

AN ACT

RELATING TO EXECUTIVE ORGANIZATION; CREATING THE DEPARTMENT OF INFORMATION TECHNOLOGY; PROVIDING POWERS AND DUTIES; APPROVING TRANSFERS OF FUNCTIONS, PERSONNEL, MONEY, APPROPRIATIONS AND PROPERTY; REPEALING THE INFORMATION TECHNOLOGY MANAGEMENT ACT.

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

Section 1. SHORT TITLE.--Sections 1 through 9 of this act may be cited as the "Department of Information Technology Act".

Section 2. PURPOSE.--The purpose of the Department of Information Technology Act is to create a single, unified executive branch department to administer all laws and exercise all functions formerly administered by the office of the chief information officer, the information technology commission, pursuant to the Information Technology Management Act, and the communications division, information systems division, radio communications bureau and telecommunications bureau of the general services department to consolidate enterprise information technology services duplicated within executive agencies and provide additional information technology services and functionality to improve and streamline the executive branch's information technology systems.

Section 3. DEFINITIONS.--As used in the Department of

Information Technology Act:

A. "department" means the department of information technology;

B. "information technology" means computer hardware and software and ancillary products and services, including:

- (1) systems design and analysis;
- (2) acquisition, storage and conversion of data;
- (3) computer programming;
- (4) information storage and retrieval;
- (5) voice, radio, video and data communications;
- (6) requisite systems;
- (7) simulation and testing; and
- (8) related interactions between users and information systems;

C. "information technology project" means the purchase, replacement, development or modification of a hardware or software system;

D. "secretary" means the secretary of information technology;

E. "state information architecture" means a logically consistent set of principles, policies and standards that guides the engineering of state government's information

technology systems and infrastructure in a way that ensures alignment with state government's business needs; and

F. "state information technology strategic plan" means the information technology planning document for the state that spans a three-year period.

Section 4. DEPARTMENT CREATED--DIVISIONS.--

A. The "department of information technology" is created. The department is a cabinet department and includes the following divisions:

- (1) program support division;
- (2) compliance and project management division; and
- (3) enterprise services division.

B. The secretary may organize the department and the divisions specified in Subsection A of this section and may transfer or merge functions between divisions in the interest of efficiency and economy.

Section 5. SECRETARY OF INFORMATION TECHNOLOGY--APPOINTMENT.--

A. The chief executive and administrative officer of the department is the "secretary of information technology". The secretary shall serve as the state's chief information officer. The secretary shall be appointed by the governor with the consent of the senate. The secretary shall hold that office at the pleasure of the governor and shall

serve in the executive cabinet.

B. An appointed secretary shall serve and have all of the duties, responsibilities and authority of that office during the period of time prior to final action by the senate confirming or rejecting the secretary-designate's appointment.

Section 6. SECRETARY--DUTIES AND GENERAL POWERS.--

A. The secretary is responsible to the governor for the operation of the department. It is the secretary's duty to manage all operations of the department and to administer and enforce the laws with which the secretary or the department is charged.

B. To perform the secretary's duties, the secretary has every power expressly enumerated in the laws, whether granted to the secretary or the department or any division of the department, except where authority conferred upon any division is explicitly exempted from the secretary's authority by statute. In accordance with these provisions, the secretary shall:

(1) exercise general supervisory and appointing authority over all department employees, subject to any applicable personnel laws and regulations;

(2) delegate authority to subordinates as the secretary deems necessary and appropriate, clearly delineating such delegated authority and the limitations thereto;

(3) organize the department into those organizational units the secretary deems will enable it to function most efficiently, subject to provisions of law requiring or establishing specific organizational units;

(4) within the limitations of available appropriations and applicable laws, employ and fix the compensation of those persons necessary to discharge the secretary's duties;

(5) take administrative action by issuing orders and instructions, not inconsistent with the law, to ensure implementation of and compliance with the provisions of law for whose administration or execution the secretary is responsible and to enforce those orders and instructions by appropriate administrative action in the courts;

