

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 49

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

LUCIANO "LUCKY" VARELA

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO INFORMATION SYSTEMS; AMENDING THE INFORMATION AND
COMMUNICATION MANAGEMENT ACT TO PROVIDE ADDITIONAL DUTIES FOR
THE CHIEF INFORMATION OFFICER AND THE TECHNICAL ADVISORY
COMMITTEE; CHANGING THE AGENCY'S SUNSET DATE.

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

Section 1. Section 15-1B-1 NMSA 1978 (being Laws 1996,
Chapter 44, Section 1) is amended to read:

"15-1B-1. SHORT TITLE. -- [~~This act~~] Chapter 15, Article
1B NMSA 1978 may be cited as the "Information and
Communication Management Act". "

Section 2. Section 15-1B-5 NMSA 1978 (being Laws 1996,
Chapter 44, Section 5) is amended to read:

"15-1B-5. CHIEF INFORMATION OFFICER-- DUTIES. --The chief
information officer shall:

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

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

5 B. monitor national and international standards
6 relating to information resources technologies, develop and
7 publish policies, procedures and standards relating to
8 information resources management by [state] executive agencies
9 and ensure compliance with those policies, procedures and
10 standards;

11 C. ensure that prudent risk management practices
12 preserve the integrity and security of information and
13 communications systems and ensure timely resumption of
14 operations following a disaster;

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

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

24 (1) demonstrate that the executive agency has
25 developed relevant, achievable, measurable objectives

. 120459. 1

Underscored material = new
[bracketed material] = delete

1 consistent with the executive agency' s mission and existing
2 statewide information and ~~communications~~ policies and goals,
3 including the information architecture, or that departures
4 from [~~such~~] the policies and goals are justified;

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

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

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

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

. 120459. 1

Underscored material = new
[bracketed material] = delete

1 G. monitor [~~periodically~~] the performance of
2 executive agencies in achieving the goals of their individual
3 information and communications systems plans and in achieving
4 compliance with the information architecture. A written
5 report shall be sent to the head of the executive agency, the
6 department of finance and administration and the legislative
7 finance committee. The report shall:

- 8 (1) specify compliance with information
9 architecture;
- 10 (2) specify compliance with approved plans;
- 11 (3) specify solutions for improved
12 compliance; [~~and~~]
- 13 (4) [~~be provided, along with~~] include
14 executive agency comments and recommendations [~~to the~~
15 ~~legislative finance committee~~]; and
- 16 (5) include the status of implementation of
17 technical advisory committee recommendations;

18 H. develop a schedule for ongoing monitoring of
19 major system development projects and provide a copy to the
20 department of finance and administration and the legislative
21 finance committee. A written project report shall be sent to
22 the head of the executive agency as specified in the schedule
23 and to the department of finance and administration and the
24 legislative finance committee. The report shall:

- 25 (1) specify compliance with information

Underscored material = new
[bracketed material] = delete

- 1 architecture;
- 2 (2) specify compliance with ~~[audit~~
- 3 ~~guidelines;~~
- 4 ~~(3) provide recommendations for improved~~
- 5 ~~compliance; and~~
- 6 ~~(4) be provided, along with agency~~
- 7 ~~recommendations, to the legislative finance committee] the~~
- 8 approved plan, including milestone achievement, cost
- 9 containment, benefit realization and schedule adherence;
- 10 (3) identify major technical, programmatic
- 11 and management problems;
- 12 (4) include management recommendations for
- 13 improved compliance and problem resolution;
- 14 (5) include agency comments and
- 15 recommendations; and
- 16 (6) specify the status of implementation of
- 17 technical advisory committee recommendations;
- 18 I. review all budget requests for appropriations
- 19 for information and ~~communications systems~~ for all executive
- 20 agencies for each fiscal year. The chief information officer
- 21 shall designate the priority of each requested expenditure by
- 22 assigning priorities based on the state strategic plan for
- 23 information and ~~communications systems management~~. The
- 24 priority listing and recommended funding level shall be
- 25 provided to the department of finance and administration and

Underscored material = new
[bracketed material] = delete

1 the legislative finance committee on or before November 15
2 preceding the next regular session of the legislature. Each
3 executive agency shall also receive a copy of the priority
4 listing. The budget request for appropriations shall be
5 prepared in cooperation with each executive agency;

