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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.

1 Section 3. DEFINITIONS.--As used in the Department of
2 Information Technology Act:

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

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

8 (1) systems design and analysis;

9 (2) acquisition, storage and conversion of
10 data;

11 (3) computer programming;

12 (4) information storage and retrieval;

13 (5) voice, radio, video and data
14 communications;

15 (6) requisite systems;

16 (7) simulation and testing; and

17 (8) related interactions between users and
18 information systems;

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

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

24 E. "state information architecture" means a
25 logically consistent set of principles, policies and

1 standards that guides the engineering of state government's
2 information technology systems and infrastructure in a way
3 that ensures alignment with state government's business
4 needs; and

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

8 Section 4. DEPARTMENT CREATED--DIVISIONS.--

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

12 (1) program support division;

13 (2) compliance and project management
14 division; and

15 (3) enterprise services division.

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

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

22 A. The chief executive and administrative officer
23 of the department is the "secretary of information
24 technology". The secretary shall serve as the state's chief
25 information officer. The secretary shall be appointed by the

1 governor with the consent of the senate. The secretary shall
2 hold that office at the pleasure of the governor and shall
3 serve in the executive cabinet.

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

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

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

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

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

25 (2) delegate authority to subordinates as

1 the secretary deems necessary and appropriate, clearly
2 delineating such delegated authority and the limitations
3 thereto;

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

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

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

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

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

1 administration;

2 (8) prepare an annual budget of the
3 department;

4 (9) provide cooperation, at the request of
5 heads of administratively attached agencies, in order to:

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

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

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

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

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

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

25 (2) approve executive agency information

1 technology requests for proposals and contract vendor
2 requests that are subject to the Procurement Code, prior to
3 final approval;

4 (3) promulgate rules for oversight of
5 information technology procurement;

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

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

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

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

23 (8) develop information technology cost
24 recovery mechanisms and information systems rate and fee
25 structures of executive agencies and other public or private

1 sector providers and make recommendations to the information
2 technology rate committee;

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

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

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

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

21 (13) provide oversight of information
22 technology projects, including ensuring adequate risk
23 management, disaster recovery and business continuity
24 practices and monitoring compliance with strategies
25 recommended by the information technology commission for

1 information technology projects that impact multiple
2 agencies; and

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

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

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

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

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

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

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

1 G. Where information technology functions of
2 executive agencies overlap or a function assigned to one
3 agency could better be performed by another agency, the
4 secretary may recommend appropriate legislation to the next
5 session of the legislature for its approval.

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

12 (1) information technology security;

13 (2) approval for procurement of information
14 technology that exceeds an amount set by rule;

15 (3) detail and format for the agency
16 information technology plan;

17 (4) acquisition, licensing and sale of
18 information technology; and

19 (5) requirements for agency information
20 technology projects and related plan, analysis, oversight,
21 assessment and specifications.

22 I. Unless otherwise provided by statute, no rule
23 affecting any person or agency outside the department shall
24 be adopted, amended or repealed without a public hearing on
25 the proposed action before the secretary or a hearing officer

1 designated by the secretary. The public hearing shall be
2 held in Santa Fe unless otherwise permitted by statute.
3 Notice of the subject matter of the rule, the action proposed
4 to be taken, the time and place of the hearing, the manner in
5 which interested persons may present their views and the
6 method by which copies of the proposed rule, proposed
7 amendment or repeal of an existing rule may be obtained shall
8 be published once at least thirty days prior to the hearing
9 date in a newspaper of general circulation and mailed at
10 least thirty days prior to the hearing date to all persons
11 who have made a written request for an advance notice of
12 hearing. Rules shall be filed in accordance with the State
13 Rules Act.

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

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

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

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

24 (3) the secretary of information technology.

25 B. The information technology rate committee

1 shall:

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

4 (2) propose an equitable rate and fee
5 schedule based on cost recovery for executive agencies that
6 use information technology services and pay rates to an
7 internal service fund, with priority service to public safety
8 agencies;

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

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

18 Section 8. ORGANIZATIONAL UNITS OF THE DEPARTMENT--
19 POWERS AND DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--
20 Those organizational units of the department and the officers
21 of those units specified by law shall have all of the powers
22 and duties enumerated in the specific laws involved.
23 However, the carrying out of those powers and duties shall be
24 subject to the direction and supervision of the secretary,
25 who shall retain the final decision-making authority and

1 responsibility for the administration of any such laws. The
2 department shall have access to all information technology
3 records, data and information of other executive branch
4 departments, agencies and institutions, including its own
5 organizational units, not specifically held confidential by
6 law.

