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BILL

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

DISCUSSION DRAFT

FOR THE GOVERNMENT RESTRUCTURING TASK FORCE

AN ACT

RELATING TO INFORMATION TECHNOLOGY MANAGEMENT; ENACTING THE
INFORMATION TECHNOLOGY MANAGEMENT ACT; CREATING THE OFFICE OF
THE CHIEF INFORMATION OFFICER; CREATING THE INFORMATION
TECHNOLOGY COMMISSION; PROVIDING POWERS AND DUTIES; APPROVING
TRANSFERS OF FUNCTIONS, PERSONNEL, MONEY, APPROPRIATIONS AND
PROPERTY; REPEALING THE DEPARTMENT OF INFORMATION TECHNOLOGY
ACT; PROVIDING PENALTIES; MAKING AN APPROPRIATION.

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

SECTION 1. SHORT TITLE.--This act may be cited as the
"Information Technology Management Act".

SECTION 2. PURPOSE.--The purpose of the Information
Technology Management Act is to:

- A. coordinate policies and procedures for
e-government;

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1 B. assess and inventory current information
2 technology services and resources;

3 C. coordinate central and individual executive
4 agency information technology in a manner that ensures
5 compliance with state information architecture and that ensures
6 that cost-effective and efficient information and communication
7 systems and resources are being used by executive agencies;

8 D. develop a three-year state information
9 technology strategic plan for information and communication
10 management that is updated annually by the information
11 technology commission; and

12 E. promote data sharing between governmental
13 entities and provide a mechanism for information technology
14 expertise to be shared between the branches of state government
15 and local governments.

16 **SECTION 3. DEFINITIONS.--**As used in the Information
17 Technology Management Act:

18 A. "agency plan" means an executive agency's annual
19 information technology plan;

20 B. "commission" means the information technology
21 commission;

22 C. "e-government" means the provision of access to
23 government information and services via the internet or other
24 information technology that complies with state information
25 architecture;

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1 D. "executive agency" means a state agency of the
2 executive branch of government;

3 E. "information technology" means computer, voice,
4 radio, video and data communication software and hardware and
5 related infrastructure, systems, products and services,
6 including:

- 7 (1) systems design and analysis;
- 8 (2) acquisition, storage and conversion of
9 data;
- 10 (3) computer programming;
- 11 (4) information storage and retrieval;
- 12 (5) imaging systems;
- 13 (6) communications networks and facilities;
- 14 (7) simulation and testing;
- 15 (8) agreements and contracts for goods and
16 services; and
- 17 (9) interactions between users and information
18 systems;

19 F. "information technology project" means the
20 purchase, replacement, development or modification of
21 information technology;

22 G. "office" means the office of the chief
23 information officer;

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

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

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

7 SECTION 4. OFFICE OF THE CHIEF INFORMATION OFFICER--
8 ADMINISTRATIVE ATTACHMENT--CHIEF INFORMATION OFFICER--
9 QUALIFICATIONS--STAFF.--

10 A. The "office of the chief information officer" is
11 created. The office is administratively attached to the
12 general services department.

13 B. The head of the office is the "chief information
14 officer", who is appointed by the governor with the consent of
15 the senate. The chief information officer shall have a minimum
16 of seven years' experience in the management of a large
17 information technology enterprise. The chief information
18 officer serves at the pleasure of the governor.

19 C. Within the limitations of available
20 appropriations and applicable laws, the chief information
21 officer may hire staff as necessary to carry out the provisions
22 of the Information Technology Management Act. Staff of the
23 office are subject to the provisions of the Personnel Act.

24 SECTION 5. OFFICE--POWERS AND DUTIES.--

25 A. The office may:

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1 (1) obtain information, documents and records
2 that are not confidential by law from an executive agency as
3 needed to carry out the provisions of the Information
4 Technology Management Act;

5 (2) enter into contracts;

6 (3) perform reviews of executive agency
7 information technology projects or information technology
8 management processes;

9 (4) when requested, offer assistance or
10 expertise to the judiciary, legislature, institutions of higher
11 education, counties, municipalities, public school districts
12 and other political subdivisions of the state; and

13 (5) apply for and receive, with the governor's
14 approval, in the name of the office, public or private funds,
15 including United States government funds, available to the
16 department to carry out its programs, duties or services.

