

LFC Requester:	Jon Clark
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date January 22 , 2015
Bill No: HB 126

Sponsor: Rep. Roberto J. Gonzalez
Short E911 Surcharges
Title: _____

Agency Code: Attorney General's Office
Person Writing P. Cholla Khoury, AAG
Phone: 827-7484 **Email** @nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis: HB 126 amends the Enhanced 911 Act to apply to all 911 communications, not simply calls.

HB 126 expands the surcharge from lines of mobile radio services also to include lines on VoIP (interconnected voice-over-internet protocol); it excludes broadband services from this surcharge but creates a smaller surcharge with different collection criteria to prepaid wireless lines.

HB 126 adds a new section 10 that imposes a prepaid wireless enhanced 911 surcharge of one and thirty-eight hundredths percent is imposed on the gross value of each retail transaction, which is the purchase of prepaid wireless communication service from a seller for any purpose other than resale.

HB 126 repeals the provision which requires state and local 911 operations to be able to receive email.

HB 126 authorizes a county, in addition to a municipality, to adopt an ordinance making it a violation for any person to knowingly dial 911 for the purpose of reporting a false alarm, making a false complaint or reporting false information that results in an emergency response by any public safety agency.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES None identified.

PERFORMANCE IMPLICATIONS N/A

ADMINISTRATIVE IMPLICATIONS N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP None identified.

TECHNICAL ISSUES None identified

OTHER SUBSTANTIVE ISSUES HB 126 refers to and incorporates by reference a number of federal and state statutes and regulations, *e.g.*, “Code of Federal Regulations, Title 47, Part 9, Section 9.3, as amended” in Section 1 and “Section 20.3 of Title 47 of the Code of Federal Regulations, as amended,” in Section 10, which may run afoul of the New Mexico Constitution, article Art. IV, Section 18, which provides: "No law shall be revised or amended, or the provision thereof extended by reference to its title only; but each section thereof as revised, amended or extended shall be set out in full."

ALTERNATIVES None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL *Status quo* is maintained.

AMENDMENTS None identified.