

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 351

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

AN ACT

RELATING TO ADMINISTRATION OF GOVERNMENT; PROVIDING FOR THE  
GENERAL SERVICES DEPARTMENT'S AUTHORITY TO PROVIDE  
TELECOMMUNICATIONS SERVICES.

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

Section 1. A new section of Chapter 15 NMSA 1978 is  
enacted to read:

"~~[NEW MATERIAL]~~ TELECOMMUNICATIONS SERVICES--SCOPE AND  
CONDITIONS.--In providing telecommunications services pursuant  
to Chapter 15 NMSA 1978, the telecommunications bureau of the  
communications division of the general services department  
shall not provide telecommunications services, including  
telephone, data and broadband services, to any entity other  
than those authorized pursuant to Section 15-5-1 NMSA 1978,  
except for telecommunications services that are necessary to

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1 facilitate state-mandated programs, such as distance education,  
2 telehealth or school-based health center programs. Before  
3 expansion or upgrade of the state-owned or state-funded  
4 telecommunications network, or creation of any additional state  
5 telecommunications network, whether voice, data or video  
6 transmission, the general services department shall prepare an  
7 agency plan consistent with state law and applicable  
8 regulations. The agency plan shall include those components  
9 set forth in Section 15-1C-8 NMSA 1978 and shall also include  
10 an assessment of how the project would potentially affect local  
11 telecommunications service providers and telecommunications  
12 service ratepayers."

13 Section 2. Section 15-2-2.1 NMSA 1978 (being Laws 1997,  
14 Chapter 263, Section 1) is amended to read:

15 "15-2-2.1. LEASE OF RADIO COMMUNICATIONS NETWORK--  
16 CONDITIONS AND REQUIREMENTS.--In exercising supervisory control  
17 pursuant to Section 15-2-2 NMSA 1978, the radio communications  
18 bureau of the communications division of the general services  
19 department may lease to a private entity excess capacity on its  
20 radio communications property, including buildings, towers or  
21 antennas, provided that:

22 A. the lease conforms with competitive procurement  
23 requirements of the Procurement Code;

24 B. the lease is for an equal value exchange of  
25 money or property;

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1 C. the secretary of general services certifies that  
2 the excess capacity will be available for at least the duration  
3 of the lease;

4 D. if the lease exceeds ten years, the lease is  
5 first approved by the state board of finance;

6 E. the radio communications bureau has submitted to  
7 the legislative finance committee a detailed plan for the use  
8 of excess capacity being leased and an assessment of how the  
9 lease will affect public sector uses and local  
10 telecommunications service providers; and

11 F. income from the leases shall be deposited to the  
12 credit of the radio communications bureau and used to carry out  
13 the duties of the bureau."

14 Section 3. Section 15-5-1 NMSA 1978 (being Laws 1978,  
15 Chapter 124, Section 11, as amended) is amended to read:

16 "15-5-1. TELECOMMUNICATIONS BUREAU CREATED--DUTIES.--

17 A. The "telecommunications bureau" is created  
18 within the communications division of the general services  
19 department.

20 B. The telecommunications bureau shall enter into  
21 necessary agreements to provide, where feasible, a central  
22 telephone system, including wide-area telephone service, and  
23 related facilities to all executive, legislative, judicial,  
24 institutional and other state governmental offices located in  
25 the state of New Mexico.

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1                   C. As used in this section, "executive,  
2 legislative, judicial, institutional and other state  
3 governmental offices" means any of the branches, agencies,  
4 departments, institutions or boards of the state of New Mexico,  
5 but does not include a municipality, county, school district or  
6 two-year public post-secondary educational institution."

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