17 B. The office shall:

18 (1) prepare the state information technology
19 strategic plan for the executive branch and update it annually
20 in conjunction with the commission. The plan shall be
21 available to agencies by July 31 of each year. The plan shall
22 comply with the provisions of the Information Technology
23 Management Act and provide for the:

24 (a) interchange of information related
25 to information technology among executive agencies;

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

4 (c) protection of the privacy and
5 security of personal information as well as of persons using
6 the state's information technology systems;

7 (2) review agency plans and make
8 recommendations to the commission regarding prudent allocation
9 of information technology resources; reduction of data,
10 hardware and software redundancy; and improvement of system
11 interoperability and data accessibility between agencies;

12 (3) except as provided in Subsection I of
13 Section 7 of the Information Technology Management Act, and
14 after verifying compliance with state information architecture
15 and the state information technology strategic plan, approve:

16 (a) executive agency information
17 technology requests for proposals and contract vendor requests
18 that are subject to the Procurement Code, prior to final
19 approval; and

20 (b) executive agency information
21 technology contracts and amendments to those contracts,
22 including emergency and sole source procurements and price
23 agreements, prior to final execution;

24 (4) recommend procedures and rules to the
25 commission for improved oversight of information technology

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1 procurement;

2 (5) monitor executive agency compliance with
3 its agency plan, the state information technology strategic
4 plan and state information architecture and report
5 noncompliance to the governor, the commission and the executive
6 agency management;

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

9 (7) review appropriation requests related to
10 executive agency information technology requests to ensure
11 compliance with agency plans and the state information
12 technology strategic plan and make written recommendations
13 regarding those requests to the department of finance and
14 administration, the legislative finance committee and the
15 commission by November 30 of each year;

16 (8) provide oversight of information
17 technology projects, including ensuring adequate risk
18 management, disaster recovery and business continuity
19 practices, and monitoring compliance with strategies developed
20 by the commission for information technology projects that
21 impact multiple agencies;

22 (9) conduct background checks on office
23 employees and prospective employees that have or will have
24 administrative access or authority to sensitive, confidential
25 or private information or the ability to alter systems,

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1 networks or other information technology;

2 (10) develop information technology cost
3 recovery mechanisms and information systems rate and fee
4 structures of state agencies and other public or private sector
5 providers and make recommendations to the information
6 technology rate committee; and

7 (11) perform any other function assigned by
8 the governor or commission.

9 SECTION 6. INFORMATION TECHNOLOGY COMMISSION CREATED--
10 MEMBERSHIP.--

11 A. The "information technology commission" is
12 created. The commission consists of eleven members as follows:

13 (1) four members, appointed by the governor,
14 who are from state agencies whose primary funding is not from
15 internal service funds;

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

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

22 (4) two members from the national laboratories
23 appointed by the respective laboratory directors; and

24 (5) two members, appointed by the governor to
25 represent local government, one appointment to be selected by

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1 the governor from a list of three names provided by the New
2 Mexico association of counties and one appointment to be
3 selected by the governor from a list of three names provided by
4 the New Mexico municipal league.

5 B. The following advisory members may serve on the
6 commission:

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

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

12 (3) the chief information officer.

13 C. A member of the commission may select a designee
14 to represent the member and vote on the member's behalf,
15 provided that no appointee or designee of the commission from a
16 state agency shall be less than the deputy head of the agency.

17 D. A registered lobbyist under the Lobbyist
18 Regulation Act shall not serve on the commission while
19 registered as a lobbyist or for one year after terminating work
20 as a lobbyist in compliance with the termination requirements
21 of the Lobbyist Regulation Act.

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

25 F. The commission shall meet at least quarterly and

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1 may meet at the call of the chair or a majority of the members.

