

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:

"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 facilitate  
state-mandated programs, such as distance education,  
telehealth or school-based health center programs. Before  
expansion or upgrade of the state-owned or state-funded  
telecommunications network, or creation of any additional  
state telecommunications network, whether voice, data or video  
transmission, the general services department shall prepare an  
agency plan consistent with state law and applicable  
regulations. The agency plan shall include those components  
set forth in Section 15-1C-8 NMSA 1978 and shall also include

an assessment of how the project would potentially affect local telecommunications service providers and telecommunications service ratepayers."

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

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

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

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

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

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

E. the radio communications bureau has submitted to the legislative finance committee a detailed plan for the use of excess capacity being leased and an assessment of how the lease will affect public sector uses and local

telecommunications service providers; and

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

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

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

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

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

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

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