HOUSE BILL 698

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY
VINCE MARTINEZ

AN ACT

RELATING TO INFORMATION AND COMMUNICATION MANAGEMENT; CREATING AND PROVIDING FOR THE OFFICE ON INFORMATION AND COMMUNICATION MANAGEMENT, THE CHIEF INFORMATION OFFICER AND THE TECHNICAL ADVISORY COMMITTEE; SPECIFYING EXECUTIVE AGENCY DUTIES; ABOLISHING THE COMMISSION ON INFORMATION AND COMMUNICATION MANAGEMENT; TRANSFERRING RIGHTS AND RESPONSIBILITIES, PERSONNEL, BUDGETS, APPROPRIATIONS, PROPERTY AND RECORDS.

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

Section 1. SHORT TITLE.--This act may be cited as the "Information and Communication Management Act".

Section 2. PURPOSE OF ACT.--The purpose of the Information and Communication Management Act is to create a central resource for strategic information and communications systems planning for state government to:

.109342.1G]
A. assist executive agencies in establishing and maintaining efficient and cost-effective information management and communications systems, appropriate to the missions of the agencies that will enable the agencies to more effectively carry out their responsibilities to the public;

B. provide leadership in developing and revising the statewide information architecture through collaboration with state executive agencies; and

C. provide a centralized source for the administration of the information architecture and other statewide policies on information technology.

Section 3. Definitions.--As used in the Information and Communication Management Act:

A. "executive agency" means a state agency, instrumentality, board or commission in the executive branch of state government, state educational institutions and local political subdivisions;

B. "information and communications systems" means computer, voice and data communications software and hardware, including imaging systems, terminals, radio and communications networks and facilities; and

C. "information architecture" means documents of statewide application that contain principles, policies, standards and guidelines for development of information and communications systems for state agencies.

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Section 4. OFFICE ON INFORMATION AND COMMUNICATION MANAGEMENT CREATED--ADMINISTRATIVE ATTACHMENT--CHIEF INFORMATION OFFICER--QUALIFICATIONS--STAFF.--

A. The "office on information and communication management" is created. The office is administratively attached to the office of the governor.

B. The administrative head of the office on information and communication management is the "chief information officer", who shall have a minimum of five years' experience in management of a large information technology system and shall be appointed by the governor. The chief information officer shall serve at the pleasure of the governor.

C. The chief information officer shall have all the powers and duties of the office in the interim period between the time he is appointed by the governor and confirmation by the senate.

D. The chief information officer is authorized to hire information and communications management analysts and other staff as necessary pursuant to the Personnel Act.

Section 5. CHIEF INFORMATION OFFICER--DUTIES.--The chief information officer shall:

A. collaborate with executive agencies, the technical advisory committee and other public entities to continue development of the existing information architecture;

B. position the state to optimize the use of
communications and information technology by ensuring through the information architecture that:

(1) resources are used efficiently, redundancy is minimized and information systems support the requirements of state government as a whole and the missions of individual executive agencies;

(2) efficient and judicious incorporation of information and communications technology innovations supports executive agency operations to control expenses, increase productivity, improve service and improve management controls; and

(3) prudent risk management practices preserve the integrity and security of information and communications systems and ensure timely resumption of operations following a disaster;

C. facilitate, cooperate with and provide guidance to executive agencies in the preparation of annual information and communications systems management plans, which shall include information about planned information technology objectives and expenditures for the next fiscal year in the level of detail and format specified by the chief information officer;

D. work with the technical advisory committee and executive agencies to develop agency plans that:

(1) demonstrate that the agency has developed relevant, achievable measurable objectives consistent with the
agency's mission and existing statewide information and communications policies and goals, including the information architecture, or that departures from such policies and goals are justified;

(2) show effective and efficient use of available resources, including staff, funds and existing capital and time;

(3) specifically identify communities of interest, within and outside the agency, with whom information and data should be shared to prevent duplication of effort; and

(4) provide for security of data and disaster recovery in a manner consistent with the agency's needs and statewide policies;

E. make recommendations to the department of finance and administration and the legislative finance committee for approval or disapproval of executive agency requests for expenditures for information or communications management systems if requested information appropriations in any fiscal year exceed five hundred thousand dollars ($500,000). The amount requested is to be determined by calculation of amounts to be expended for equipment, software, maintenance costs, agreements for services and other related costs of such systems;

F. monitor periodically the performance of executive agencies in achieving the goals of their individual plans and in achieving compliance with the information architecture. A
written report shall be sent to the head of the agency and to the council on information. The report shall:

(1) specify any noncompliance;

(2) specify how the noncompliance can be rectified; and

(3) give the executive agency the option to provide additional information relating to the noncompliance.