2 SECTION 7. INFORMATION TECHNOLOGY COMMISSION--POWERS AND
3 DUTIES.--The commission shall:

4 A. promulgate rules that delineate the state
5 information architecture as a framework for the state
6 information technology strategic plan;

7 B. promulgate other rules necessary for the
8 administration of the Information Technology Management Act and
9 the conduct of the affairs of the office;

10 C. develop and annually review strategies for
11 identifying information technology projects that affect
12 multiple agencies and ensure that those information technology
13 projects are appropriately designed and developed;

14 D. provide information technology planning
15 guidelines for agency annual plans;

16 E. update state information architecture and the
17 state information technology strategic plan annually, including
18 identifying areas of noncompliance with the state information
19 technology strategic plan;

20 F. review and comment on information technology
21 appropriation requests presented to the commission by the chief
22 information officer and report to the legislative finance
23 committee regarding those requests;

24 G. establish policies and procedures and promulgate
25 rules to ensure that information technology projects satisfy

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1 criteria established by the commission and are phased in, that
2 funding is released in phases and that an executive agency's
3 authority to proceed to the next phase of an information
4 technology project is contingent upon successful completion of
5 the prior phase. The policies, procedures and rules shall
6 require the identification of one or more specific deliverables
7 for each phase;

8 H. promulgate rules to provide for mediation of
9 disputes between an executive agency and the office regarding
10 the exercise of authority that may arise under Paragraph (3) of
11 Subsection B of Section 5 of the Information Technology
12 Management Act; and

13 I. when the projected cost or agreed cost is more
14 than five hundred thousand dollars (\$500,000) and after
15 verifying compliance with state information architecture and
16 the state information technology strategic plan, approve
17 executive agency information technology requests for proposals
18 and other solicitations or requests that are subject to the
19 Procurement Code, prior to final approval, and executive agency
20 information technology contracts and amendments to those
21 contracts, including emergency and sole source procurements and
22 price agreements, prior to final execution.

23 SECTION 8. INFORMATION TECHNOLOGY RATE COMMITTEE--
24 MEMBERSHIP--DUTIES.--

25 A. The "information technology rate committee" is

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1 created. The committee consists of seven members as follows:

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

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

7 (3) the chief information officer.

8 B. The information technology rate committee shall:

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

11 (2) ensure that the rate and fee schedule
12 complies with the federal office of management and budget
13 circular A-87 or its successor directive;

14 (3) consider for approval an equitable rate
15 and fee schedule based on cost recovery for state agencies that
16 use information technology services and pay rates to an
17 internal service fund, with priority service to public safety
18 agencies;

19 (4) present the committee's proposed rate and
20 fee schedule by June 1 of each year to the office of the
21 governor, the department of finance and administration and the
22 legislative finance committee; and

23 (5) by July 15 of each year, implement a rate
24 and fee schedule based on the office's recommendations;
25 provided, however, that a reduction in rates or fees by the

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1 department shall not require the committee's approval if the
2 reduction is based on cost recovery and if the committee is
3 notified in a timely manner.

4 **SECTION 9. AGENCY INVOICES.**--An executive state agency
5 that receives an invoice from the office for services rendered
6 to the agency shall have thirty days from receipt of the
7 invoice to pay the office or to notify the office if the amount
8 of the invoice is in dispute. The executive agency shall have
9 fifteen days from its notification of dispute to the office to
10 present its reasons in writing and request an adjustment. The
11 office shall have fifteen days from its receipt of the reasons
12 for dispute to notify the executive agency of its decision. If
13 the office and the executive agency do not agree on a
14 resolution, the secretary of finance and administration shall
15 make a determination on the amount owed by the agency to the
16 office. If the executive agency has not paid the office or
17 notified the office of a dispute within thirty days of receipt
18 of the invoice, the office shall notify the department of
19 finance and administration and request that the department of
20 finance and administration transfer funds from the agency to
21 the office to satisfy the agency's obligation.

22 **SECTION 10. AGENCY PLANS--CERTIFICATION--NONCOMPLIANCE--**
23 **PENALTIES--BACKGROUND CHECKS.--**

24 A. An executive agency shall submit an agency
25 information technology plan to the chief information officer in

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1 the form and detail and at the time required by the officer.

2 B. An agency plan shall:

3 (1) be consistent with the state information
4 technology strategic plan;

5 (2) demonstrate that the executive agency has
6 developed information technology objectives consistent with the
7 agency plan, the state information technology strategic plan
8 and the state information architecture;

9 (3) show appropriate coordination with other
10 executive agencies to improve customer service and reduce
11 redundant data, hardware and software;

12 (4) include information about information
13 technology objectives, inventories, data and expenditures for
14 each fiscal year;

15 (5) demonstrate consistency with
16 appropriations and budgets approved by the department of
17 finance and administration; and

18 (6) include any other components required by
19 the office or the commission.