7 Section 9. INFORMATION TECHNOLOGY COMMISSION--
8 CREATION--POWERS AND DUTIES.--

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

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

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

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

21 (4) two members appointed by the governor to
22 represent local government, one appointment to be selected by
23 the governor from a list of three names provided by the New
24 Mexico association of counties and one appointment to be
25 selected by the governor from a list of three names provided

1 by the New Mexico municipal league;

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

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

7 (7) three members, one from each
8 congressional district, appointed by the governor to
9 represent the public with information technology and
10 management experience, but who are not employees of the state
11 or a political subdivision of the state and who do not have
12 any financial interest in the state information systems or
13 state contracts. The public members shall serve for
14 staggered three-year terms.

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

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

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

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

1 adjacent counties;

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

6 (5) the secretary as chief information
7 officer.

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

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

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

19 F. The department shall provide staff to the
20 commission.

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

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

25 (2) critical information technology

1 initiatives for the state;

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

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

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

9 (6) proposed rules by the secretary; and

10 (7) guidelines for mediation of disputes
11 between an executive agency and the secretary as chief
12 information officer.

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

15 "9-17-3. GENERAL SERVICES DEPARTMENT--CREATION--
16 TRANSFER AND MERGER OF DIVISION FUNCTIONS--MERGER AND
17 CREATION OF DIVISIONS.--

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

22 (1) the administrative services division;

23 (2) the building services division;

24 (3) the property control division;

25 (4) the purchasing division;

- 1 (5) the risk management division; and
- 2 (6) the transportation services division.

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

8 C. The governor is empowered to merge divisions of
9 the department or to create additional divisions by executive
10 order in the interest of efficiency or economy."

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

13 "12-12-21. STATE POLICE EMERGENCY RESPONSE OFFICER--
14 PROCEDURE FOR NOTIFICATION--COOPERATION OF OTHER STATE
15 AGENCIES AND LOCAL GOVERNMENTS.--

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

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

1 C. In the event of an accident, if the first
2 responder is a law enforcement officer, the officer shall
3 immediately notify the state police district emergency
4 response officer in the officer's area, who shall in turn
5 immediately notify the state police emergency response
6 center. If the first responder is a person with radio
7 capability tied into radio communications protocol or
8 reporting structure with the department of information
9 technology, the person shall immediately notify Santa Fe
10 control, who shall in turn immediately notify the state
11 police emergency response center. The state police emergency
12 response center shall:

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

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

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

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

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

1 D. The responsible state agencies shall be:

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

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

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

10 (4) the injury prevention and emergency
11 medical services bureau of the public health division of the
12 department of health for assistance with accidents involving
13 casualties;

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

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

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

25 F. Any driver of a vehicle carrying hazardous

1 materials involved in an accident that may cause injury to
2 persons or property or any owner, shipper or carrier of
3 hazardous materials involved in an accident who has knowledge
4 of such accident or any owner or person in charge of any
5 building, premises or facility where such an accident occurs
6 shall immediately notify the New Mexico state police division
7 of the department of public safety by the quickest means of
8 communication available."

9 Section 12. Section 12-12-22 NMSA 1978 (being Laws
10 1983, Chapter 80, Section 6, as amended) is amended to read:

11 "12-12-22. EMERGENCY MANAGEMENT TASK FORCE--CREATED--
12 POWERS AND DUTIES.--

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

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

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

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

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

25 (5) the director of the technical and

1 emergency support division or the director's designee;

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

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

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

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

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

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

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

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

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

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

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

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

7 (5) an assessment of the adequacy and
8 availability of training materials and facilities to train
9 and cross-train emergency response teams and other persons
10 involved in responding to an accident and an identification
11 of training requirements to ensure that such persons are
12 adequately trained;

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

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

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

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

25 (10) procedures for accident assessment and

1 record keeping;

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

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

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

10 (b) public health and safety, including
11 rescue operations, emergency medical services, evacuation and
12 containment of the accident scene;

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

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

17 (e) public works and engineering;

18 (f) transportation;

19 (g) social services;

20 (h) accident assessment, investigation
21 and record keeping;

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

24 (j) environmental monitoring, control
25 and cleanup; and

1 (k) public information;

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

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

9 (15) identification of information
10 management resources necessary for effective emergency
11 response activity.

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

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

17 "15-2-1. TELECOMMUNICATIONS SERVICES.--

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

24 B. In providing telecommunications services
25 pursuant to Chapter 15 NMSA 1978, the department of

1 information technology shall not provide telecommunications
2 services, including telephone, data and broadband services,
3 to an entity other than those authorized pursuant to Section
4 15-5-1 NMSA 1978, except as is necessary to facilitate a
5 state-mandated program, including distance education,
6 telehealth or school-based health center programs. Before
7 expansion or upgrade of a state-owned or state-funded
8 telecommunications network, whether voice, data or video
9 transmission, the department shall prepare a plan consistent
10 with state law and applicable rules that includes an
11 assessment of how the project would potentially affect local
12 telecommunications service providers and telecommunications
13 service ratepayers."