The agency may respond in writing to the report within thirty days of receipt of the report. The response shall be forwarded with the report of the chief information officer to the department of finance and administration and the legislative finance committee;

G. advise the department of finance and administration and the legislative finance committee if the chief information officer and the agency cannot reach agreement on a plan, by providing in writing an explanation of the areas of disagreement;

H. facilitate the implementation of agency plans;

I. review all budget requests for appropriations for information and communications systems for all executive agencies for each fiscal year. The chief information officer shall designate the priority of each requested expenditure by assigning priorities based on the state strategic plan for information and communications systems management. The priority listing shall be provided to the department of finance and administration.
administration and the legislative finance committee. Each agency shall also receive a copy of the priority listing. The budget request for appropriations shall be prepared in cooperation with each executive agency;

J. appoint members of the technical advisory committee, call meetings of the committee and preside over the meetings, as provided in Section 7 of the Information and Communication Management Act; and

K. update on an annual basis the state strategic plan for information and communications systems management. Amendments to the plan shall be made in cooperation with executive agencies and the technical advisory committee. The plan shall take into account the existing agency plans and the information architecture and assess the resources available, costs and benefits of provisions in the plan, including assessment of alternative courses of action, the risks involved, a summary of the state's current and projected use of information technology, a description of major changes in state policy and a brief description of each executive agency plan.

Section 6. CHIEF INFORMATION OFFICER--POWERS.--The chief information officer shall have the power to:

A. employ staff pursuant to the Personnel Act;

B. obtain information, documents and records from each of the executive agencies as needed to carry out his duties;
C. develop with state agencies annual information and communications systems management plans and, in the event of disagreement, report the areas of concern to the technical advisory committee;

D. notify each executive agency, where necessary, of any noncompliance with statewide policies, including the information architecture or the agency's plan; and

E. enter into contracts and agreements relating to any powers or duties given the chief information officer under the Information and Communication Management Act.

Section 7. TECHNICAL ADVISORY COMMITTEE--CREATION--

PURPOSE.--

A. The "technical advisory committee" is created. The committee shall consist of senior technical representatives from the judiciary, the legislature, executive agencies, local political subdivisions, public school systems, higher education, the business community, the national laboratories and the general public and shall be appointed by the chief information officer. Meetings shall be held on the call of the chief information officer.

B. The technical advisory committee shall represent users of the information and communications systems affected by the information architecture and shall provide advice to the chief information officer as to their needs.

Section 8. EXECUTIVE AGENCY COOPERATION WITH CHIEF
INFORMATION OFFICER.--

A. Each executive agency of the state shall furnish and make available, upon request by the chief information officer or the technical advisory committee, documents, materials or information, not made confidential by law, related to its information or communications systems.

B. Each executive agency shall present all requests for expenditures for information and communications systems for the subsequent fiscal year to the chief information officer by September 1 of the previous fiscal year. The executive agency shall assign a priority to each proposed expenditure.

C. Each executive agency shall maintain and update, on an annual basis, an information and communications systems management plan pursuant to Sections 5 and 6 of the Information and Communication Management Act. The plan shall be developed in cooperation with the chief information officer by May 1 of each year for the fiscal beginning July 1 to reflect amounts budgeted. All departures from the information architecture or other statewide policies shall be justified by the agency submitting the plan. A copy of the final plan for the agency shall be given by the chief information officer, the head of the agency, the department of finance and administration and the legislative finance committee. All expenditures for any information or communications management systems that exceed five hundred thousand dollars ($500,000) in any fiscal year
shall be specifically identified. No expenditure may be made for such systems until the plan is approved by the chief information officer.

D. Each executive agency shall appoint a person or group of persons with the necessary technical expertise for the purpose of providing a continuing liaison with the office on information and communication management.

Section 9. SUCCESSOR TO THE COMMISSION ON INFORMATION MANAGEMENT.--On the effective date of the provisions of the Information and Communication Management Act, the office of communication and information management shall succeed to all rights and responsibilities of the commission on information and communication management, including all contractual and property rights and obligations. On the effective date, all references in the law to the commission on information and communication management shall be deemed to be references to the office of communication and information management.