(6) conduct research and studies that will improve the operations of the department and the provision of services to executive agencies and the residents of the state;

(7) provide courses of instruction and practical training for employees of the department and other persons involved in the administration of programs with the objective of improving the operations and efficiency of administration;

(8) prepare an annual budget of the department;

(9) provide cooperation, at the request of

heads of administratively attached agencies, in order to:

(a) minimize or eliminate duplication of services and jurisdictional conflicts;

(b) coordinate activities and resolve problems of mutual concern; and

(c) resolve by agreement the manner and extent to which the department shall provide budgeting, record-keeping and related clerical assistance to administratively attached agencies; and

(10) appoint for each division a "director". These appointed positions are exempt from the provisions of the Personnel Act. Persons appointed to these positions shall serve at the pleasure of the secretary.

C. As the chief information officer, the secretary shall:

(1) review executive agency plans regarding prudent allocation of information technology resources; reduction of data, hardware and software redundancy; and improvement of system interoperability and data accessibility among agencies;

(2) approve executive agency information technology requests for proposals and contract vendor requests that are subject to the Procurement Code, prior to final approval;

(3) promulgate rules for oversight of

information technology procurement;

(4) approve executive agency information technology contracts and amendments to those contracts, including emergency procurements, sole source contracts and price agreements, prior to approval by the department of finance and administration;

(5) develop and implement procedures to standardize data elements, determine data ownership and ensure data sharing among executive agencies;

(6) verify compliance with state information architecture and the state information technology strategic plan before approving documents referred to in Paragraphs (2) and (4) of this subsection;

(7) monitor executive agency compliance with its agency plan, the state information technology strategic plan and state information architecture and report to the governor, executive agency management and the legislative finance committee on noncompliance;

(8) develop information technology cost recovery mechanisms and information systems rate and fee structures of executive agencies and other public or private sector providers and make recommendations to the information technology rate committee;

(9) provide technical support to executive agencies in the development of their agency plans;

(10) ensure the use of existing public or private information technology or telecommunications resources when the use is practical, efficient, effective and financially prudent;

(11) review appropriation requests related to executive agency information technology requests to ensure compliance with agency plans and the state information technology strategic plan and make written recommendations to the department of finance and administration, the legislative finance committee, the appropriate interim legislative committee and the information technology commission;

(12) establish rules to ensure that information technology projects satisfy criteria established by the secretary and are phased in with funding released in phases contingent upon successful completion of the prior phase;

(13) provide oversight of information technology projects, including ensuring adequate risk management, disaster recovery and business continuity practices and monitoring compliance with strategies recommended by the information technology commission for information technology projects that impact multiple agencies; and

(14) perform any other information technology function assigned by the governor.

D. Each executive agency shall submit an agency information technology plan to the secretary in the form and detail required by the secretary.

E. The secretary, as chief information officer, shall prepare a state information technology strategic plan for the executive branch. The plan shall comply with the provisions of the Department of Information Technology Act and provide for the:

(1) interchange of information related to information technology among executive agencies;

(2) coordination among executive agencies in the development and maintenance of information technology systems; and

(3) protection of the privacy and security of individual information as well as of individuals using the state's information technology systems.

F. The secretary may apply for and receive, with the governor's approval, in the name of the department, any public or private funds, including United States government funds, available to the department to carry out its programs, duties or services.

G. Where information technology functions of executive agencies overlap or a function assigned to one agency could better be performed by another agency, the secretary may recommend appropriate legislation to the next

session of the legislature for its approval.

H. The secretary may make and adopt such reasonable procedural rules as may be necessary to carry out the duties of the department and its divisions and requirements and standards for the executive branch's information technology needs, functions, systems and resources, including:

- (1) information technology security;
- (2) approval for procurement of information technology that exceeds an amount set by rule;
- (3) detail and format for the agency information technology plan;
- (4) acquisition, licensing and sale of information technology; and
- (5) requirements for agency information technology projects and related plan, analysis, oversight, assessment and specifications.