20 C. Prior to making information technology
21 purchases, regardless of the funding source, the head of an
22 executive agency shall certify to the commission, pursuant to
23 rules adopted by the commission, that the agency's proposed
24 information technology purchases are consistent with its agency
25 plan, the state information architecture adopted by the

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1 commission and the state information technology strategic plan.
2 The commission or the office may delay or stop a purchase if it
3 believes that the proposed purchase may not meet the
4 requirements of the agency plan, the state information
5 architecture or the state information technology strategic
6 plan.

7 D. A person who fails to comply with the
8 certification requirements set forth in Subsection C of this
9 section is in violation of the provisions of the Information
10 Technology Management Act and:

11 (1) is guilty of a misdemeanor, as provided in
12 Section 31-19-1 NMSA 1978;

13 (2) is subject to a civil penalty in an amount
14 not to exceed one thousand dollars (\$1,000) for each violation.
15 The attorney general or the district attorney in the
16 jurisdiction in which the violation occurs is empowered to
17 bring a civil action for the enforcement of the civil penalty.
18 A penalty collected under the provisions of this section shall
19 be credited to the general fund; and

20 (3) shall be individually liable to the state
21 for the amount of the purchase or sale.

22 E. An executive agency shall conduct background
23 checks on agency or prospective agency employees that have or
24 will have administrative access or authority to alter systems,
25 networks or other information technology.

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1 SECTION 11. EQUIPMENT REPLACEMENT PLANS--EQUIPMENT

2 REPLACEMENT REVOLVING FUNDS.--

3 A. In order to plan for the expenditure of capital
4 investments necessary to provide goods and services to the
5 state and its agencies and to local public bodies and other
6 enterprise customers, the office shall establish and maintain
7 an equipment replacement plan for each of the office's
8 enterprise functions. No later than September 1 of each year,
9 the plans shall be submitted to the department of finance and
10 administration, the commission and the legislature, accompanied
11 by a reconciliation report of the preceding fiscal year
12 reflecting financial activity in each of the equipment
13 replacement revolving funds established pursuant to this
14 section.

15 B. Upon the request of the chief information
16 officer, the state treasurer shall establish in the state
17 treasury such "equipment replacement revolving funds" as are
18 necessary to administer each of the office's enterprise
19 functions. The revolving funds shall consist of legislative
20 appropriations to the funds and transfers made to the funds
21 pursuant to Subsections C and D of this section. Income from
22 investment of the revolving funds shall be credited back to the
23 funds, and money in the funds shall not revert at the end of a
24 fiscal year. Expenditures from the funds shall only be made
25 pursuant to an appropriation from the legislature and only for

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1 the purpose of acquiring and replacing capital equipment and
2 associated software used to provide enterprise services
3 pursuant to the office's equipment replacement plans.

4 C. The office shall record amounts due to the
5 equipment replacement revolving funds each fiscal year, based
6 on the calculation of amortization and depreciation applicable
7 to each enterprise service as reflected in the office's
8 published cost structures for calculation of rates for
9 services. Transfers to the funds shall be made from the
10 operating funds of each enterprise in amounts that reconcile
11 with the recorded amounts due. The recording of amounts due to
12 the equipment replacement revolving funds and the transfer of
13 the funds shall be consistent with generally accepted
14 accounting principles.

15 D. The office may make initial transfers from its
16 operating funds to establish the beginning fund balances as of
17 July 1, 2011.

18 SECTION 12. HUMAN RESOURCES--ACCOUNTING AND MANAGEMENT
19 REPORTING.--The office shall:

20 A. enter into a memorandum of understanding with
21 the department of finance and administration for the joint
22 design, development, acquisition and implementation of the
23 statewide human resources, accounting and management reporting
24 system or its successor system;

25 B. include a per employee assessment per agency

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1 that is sufficient to provide for the support, operation,
2 maintenance, software upgrade or equipment replacement of the
3 statewide human resources, accounting and management reporting
4 system or its successor system; and

5 C. ensure that an amount equal to at least the
6 annual depreciation and amortization be deposited in a
7 separately identifiable account for software upgrades and
8 equipment replacement.

9 SECTION 13. TELECOMMUNICATIONS SERVICES.--

10 A. The chief information officer may hire a
11 communications engineer to oversee the engineering
12 responsibilities of the office. The communications engineer
13 shall have a degree in either electrical engineering with an
14 electrical communications specialty or in electronics
15 engineering.