Section 10. TEMPORARY PROVISION--TRANSFER OF PERSONNEL AND PROPERTY.--On the effective date of the provisions of the Information and Communication Management Act, all employees, budgets, appropriations, property, facilities, equipment, supplies and records of the commission on information and communication management are transferred to the office on information and communication management.

Section 11. SUNSET--TERMINATION OF OFFICE ON TECHNOLOGY
AND COMMUNICATION MANAGEMENT.--The office on information and communication management is terminated on July 1, 1998 pursuant to the Sunset Act. Effective July 1, 1998, the Information and Communication Management Act is repealed.

Section 12. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1996.
Mr. Speaker:

Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 698

has had it under consideration and reports same WITHOUT RECOMMENDATION, and thence referred to the APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

Lynda M. Lovejoy, Chairwoman
Adopted ___________________  Not Adopted ___________________

(Chief Clerk)               (Chief Clerk)

Date ________________

The roll call vote was 11 For 0 Against
Yes: 11
Excused: None
Absent: None
Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 698

has had it under consideration and reports same with recommendation that it DO NOT PASS, but that

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR HOUSE BILL 698

DO PASS.

Respectfully submitted,

Max Coll, Chairman
FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

CS/HB 698

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Adopted ____________________ Not Adopted ____________________

(Chief Clerk) (Chief Clerk)

Date _____________

The roll call vote was 11 For 0 Against
Yes: 11
Excused: Abeyta, Buffett, Coll, Knowles, Light, Reyes, Varela
Absent: None
HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 698

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for state government to:

A. assist executive agencies in establishing and
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and communications systems, appropriate to the missions of the agencies that will enable the agencies to more effectively carry out their responsibilities to the public;

B. provide leadership in developing and revising the statewide information architecture through collaboration with state executive agencies; and

C. provide a centralized source for the administration of the information architecture and other statewide policies on information technology.

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Section 4. OFFICE ON INFORMATION AND COMMUNICATION MANAGEMENT CREATED—ADMINISTRATIVE ATTACHMENT—CHIEF INFORMATION OFFICER—QUALIFICATIONS—STAFF.—

A. The "office on information and communication management" is created. The office is administratively attached
to the office of the governor.

B. The administrative head of the office on information and communication management is the "chief information officer", who shall have a minimum of five years' experience in management of a large information technology system and shall be appointed by the governor with the consent of the senate. The chief information officer shall serve at the pleasure of the governor.

C. The chief information officer shall have all the powers and duties of the office in the interim period between the time he is appointed by the governor and confirmation by the senate.

D. The chief information officer is authorized to hire information and communications management analysts and other staff as necessary pursuant to the Personnel Act.

Section 5. CHIEF INFORMATION OFFICER--DUTIES.--The chief information officer shall:

A. provide leadership in and coordination of the continued development of the existing information architecture with the technical advisory committee, executive agencies and other public entities as necessary;

B. monitor national and international standards relating to information resources technologies, develop and publish policies, procedures and standards relating to information resources management by state executive agencies and ensure compliance with those policies, procedures and standards;
C. ensure that prudent risk management practices preserve the integrity and security of information and communications systems and ensure timely resumption of operations following a disaster;

D. facilitate, cooperate with and provide guidance to executive agencies in the preparation of annual information and communications systems management plans, which shall include information about planned information technology objectives and expenditures for the next fiscal year in the level of detail and format specified by the chief information officer;

E. work with the technical advisory committee and executive agencies to develop agency plans that:

(1) demonstrate that the agency has developed relevant, achievable measurable objectives consistent with the agency's mission and existing statewide information and communications policies and goals, including the information architecture, or that departures from such policies and goals are justified;

(2) show effective and efficient use of available resources, including staff, funds and existing capital and time;

(3) specifically identify communities of interest, within and outside the agency, with whom information and data should be shared to prevent duplication of effort; and

(4) provide for security of data and disaster recovery in a manner consistent with the agency's needs and
statewide policies;

F. make recommendations to the department of finance and administration and the legislative finance committee for approval or disapproval of the collective executive agency recommendations and requests for expenditures for information or communications management systems if requested information appropriations in any fiscal year exceed five hundred thousand dollars ($500,000). The amount requested is to be determined by calculation of amounts to be expended for equipment, software, maintenance costs, agreements for services and other related costs of such systems;