I. Unless otherwise provided by statute, no rule affecting any person or agency outside the department shall be adopted, amended or repealed without a public hearing on the proposed action before the secretary or a hearing officer designated by the secretary. The public hearing shall be held in Santa Fe unless otherwise permitted by statute. Notice of the subject matter of the rule, the action proposed to be taken, the time and place of the hearing, the manner in which

interested persons may present their views and the method by which copies of the proposed rule, proposed amendment or repeal of an existing rule may be obtained shall be published once at least thirty days prior to the hearing date in a newspaper of general circulation and mailed at least thirty days prior to the hearing date to all persons who have made a written request for an advance notice of hearing. Rules shall be filed in accordance with the State Rules Act.

Section 7. INFORMATION TECHNOLOGY RATE COMMITTEE--
MEMBERSHIP--DUTIES.--

A. The "information technology rate committee" is created. The committee consists of seven members as follows:

(1) five members appointed by the governor from executive agencies that use information technology services and pay rates to an internal service fund;

(2) the secretary of finance and administration, who shall serve as chair of the committee; and

(3) the secretary of information technology.

B. The information technology rate committee shall:

(1) review the rate and fee schedule proposed by the secretary;

(2) propose an equitable rate and fee schedule based on cost recovery for executive agencies that use information technology services and pay rates to an

internal service fund, with priority service to public safety agencies;

(3) present the committee's proposed rate and fee schedule to the office of the governor, the department of finance and administration and the legislative finance committee; and

(4) by July 15 of each year, implement a rate and fee schedule based on the committee's recommendations and input from the office of the governor, the department of finance and administration and the legislative finance committee.

Section 8. ORGANIZATIONAL UNITS OF THE DEPARTMENT--
POWERS AND DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--
Those organizational units of the department and the officers of those units specified by law shall have all of the powers and duties enumerated in the specific laws involved. However, the carrying out of those powers and duties shall be subject to the direction and supervision of the secretary, who shall retain the final decision-making authority and responsibility for the administration of any such laws. The department shall have access to all information technology records, data and information of other executive branch departments, agencies and institutions, including its own organizational units, not specifically held confidential by law.

Section 9. INFORMATION TECHNOLOGY COMMISSION--

CREATION--POWERS AND DUTIES.--

A. The "information technology commission" is created. The commission consists of seventeen voting members as follows:

(1) five members appointed by the governor, three of whom are from agencies whose primary funding is not from internal service funds;

(2) one staff member with telecommunications regulatory experience appointed by the chair of the public regulation commission;

(3) two members representing education, one appointed by the secretary of higher education and one appointed by the secretary of public education;

(4) two members appointed by the governor to represent local government, one appointment to be selected by the governor from a list of three names provided by the New Mexico association of counties and one appointment to be selected by the governor from a list of three names provided by the New Mexico municipal league;

(5) two members appointed by the governor to represent local telecommunications service providers;

(6) two members from the national laboratories appointed by the respective laboratory director;
and

(7) three members, one from each

congressional district, appointed by the governor to represent the public with information technology and management experience, but who are not employees of the state or a political subdivision of the state and who do not have any financial interest in the state information systems or state contracts. The public members shall serve for staggered three-year terms.

B. Additionally, the following nonvoting members may serve on the commission:

(1) two members from the judicial information systems council appointed by the chair of that council;

(2) one member representing the office of the attorney general appointed by the attorney general;

(3) two members representing local government, one appointed by the New Mexico association of counties and one appointed by the New Mexico municipal league, provided that the members are not from the same or adjacent counties;

(4) one staff member from the legislative council service and one staff member from the legislative finance committee, appointed by their respective directors; and

(5) the secretary as chief information officer.

C. Members of the commission, except the three public members appointed by the governor, may select designees to represent them and vote on their behalf.

D. The members of the commission who are not supported by public money, or their designees, may receive per diem and mileage pursuant to the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance.

