies for all eligible costs associated with implementation and operation of enhanced 911 wireless services in accordance with federal communications commission requirements. The division may expend no more than five percent of all money deposited in the wireless fund to administer and coordinate activities associated with implementation of enhanced 911 wireless service.

F. The division shall report to the legislature each session as to the status of the wireless fund and whether the current level of the 911 emergency surcharge from commercial mobile radio service providers is adequate, excessive or insufficient to fund the anticipated needs for the next year."

Section 11. A new section of the Enhanced 911 Act is enacted to read:

" [NEW MATERIAL] REQUIREMENTS BEFORE OFFERING 911 WIRELESS

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SERVICES. -- Before enhanced 911 wireless service can be provided in a 911 service area, the public safety answering point must be capable of processing the information transmitted and a cost recovery mechanism must be established to fully reimburse commercial mobile radio service providers for their costs to provide enhanced 911 wireless services. "

Section 12. A new section of the Enhanced 911 Act is enacted to read:

"~~[NEW MATERIAL]~~ PROPRIETARY INFORMATION CONFIDENTIAL. -- All proprietary information, including customer lists, bills, uncollected amounts and actual or estimated costs and revenue, of a commercial mobile radio service provider is confidential and shall not be released without the written approval of the provider. General information collected by a governmental entity may be released or published only as aggregated data that does not allow identification of numbers of subscribers or costs or revenue attributable to an individual commercial mobile radio service provider. "".

31. Renumber the succeeding section accordingly.

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Roman M. Maes

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