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

16 "15-2-2. RADIO COMMUNICATIONS.--The department of
17 information technology shall have supervisory control over
18 all mobile or fixed radio equipment now owned or subsequently
19 acquired by the executive branch or any state officer,
20 department, other agency, board, commission, division or
21 bureau of any executive state department or agency. This
22 supervisory control shall include but not be limited to the
23 determination of the need for, purchase, repair, maintenance,
24 combination or disposition of radio equipment."

25 Section 15. Section 15-2-2.1 NMSA 1978 (being Laws

1 1997, Chapter 263, Section 1) is amended to read:

2 "15-2-2.1. LEASE OF RADIO COMMUNICATIONS NETWORK--
3 CONDITIONS AND REQUIREMENTS.--In exercising supervisory
4 control pursuant to Section 15-2-2 NMSA 1978, the department
5 of information technology may lease to a private entity
6 excess capacity relating to the provision of two-way radio
7 services on its radio communications property, including
8 buildings, towers or antennas, provided that:

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

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

13 C. the secretary of information technology
14 certifies that the excess capacity will be available for at
15 least the duration of the lease;

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

18 E. the department of information technology has
19 submitted to the legislative finance committee a detailed
20 plan for the use of excess capacity being leased and an
21 assessment of how the lease will affect public sector uses
22 and local telecommunication service providers; and

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

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

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

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

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

10 C. Income from fees collected shall be deposited
11 to the credit of the department of information technology and
12 used to carry out the duties of the department.

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

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

18 "15-2-4. EXCLUSION FROM JURISDICTION.--The department
19 of information technology shall not have supervisory control
20 over:

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

25 B. the radio equipment of the department of

1 military affairs, except the department of information
2 technology may maintain all radio equipment owned by the
3 department of military affairs that interfaces with
4 state-owned radio equipment; or

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

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

10 "15-2-5. PROPERTY TRANSFER.--Ownership of all radio
11 communication property at mountaintop or remote sites,
12 including buildings, towers, antennas, emergency power plants
13 and radio equipment owned by the New Mexico state police,
14 department of transportation, department of game and fish and
15 forestry division of the energy, minerals and natural
16 resources department, is transferred to the department of
17 information technology."

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

20 "15-2-8. TRANSFER OF PROPERTY--CUSTODY AND CONTROL.--
21 The radio equipment purchased in accordance with Laws 1972,
22 Chapter 74 by the property control division of the general
23 services department is transferred to the department of
24 information technology. The department has the custody and
25 control of the transferred radio equipment."

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

3 "15-5-1. TELECOMMUNICATIONS--DUTIES.--The department of
4 information technology shall enter into necessary agreements
5 to provide, where feasible, a central telephone system,
6 including wide-area telephone service, and related facilities
7 to all executive, legislative and judicial branches. Nothing
8 in this section shall be construed to apply to the provision
9 of a central telephone system and related facilities to
10 political subdivisions of the state."

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

13 "15-5-3. CHARGES FOR CENTRAL TELEPHONE SERVICES.--
14 Departments, institutions and agencies participating in the
15 central telephone system shall be charged a pro rata and
16 equitable share of the total monthly costs of the service.
17 This determination is to be made by the department of
18 information technology. Toll calls not covered by the
19 wide-area telephone service and supplemental equipment shall
20 be segregated and paid for by agencies, institutions and
21 departments making the calls or using the supplemental
22 equipment."

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

25 "15-5-4. DEPOSIT OF MONEY.--The department of

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

9 Section 23. Section 22-15A-11 NMSA 1978 (being Laws
10 2005, Chapter 222, Section 2) is amended to read:

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

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

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

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

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

9 E. In entering into contracts to correct
10 deficiencies pursuant to this section, the bureau shall
11 include such terms and conditions as necessary to ensure that
12 the state money is expended in the most prudent manner
13 possible consistent with the original purpose."

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

16 "29-15A-3. STATE POLICE--AMBER ALERT NOTIFICATION
17 PLAN--DECLARATION OF AMBER ALERT.--

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

24 (1) provide a procedure for notifying the
25 lead station by the authorized requester that an AMBER alert

1 has been declared. The procedure shall include codes for use
2 by the authorized requester in communicating with the lead
3 station to prevent false alerts;

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

7 (3) include a procedure for notifying the
8 department of information technology that an AMBER alert has
9 been declared. The department of information technology
10 shall immediately transmit the notification and related
11 information to all state field operations employees so that
12 they may be aware and vigilant in the course of their regular
13 activities;

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

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

25 (6) provide for dissemination of information

1 about a child or a child's abductor to the lead station, the
2 department of information technology and local law
3 enforcement agencies when an AMBER alert has been declared.