E. The commission shall elect a chair and vice chair from the active voting membership of the commission for two-year terms.

F. The department shall provide staff to the commission.

G. The commission shall meet at least quarterly to review and approve:

(1) the development and implementation of the state information technology strategic plan;

(2) critical information technology initiatives for the state;

(3) identification of information technology needs of state agencies;

(4) strategies for identifying information technology projects that impact multiple agencies;

(5) the state information architecture and the state information technology strategic plan for updates and compliance by executive agencies;

(6) proposed rules by the secretary; and
(7) guidelines for mediation of disputes between an executive agency and the secretary as chief information officer.

Section 10. Section 9-17-3 NMSA 1978 (being Laws 1983, Chapter 301, Section 3, as amended) is amended to read:

"9-17-3. GENERAL SERVICES DEPARTMENT--CREATION--TRANSFER AND MERGER OF DIVISION FUNCTIONS--MERGER AND CREATION OF DIVISIONS.--

A. The "general services department" is created. The department shall consist of those divisions created by law or executive order, as modified by executive order pursuant to Subsection C of this section, including:

- (1) the administrative services division;
- (2) the building services division;
- (3) the property control division;
- (4) the purchasing division;
- (5) the risk management division; and
- (6) the transportation services division.

B. The secretary of general services is empowered to organize the department and the divisions specified in Subsection A of this section and may transfer or merge functions between divisions in the interest of efficiency and economy.

C. The governor is empowered to merge divisions of

the department or to create additional divisions by executive order in the interest of efficiency or economy."

Section 11. Section 12-12-21 NMSA 1978 (being Laws 1983, Chapter 80, Section 5, as amended) is amended to read:

"12-12-21. STATE POLICE EMERGENCY RESPONSE OFFICER--
PROCEDURE FOR NOTIFICATION--COOPERATION OF OTHER STATE
AGENCIES AND LOCAL GOVERNMENTS.--

A. The secretary, in addition to having final authority to administer the provisions of the Emergency Management Act, shall be responsible for central coordination and communication in the event of an accident.

B. The chief shall designate one or more persons to be known as "state police emergency response officers". A state police emergency response officer shall be trained in accident evaluation and emergency response and shall be available to answer an emergency response call from the first responder.

C. In the event of an accident, if the first responder is a law enforcement officer, the officer shall immediately notify the state police district emergency response officer in the officer's area, who shall in turn immediately notify the state police emergency response center. If the first responder is a person with radio capability tied into radio communications protocol or reporting structure with the department of information technology, the person shall

immediately notify Santa Fe control, who shall in turn immediately notify the state police emergency response center.

The state police emergency response center shall:

(1) evaluate and determine the scope of the accident based on information provided by the first responder;

(2) instruct the first responder on how to proceed at the accident scene;

(3) immediately notify the appropriate responsible state agency and advise it of the necessary response;

(4) notify the sheriff or chief of police in whose jurisdiction the accident occurred; and

(5) coordinate field communications and summon additional resources requested by the emergency management team.

D. The responsible state agencies shall be:

(1) the New Mexico state police division of the department of public safety for coordination, law enforcement and traffic and crowd control;

(2) the department of environment for assistance with accidents involving hazardous materials or hazardous substances;

(3) the state fire marshal's office for assistance with any accident involving hazardous materials;

(4) the injury prevention and emergency

medical services bureau of the public health division of the department of health for assistance with accidents involving casualties;

(5) the emergency planning and coordination bureau of the department of public safety and the department of military affairs for assistance with accidents that require the evacuation of the vicinity of the accident or the use of the national guard of New Mexico; and

(6) the department of transportation for assistance with road closures, designating alternate routes and related services.

E. Other state agencies and local governments shall assist the responsible state agencies when requested to do so.

F. Any driver of a vehicle carrying hazardous materials involved in an accident that may cause injury to persons or property or any owner, shipper or carrier of hazardous materials involved in an accident who has knowledge of such accident or any owner or person in charge of any building, premises or facility where such an accident occurs shall immediately notify the New Mexico state police division of the department of public safety by the quickest means of communication available."