16 B. In providing telecommunications services
17 pursuant to the Information Technology Management Act, the
18 office shall not provide telecommunications services, including
19 telephone, data and broadband services, to an entity other than
20 those authorized pursuant to Section 18 of the Information
21 Technology Management Act, except as is necessary to facilitate
22 a state-mandated program, including distance education,
23 telehealth or school-based health center programs. Before
24 expansion or upgrade of a state-owned or state-funded
25 telecommunications network, whether voice, data or video

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1 transmission, the office shall prepare a plan consistent with
2 state law and applicable rules that includes an assessment of
3 how the project would potentially affect local
4 telecommunications service providers and telecommunications
5 service ratepayers.

6 SECTION 14. RADIO COMMUNICATIONS.--The office shall have
7 supervisory control over all mobile or fixed radio equipment
8 now owned or subsequently acquired by the executive branch or
9 any state officer, department, other agency, board, commission,
10 division or bureau of any executive state department or agency.
11 This supervisory control shall include but not be limited to
12 the determination of the need for, purchase, repair,
13 maintenance, combination or disposition of radio equipment.

14 SECTION 15. LEASE OF RADIO COMMUNICATIONS NETWORK--
15 CONDITIONS AND REQUIREMENTS.--In exercising supervisory control
16 pursuant to Section 12 of the Information Technology Management
17 Act, the office may lease to a private entity excess capacity
18 relating to the provision of two-way radio services on its
19 radio communications property, including buildings, towers or
20 antennas, provided that:

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

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

25 C. the chief information officer certifies that the

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1 excess capacity will be available for at least the duration of
2 the lease;

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

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

10 F. income from the leases shall be deposited to the
11 credit of the office and used to carry out the duties of the
12 office.

13 SECTION 16. SERVICE CHARGE.--

14 A. The office shall charge a fee to the state or
15 any officer, agency, department, division, board or commission
16 of the state for any services rendered in the exercise of its
17 supervisory control pursuant to Section 14 of the Information
18 Technology Management Act.

19 B. Fees shall be fixed by the chief information
20 officer.

21 C. Income from fees collected shall be deposited to
22 the credit of the office and used to carry out its duties.

23 D. The office may provide two-way radio services to
24 counties and municipalities at the same rates charged to state
25 agencies.

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1 **SECTION 17. EXCLUSION FROM JURISDICTION.**--The office
2 shall not have supervisory control over:

3 A. the use of radio equipment, except as to the
4 technical requirements of the equipment or unless the equipment
5 is used by one or more agencies, and the office must determine
6 priority of use;

7 B. the radio equipment of the department of
8 military affairs, except that the office may maintain all radio
9 equipment owned by the department of military affairs that
10 interfaces with state-owned radio equipment; or

11 C. radio equipment that is incidental to a system
12 that is primarily a telephone system, unless otherwise directed
13 by the chief information officer.

14 **SECTION 18. TELECOMMUNICATIONS--DUTIES.**--The office shall
15 enter into necessary agreements to provide, where feasible, a
16 central telephone system, including wide-area telephone
17 service, and related facilities to all executive, legislative
18 and judicial branches. Nothing in this section shall be
19 construed to apply to the provision of a central telephone
20 system and related facilities to political subdivisions of the
21 state.

22 **SECTION 19. CENTRAL TELEPHONE SYSTEM--STAFF--BUDGET.**--The
23 office shall provide the staff and material necessary to
24 properly and adequately operate the central telephone system.
25 The budget for the central telephone system shall be approved

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1 as part of the total operating budget of the office.

2 SECTION 20. CHARGES FOR CENTRAL TELEPHONE SERVICES.--

3 Departments, institutions and agencies participating in the
4 central telephone system shall be charged a pro rata and
5 equitable share of the total monthly costs of the service.
6 This determination is to be made by the office. Toll calls not
7 covered by the wide-area telephone service and supplemental
8 equipment shall be segregated and paid for by agencies,
9 institutions and departments making the calls or using the
10 supplemental equipment.