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

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

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

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

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

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

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

22 "38-5-3. SOURCE FOR JUROR SELECTION.--

23 A. Each county clerk shall make available to the
24 secretary of state a database of registered voters of the
25 clerk's county. The secretary of state shall preserve and

1 make available to the department of information technology,
2 by electronic media, a database of New Mexico registered
3 voters, by county, which shall be updated monthly. The
4 director of the motor vehicle division of the taxation and
5 revenue department shall make available by electronic media
6 to the department of information technology a database of
7 driver's license holders in each county, which shall be
8 updated monthly. The secretary of taxation and revenue shall
9 make available to the department of information technology,
10 by electronic media, a database of New Mexico personal income
11 tax filers by county, which shall be updated quarterly.

12 B. The department of information technology shall
13 program the merger of the registered voter, driver's license
14 and personal income tax filer databases from each county to
15 form a master jury database and write a computer program so
16 that a random selection of jurors can be made. A
17 discrimination shall not be exercised except for the
18 elimination of persons who are not eligible for jury service.
19 The administrative office of the courts shall provide
20 specifications for the merging of the registered voter,
21 driver's license and personal income tax filer databases.
22 The merged database information shall be the database that
23 produces the random jury list for the selection of petit or
24 grand jurors for the state courts.

25 C. The court shall, by order, designate the number SB 979
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1 of potential jurors to be selected and the date on which the
2 jurors are to report for empaneling. Within fifteen days
3 after receipt of a copy of the order, the administrative
4 office of the courts shall provide the random jury list to
5 the court. The department of information technology shall
6 print the random jury list and jury summons mailer forms
7 within ten days after receiving the request from the
8 administrative office of the courts. Upon issuance of the
9 order, the department of information technology shall draw
10 from the most current registered voter, driver's license and
11 personal income tax filer databases to create the random jury
12 list.

13 D. The department of information technology may
14 transfer the master jury database to a court that has
15 compatible equipment to accept such a transfer. The court
16 accepting the master jury database shall transfer the
17 information to a programmed computer used for the random
18 selection of petit or grand jurors."

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

21 A. The transfer of functions, personnel,
22 appropriations, money, records, equipment, supplies, other
23 property and contractual obligations of the office of the
24 chief information officer, the information technology
25 commission, pursuant to the Information Technology Management

1 Act, and the communications division, information systems
2 division, radio communications bureau and telecommunications
3 bureau of the general services department is approved and
4 transferred to the department of information technology. All
5 references in law to the office of the chief information
6 officer, the information technology commission, pursuant to
7 the Information Technology Management Act, and the
8 communications division, information systems division, radio
9 communications bureau and telecommunications bureau of the
10 general services department shall be deemed to be references
11 to the department of information technology.

12 B. It is the intent of the legislature that
13 consolidation of state services and programs into the
14 department of information technology be accomplished as
15 quickly as practicable, without disruption in information
16 technology services to executive agencies.

17 C. At the time of transfer of an agency or
18 program, all personnel, money, appropriations, records,
19 files, furniture, equipment and other property related to
20 that agency or program shall be transferred to the department
21 of information technology. The governor's office and the
22 state budget division of the department of finance and
23 administration shall assist in the identification of
24 personnel, money, appropriations and property to be
25 transferred and shall certify to the legislature that

1 resources transferred from other agencies to the department
2 of information technology are sufficient to continue the same
3 level of services.

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

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

11 F. The secretary of information technology shall
12 provide periodic updates to the legislative finance committee
13 and other appropriate interim legislative committees on the
14 progress of the transition and integration plan and the
15 establishment of the department of information technology.
16 By November 1, 2007, the secretary shall provide the
17 legislative finance committee and other appropriate interim
18 legislative committees with a comprehensive plan to provide
19 information technology services for all executive branch
20 agencies, including recommendations, if any, for the transfer
21 of additional information technology services or programs
22 from other agencies to the department of information
23 technology.

24 Section 27. REPEAL.--Sections 15-1C-1 through 15-1C-12
25 NMSA 1978 (being Laws 1999, Chapter 16, Sections 1 through

1 11, Laws 2003, Chapter 49, Section 9 and Laws 2003, Chapter
2 308, Section 9, as amended) are repealed.

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

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