Section 12. Section 12-12-22 NMSA 1978 (being Laws 1983, Chapter 80, Section 6, as amended) is amended to read:

"12-12-22. EMERGENCY MANAGEMENT TASK FORCE--CREATED--
POWERS AND DUTIES.--

A. The "emergency management task force" is
created, composed of:

(1) the chief or the chief's designee, who
shall serve as vice chair of the task force;

(2) the state fire marshal or the fire
marshal's designee;

(3) a staff member of the department of
environment who is knowledgeable about radioactive materials,
to be designated by the secretary of environment;

(4) a staff member of the department of
environment who is knowledgeable about hazardous substances,
to be designated by the secretary of environment;

(5) the director of the technical and
emergency support division or the director's designee;

(6) the chief of the emergency medical
services bureau or the chief's designee;

(7) the secretary of transportation or the
secretary's designee;

(8) the chair of the public regulation
commission or the chair's designee;

(9) a representative of the governor, to be
appointed by the governor, who is not an employee of any
agency represented on the task force and who shall serve as

chair of the task force;

(10) the secretary of taxation and revenue or the secretary's designee; and

(11) the secretary of information technology or the secretary's designee.

B. The attorney general's office shall serve as attorney for the task force.

C. The task force shall, at the direction of the commission, develop and monitor a comprehensive plan, to include:

(1) procedures for initially assessing the scope and nature of an accident;

(2) procedures for notifying and assembling the proper emergency management team from the responsible state agencies;

(3) procedures for siting and operating an on-scene command post;

(4) an inventory and assessment of manpower, equipment and training within each responsible state agency as well as other state agencies and local governments and federal and private sources;

(5) an assessment of the adequacy and availability of training materials and facilities to train and cross-train emergency response teams and other persons

involved in responding to an accident and an identification of

training requirements to ensure that such persons are adequately trained;

(6) the development of training programs for emergency response teams and other persons involved in responding to an accident;

(7) procedures for decontamination of emergency management personnel and equipment as well as medical and other facilities that may be used in the management of the accident;

(8) identification of the medical resources in the state and the location of specialized medical facilities for use in medical emergencies;

(9) information and training programs for hospital emergency room personnel and doctors;

(10) procedures for accident assessment and record keeping;

(11) procedures for periodic emergency management preparedness exercises and testing of the plan;

(12) a designation of areas of responsibility in the emergency management plan, including but not limited to:

(a) command and control of the accident scene and overall responsibility and authority for all emergency response activity;

(b) public health and safety, including

rescue operations, emergency medical services, evacuation and containment of the accident scene;

(c) sanitation and decontamination services at the accident scene;

(d) communications, including statewide and on-scene communications;

(e) public works and engineering;

(f) transportation;

(g) social services;

(h) accident assessment, investigation and record keeping;

(i) protective response, including hazardous materials exposure control;

(j) environmental monitoring, control and cleanup; and

(k) public information;

(13) criteria for determining when an accident may be handled by a local government;

(14) procedures for entering into cooperative agreements between the state and local governments and between the state and the federal government, Indian tribes and pueblos and bordering states pursuant to Section 12-12-20 NMSA 1978; and

(15) identification of information management resources necessary for effective emergency

response activity.

D. The task force shall develop liaison with the trucking industry, the railroads and other areas of the private sector in the formulation of the plan."

Section 13. Section 15-2-1 NMSA 1978 (being Laws 1980, Chapter 151, Section 9, as amended) is amended to read:

"15-2-1. TELECOMMUNICATIONS SERVICES.--

A. The secretary of information technology may hire a communications engineer to oversee the engineering responsibilities of the department of information technology. The communications engineer shall have a degree in either electrical engineering with an electrical communications specialty or in electronics engineering.