11 SECTION 21. CENTRAL TELEPHONE SERVICES FUND CREATED--
12 DEPOSIT OF MONEY--APPROPRIATION.--

13 A. There is created in the state treasury a fund
14 known as the "central telephone services fund". The office
15 shall order the deposit or transfer monthly to the fund the
16 amount of money owed by each department, institution and agency
17 using the central telephone system. State institutions and
18 agencies shall adopt accounting procedures prescribed by the
19 department of finance and administration for the handling of
20 payments with reference to the central telephone system.

21 B. All money in the central telephone services fund
22 is appropriated to the office of the chief information officer
23 for expenditure in fiscal year 2011 and subsequent fiscal years
24 to carry out the purposes of Sections 18 through 22 of the
25 Information Technology Management Act. Any unencumbered or

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1 unexpended balance remaining at the end of a fiscal year shall
2 not revert. Payments from the central telephone services fund
3 shall be made on warrants signed by the secretary of finance
4 and administration pursuant to vouchers signed by the chief
5 information officer or the officer's designee.

6 SECTION 22. PARTICIPATION OR EXCLUSION OF AGENCY,
7 DEPARTMENT OR INSTITUTION.--All departments, institutions and
8 agencies of the state government, to the extent that it is
9 practical and feasible, shall participate in the central
10 telephone system. No agreement for any leased or purchased
11 telephone service or for purchase of any telephone equipment
12 shall be entered into by any department, institution or agency
13 of the state participating in the central telephone system,
14 except those institutions enumerated in Article 12, Section 11
15 of the constitution of New Mexico, except upon prior written
16 approval of the chief information officer. If, on the basis of
17 a technical survey, it is found to be infeasible or impractical
18 to include particular agencies, departments or institutions in
19 the central telephone system, the chief information officer may
20 exclude them. In the event of exclusion of any agency,
21 department or institution, the chief information officer shall
22 file a written statement, certifying the reasons therefor, with
23 the records center.

24 SECTION 23. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS,
25 PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES IN LAW.--

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1 A. On July 1, 2011, all functions, personnel,
2 appropriations, money, records, equipment, supplies, other
3 property and contractual obligations of the department of
4 information technology are transferred to the office of the
5 chief information officer. All references in law to the
6 department of information technology and the secretary of
7 information technology as the chief information officer shall
8 be deemed references to the office of the chief information
9 officer and the chief information officer. All references in
10 law to the information technology commission, pursuant to the
11 Department of Information Technology Act, shall be deemed to be
12 references to the information technology commission, pursuant
13 to the Information Technology Management Act.

14 B. Money in the central telephone services fund
15 pursuant to the Department of Information Technology Act is
16 transferred to the central telephone services fund pursuant to
17 the Information Technology Management Act.

18 C. The governor's office and the state budget
19 division of the department of finance and administration shall
20 assist in the identification of personnel, money,
21 appropriations and property to be transferred and shall certify
22 to the legislature that resources transferred from the
23 department of information technology to the office of the chief
24 information officer are sufficient to continue the same level
25 of services.

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1 D. On July 1, 2011, contractual and other
2 obligations of the department of information technology shall
3 be obligations of the office of the chief information officer.

4 E. The chief information officer shall provide
5 periodic updates to the legislative finance committee and other
6 appropriate interim legislative committees on the progress of
7 the transition and integration plan and the establishment of
8 the office of the chief information officer. By November 1,
9 2011, the chief information officer shall provide the
10 legislative finance committee and other appropriate interim
11 legislative committees with a comprehensive plan to provide
12 information technology services for all executive branch
13 agencies, including recommendations, if any, for the transfer
14 of additional information technology services or programs from
15 other agencies to the office of the chief information officer.

16 **SECTION 24. REPEAL.**--Sections 9-27-1 through 9-27-25 NMSA
17 1978 (being Laws 2007, Chapter 290, Sections 1 through 9 and
18 26, Laws 2008, Chapter 84, Section 2, Laws 2009, Chapter 146,
19 Section 6, Laws 1977, Chapter 247, Sections 23 and 24, Laws
20 1997, Chapter 263, Section 1, Laws 1970, Chapter 71, Section 1,
21 Laws 1966, Chapter 32, Section 3, Laws 1971, Chapter 115,
22 Section 2, Laws 1975, Chapter 214, Section 4 and Laws 1963,
23 Chapter 181, Sections 1 through 6, as amended) are repealed.

24 **SECTION 25. EFFECTIVE DATE.**--The effective date of the
25 provisions of this act is July 1, 2011.

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