G. monitor periodically the performance of executive agencies in achieving the goals of their individual plans and in achieving compliance with the information architecture. A written report shall be sent to the head of the agency. The report shall:

(1) specify compliance with information architecture;

(2) specify compliance with approved plans;

(3) specify solutions for improved compliance;

and

(4) be provided, along with agency recommendations, to the legislative finance committee;

H. develop a schedule for ongoing monitoring of major system development projects. A written report shall be sent to the head of the agency as specified in the schedule. The report shall:
(1) specify compliance with information architecture;
(2) specify compliance with audit guidelines;
(3) provide recommendations for improved compliance; and
(4) be provided, along with agency recommendations, to the legislative finance committee;

1. review all budget requests for appropriations for information and communications systems for all executive agencies for each fiscal year. The chief information officer shall designate the priority of each requested expenditure by assigning priorities based on the state strategic plan for information and communications systems management. The priority listing shall be provided to the department of finance and administration and the legislative finance committee. Each agency shall also receive a copy of the priority listing. The budget request for appropriations shall be prepared in cooperation with each executive agency;

J. appoint members of the technical advisory committee, call meetings of the committee and preside over the meetings, as provided in Section 7 of the Information and Communication Management Act; and

K. develop the state strategic plan for information and communications systems management on a continual basis. The plan
shall be submitted annually to the department of finance and administration. Amendments to the plan shall be made in cooperation with executive agencies and the technical advisory committee. The plan shall take into account the existing agency plans and the information architecture and assess the resources available, costs and benefits of provisions in the plan, including assessment of alternative courses of action, the risks involved, a summary of the state's current and projected use of information technology, a description of major changes in state policy and a brief description of each executive agency plan.

Section 6. CHIEF INFORMATION OFFICER--POWERS.--The chief information officer shall have the power to:

A. employ staff pursuant to the Personnel Act;

B. obtain information, documents and records from each of the executive agencies as needed to carry out his duties;

C. develop with state agencies annual information and communications systems management plans;

D. notify each executive agency, where necessary, of any noncompliance with statewide policies, including the information architecture or the agency's plan;

E. enter into contracts and agreements relating to any powers or duties given the chief information officer under the Information and Communication Management Act;

F. approve as a signatory professional service contracts for information and communication systems; and
G. approve rate structures for the information systems division of the general services department.

Section 7. TECHNICAL ADVISORY COMMITTEE--CREATION--PURPOSE.--

A. The "technical advisory committee" is created. The committee shall consist of senior technical representatives from the judiciary, the legislature, executive agencies, local political subdivisions, public school systems, higher education, the business community, the national laboratories and the general public and shall be appointed by the chief information officer. Meetings shall be held on the call of the chief information officer.

B. The technical advisory committee shall represent users of the information and communications systems affected by the information architecture and shall provide advice to the chief information officer as to their needs.

Section 8. EXECUTIVE AGENCY COOPERATION WITH CHIEF INFORMATION OFFICER.--

A. Each executive agency of the state shall furnish and make available, upon request by the chief information officer or the technical advisory committee, documents, materials or information, not made confidential by law, related to its information or communications systems.

B. Each executive agency shall present all requests for expenditures for information and communications systems for the subsequent fiscal year to the chief information officer by

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September 1 of the previous fiscal year. The executive agency shall assign a priority to each proposed expenditure.

C. Each executive agency shall maintain and update continually an information and communication systems management plan pursuant to Sections 5 and 6 of the Information and Communication Management Act. The plan shall be developed annually in cooperation with the chief information officer by May 1 of each year for the fiscal beginning July 1 to reflect amounts budgeted. All departures from the information architecture or other statewide policies shall be justified by the agency submitting the plan. A copy of the final plan for the agency shall be given by the chief information officer to the head of the agency, the department of finance and administration and the legislative finance committee. All expenditures for any information or communications management systems that exceed five hundred thousand dollars ($500,000) in any fiscal year shall be specifically identified. No expenditure may be made until the plan is approved by the chief information officer.

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Section 12. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1996.
Mr. President:

Your Finance Committee, to whom has been referred

House Appropriations and Finance Committee Substitute for House Bill 698

has had it under consideration and reports same with recommendation that it DO PASS.

Respectfully submitted,

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Ben D. Altamirano, Chairman
Adopted ________________________ Not Adopted ________________________

(Chief Clerk)                          (Chief Clerk)

Date ______________________________

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Donisthorpe, Duran, Ingle, Kidd, Kysar

Absent: None