B. In providing telecommunications services pursuant to Chapter 15 NMSA 1978, the department of information technology shall not provide telecommunications services, including telephone, data and broadband services, to an entity other than those authorized pursuant to Section 15-5-1 NMSA 1978, except as is necessary to facilitate a state-mandated program, including distance education, telehealth or school-based health center programs. Before expansion or upgrade of a state-owned or state-funded telecommunications network, whether voice, data or video transmission, the department shall prepare a plan consistent with state law and applicable rules that includes an

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

Section 14. Section 15-2-2 NMSA 1978 (being Laws 1977, Chapter 247, Section 24, as amended) is amended to read:

"15-2-2. RADIO COMMUNICATIONS.--The department of information technology shall have supervisory control over all mobile or fixed radio equipment now owned or subsequently acquired by the executive branch or any state officer, department, other agency, board, commission, division or bureau of any executive state department or agency. This supervisory control shall include but not be limited to the determination of the need for, purchase, repair, maintenance, combination or disposition of radio equipment."

Section 15. 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 department of information technology may lease to a private entity excess capacity relating to the provision of two-way radio services 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 information technology 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 department of information technology 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 telecommunication service providers; and

F. income from the leases shall be deposited to the credit of the department of information technology and used to carry out the duties of the department."

Section 16. Section 15-2-3 NMSA 1978 (being Laws 1970, Chapter 71, Section 1, as amended) is amended to read:

"15-2-3. SERVICE CHARGE.--

A. The department of information technology shall charge a fee to the state or any officer, agency, department, division, board or commission of the state for any services rendered in the exercise of its supervisory control.

B. Fees shall be fixed by the secretary of information technology.

C. Income from fees collected shall be deposited

to the credit of the department of information technology and used to carry out the duties of the department.

D. The department of information technology may provide two-way radio services to counties and municipalities at the same rates charged state agencies."

Section 17. Section 15-2-4 NMSA 1978 (being Laws 1966, Chapter 32, Section 3, as amended) is amended to read:

"15-2-4. EXCLUSION FROM JURISDICTION.--The department of information technology shall not have supervisory control over:

A. the use of radio equipment, except as to the technical requirements of the equipment or unless the equipment is used by one or more agencies, and the department of information technology must determine priority of use;

B. the radio equipment of the department of military affairs, except the department of information technology may maintain all radio equipment owned by the department of military affairs that interfaces with state-owned radio equipment; or

C. unless otherwise directed by the secretary of information technology, radio equipment that is incidental to a system that is primarily a telephone system."

Section 18. Section 15-2-5 NMSA 1978 (being Laws 1971, Chapter 115, Section 2, as amended) is amended to read:

"15-2-5. PROPERTY TRANSFER.--Ownership of all radio

communication property at mountaintop or remote sites, including buildings, towers, antennas, emergency power plants and radio equipment owned by the New Mexico state police, department of transportation, department of game and fish and forestry division of the energy, minerals and natural resources department, is transferred to the department of information technology."

Section 19. Section 15-2-8 NMSA 1978 (being Laws 1975, Chapter 214, Section 4, as amended) is amended to read:

"15-2-8. TRANSFER OF PROPERTY--CUSTODY AND CONTROL.--The radio equipment purchased in accordance with Laws 1972, Chapter 74 by the property control division of the general services department is transferred to the department of information technology. The department has the custody and control of the transferred radio equipment."

Section 20. Section 15-5-1 NMSA 1978 (being Laws 1978, Chapter 124, Section 11, as amended) is amended to read:

"15-5-1. TELECOMMUNICATIONS--DUTIES.--The department of information technology 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 and judicial branches. Nothing in this section shall be construed to apply to the provision of a central telephone system and related facilities to political subdivisions of the state."

Section 21. Section 15-5-3 NMSA 1978 (being Laws 1963, Chapter 181, Section 3, as amended) is amended to read:

"15-5-3. CHARGES FOR CENTRAL TELEPHONE SERVICES.-- Departments, institutions and agencies participating in the central telephone system shall be charged a pro rata and equitable share of the total monthly costs of the service. This determination is to be made by the department of information technology. Toll calls not covered by the wide-area telephone service and supplemental equipment shall be segregated and paid for by agencies, institutions and departments making the calls or using the supplemental equipment."

Section 22. Section 15-5-4 NMSA 1978 (being Laws 1963, Chapter 181, Section 4, as amended) is amended to read:

"15-5-4. DEPOSIT OF MONEY.--The department of information technology shall order the deposit or transfer monthly to a fund known as the "central telephone services fund" the amount of money owed by each department, institution and agency utilizing the central telephone system. State institutions and agencies shall adopt such accounting procedures as are prescribed by the department of finance and administration for the handling of payments with reference to the central telephone system."

Section 23. Section 22-15A-11 NMSA 1978 (being Laws 2005, Chapter 222, Section 2) is amended to read:

"22-15A-11. EDUCATIONAL TECHNOLOGY DEFICIENCIES--
CORRECTION.--

A. No later than September 1, 2005, the bureau, with the advice of the council and the secretary of information technology, shall define and develop minimum educational technology adequacy standards to supplement the adequacy standards developed by the public school capital outlay council, for school districts to use to identify outstanding serious deficiencies in educational technology infrastructure.

B. A school district shall use the standards to complete a self-assessment of the outstanding educational technology deficiencies within the school district and provide cost projections to correct the outstanding deficiencies.

C. The bureau shall develop a methodology for prioritizing projects that will correct the deficiencies.

D. After a public hearing and to the extent that money is available in the educational technology deficiency correction fund, the bureau shall approve allocations from the fund on the established priority basis and, working with the school district and pursuant to the Procurement Code, enter into contracts to correct the deficiencies.

E. In entering into contracts to correct deficiencies pursuant to this section, the bureau shall include such terms and conditions as necessary to ensure that

the state money is expended in the most prudent manner possible consistent with the original purpose."

Section 24. Section 29-15A-3 NMSA 1978 (being Laws 2003, Chapter 93, Section 3, as amended) is amended to read:

"29-15A-3. STATE POLICE--AMBER ALERT NOTIFICATION PLAN--DECLARATION OF AMBER ALERT.--

A. The state police shall develop and implement an AMBER alert notification plan for the purpose of disseminating, as rapidly as possible, information about a child abduction so that law enforcement agencies and citizens throughout the state may be aware and vigilant. The plan shall:

(1) provide a procedure for notifying the lead station by the authorized requester that an AMBER alert has been declared. The procedure shall include codes for use by the authorized requester in communicating with the lead station to prevent false alerts;

(2) provide a procedure in which other state and private print, radio, television or other media may alert the members of the public of the abduction;

(3) include a procedure for notifying the department of information technology that an AMBER alert has been declared. The department of information technology shall immediately transmit the notification and related information to all state field operations employees so that they may be

aware and vigilant in the course of their regular activities;

(4) include a procedure for notifying a representative of each cellular service company and paging service company operating in New Mexico so that a text message may be sent to the company's customers at no additional expense to the recipient or to any service that accepts the information from the authorized requester and delivers it to the cellular service or paging service company;

(5) include a procedure for notifying all local and federal law enforcement agencies that an AMBER alert has been declared; and

(6) provide for dissemination of information about a child or a child's abductor to the lead station, the department of information technology and local law enforcement agencies when an AMBER alert has been declared.

B. The state police shall distribute the AMBER alert notification plan to all local law enforcement agencies and provide such training and other assistance as is necessary to ensure that the plan can be properly implemented.

C. The authorized requester may declare an AMBER alert when the requester has reason to believe that:

(1) a child under the age of eighteen has been abducted by an unrelated person;

(2) the child is in imminent danger of serious bodily harm or death; and

(3) there is specific information available about the child or the child's abductor that may assist in an expedient and successful end to the abduction.

D. Once an AMBER alert has been declared, only the authorized requester may terminate the AMBER alert."

Section 25. Section 38-5-3 NMSA 1978 (being Laws 1991, Chapter 71, Section 2, as amended) is amended to read:

"38-5-3. SOURCE FOR JUROR SELECTION.--

A. Each county clerk shall make available to the secretary of state a database of registered voters of the clerk's county. The secretary of state shall preserve and make available to the department of information technology, by electronic media, a database of New Mexico registered voters, by county, which shall be updated monthly. The director of the motor vehicle division of the taxation and revenue department shall make available by electronic media to the department of information technology a database of driver's license holders in each county, which shall be updated monthly. The secretary of taxation and revenue shall make available to the department of information technology, by electronic media, a database of New Mexico personal income tax filers by county, which shall be updated quarterly.

B. The department of information technology shall program the merger of the registered voter, driver's license and personal income tax filer databases from each county to

form a master jury database and write a computer program so that a random selection of jurors can be made. A discrimination shall not be exercised except for the elimination of persons who are not eligible for jury service. The administrative office of the courts shall provide specifications for the merging of the registered voter, driver's license and personal income tax filer databases. The merged database information shall be the database that produces the random jury list for the selection of petit or grand jurors for the state courts.

C. The court shall, by order, designate the number of potential jurors to be selected and the date on which the jurors are to report for empaneling. Within fifteen days after receipt of a copy of the order, the administrative office of the courts shall provide the random jury list to the court. The department of information technology shall print the random jury list and jury summons mailer forms within ten days after receiving the request from the administrative office of the courts. Upon issuance of the order, the department of information technology shall draw from the most current registered voter, driver's license and personal income tax filer databases to create the random jury list.

D. The department of information technology may transfer the master jury database to a court that has compatible equipment to accept such a transfer. The court

accepting the master jury database shall transfer the information to a programmed computer used for the random selection of petit or grand jurors."

Section 26. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS, PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--

A. The transfer of functions, personnel, appropriations, money, records, equipment, supplies, other property and contractual obligations of the office of the chief information officer, the information technology commission, pursuant to the Information Technology Management Act, and the communications division, information systems division, radio communications bureau and telecommunications bureau of the general services department is approved and transferred to the department of information technology. All references in law to the office of the chief information officer, the information technology commission, pursuant to the Information Technology Management Act, and the communications division, information systems division, radio communications bureau and telecommunications bureau of the general services department shall be deemed to be references to the department of information technology.

B. It is the intent of the legislature that consolidation of state services and programs into the department of information technology be accomplished as quickly as practicable, without disruption in information

technology services to executive agencies.

C. At the time of transfer of an agency or program, all personnel, money, appropriations, records, files, furniture, equipment and other property related to that agency or program shall be transferred to the department of information technology. The governor's office and the state budget division of the department of finance and administration shall assist in the identification of personnel, money, appropriations and property to be transferred and shall certify to the legislature that resources transferred from other agencies to the department of information technology are sufficient to continue the same level of services.

D. Contractual and other obligations of an agency or program shall be obligations of the department of information technology.

E. After the effective date of the transfers provided in Subsection B of this section, references in law to the programs being transferred shall be deemed to be references to the department of information technology.

F. The secretary of information technology shall provide periodic updates to the legislative finance committee and other appropriate interim legislative committees on the progress of the transition and integration plan and the establishment of the department of information technology.

November 1, 2007, the secretary shall provide the legislative finance committee and other appropriate interim legislative committees with a comprehensive plan to provide information technology services for all executive branch agencies, including recommendations, if any, for the transfer of additional information technology services or programs from other agencies to the department of information technology.

Section 27. REPEAL.--Sections 15-1C-1 through 15-1C-12 NMSA 1978 (being Laws 1999, Chapter 16, Sections 1 through 11, Laws 2003, Chapter 49, Section 9 and Laws 2003, Chapter 308, Section 9, as amended) are repealed.

Section 28. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2007. _____