6 J. make written recommendations to the department
7 of finance and administration and the legislative finance
8 committee for approval or disapproval of all information and
9 communications systems-related budget adjustment requests and
10 make recommendations to the department of finance and
11 administration for purchases of tangible personal property of
12 information and communications systems exceeding five thousand
13 dollars (\$5,000) and purchases of information and
14 communications systems services exceeding twenty thousand
15 dollars (\$20,000);

16 [~~J.~~] K. appoint members of the technical advisory
17 committee, call meetings of the committee and preside over the
18 meetings, as provided in Section [~~7 of the Information and~~
19 ~~Communication Management Act; and~~] 15-1B-7 NMSA 1978;

20 [~~K.~~] L. develop the state strategic plan for
21 information and communications systems management on a
22 continual basis. The plan shall be submitted annually to the
23 department of finance and administration and the legislative
24 finance committee. Amendments to the plan shall be made in
25 cooperation with executive agencies and the technical advisory

Underscored material = new
[bracketed material] = delete

1 committee. The plan shall take into account the existing
2 executive agency plans and the information architecture and
3 assess the resources available, costs and benefits of
4 provisions in the plan, including assessment of alternative
5 courses of action, the risks involved, a summary of the
6 state's current and projected use of information technology, a
7 description of major changes in state policy and a brief
8 description of each executive agency plan; and

9 M ensure that persons conducting independent
10 validation and verification and independent quality assurance
11 for information and communications systems development
12 projects report directly to the office on information and
13 communication management and provide the department of finance
14 and administration and legislative finance committee with
15 written project reports. "

16 Section 3. Section 15-1B-7 NMSA 1978 (being Laws 1996,
17 Chapter 44, Section 7) is amended to read:

18 "15-1B-7. TECHNICAL ADVISORY COMMITTEE-- CREATION--
19 PURPOSE. --

20 A. The "technical advisory committee" is created.
21 The committee shall consist of senior technical representatives
22 from the judiciary, the legislature, executive agencies, local
23 political subdivisions, public school systems, higher
24 education, the business community, the national laboratories
25 and the general public and shall be appointed by the chief

Underscored material = new
[bracketed material] = delete

1 information officer. Meetings shall be held [~~on~~] at the call
2 of the chief information officer, but at least quarterly.

3 B. The technical advisory committee shall
4 ~~[represent users of the information and communications systems~~
5 ~~affected by the information architecture and shall]~~ provide
6 advice to the chief information officer [~~as to their needs~~] on:

7 (1) state strategic planning and information
8 architecture;

9 (2) information and communications systems
10 plans of executive agencies; and

11 (3) information and communications system
12 projects of executive agencies. "

13 Section 4. Section 15-1B-9 NMSA 1978 (being Laws 1996,
14 Chapter 44, Section 11) is amended to read:

15 "15-1B-9. SUNSET--TERMINATION OF OFFICE ON [~~TECHNOLOGY~~]
16 INFORMATION AND COMMUNICATION MANAGEMENT.--The office on
17 information and communication management is terminated on July
18 1, [1998] 2002 pursuant to the Sunset Act. Effective July 1,
19 [1998] 2002, the Information and Communication Management Act
20 is repealed. "

21 Section 5. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 1998.

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
3
4
5

6 February 12, 1998
7

8 Mr. Speaker:
9

10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
11 whom has been referred
12

13 HOUSE BILL 49
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 APPROPRIATIONS AND FINANCE COMMITTEE.

18 Respectfully submitted,
19
20
21

22 _____
23 Lynda M. Lovejoy, Chairman
24
25

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 10

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

6
7 Date _____

8
9 The roll call vote was 4 For 0 Against

10 Yes: 4

11 Excused: Pearce, Saavedra, Taylor, J. G.

12 Absent: None

13
14 G:\BILLTEXT\BILLW_98\H0049

15
16
17
18
19
20
21
22
23
24
25
Underscored material = new
[bracketed material] = delete

. 120459. 1

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3
4 February 14, 1998

5
6
7 Mr. Speaker:

8
9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 49

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

17
18
19
20 _____
21 Max Coll, Chairman
22
23
24
25

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 12

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

6
7 Date _____

8
9 The roll call vote was 10 For 0 Against

10 Yes: 10

11 Excused: Bird, Buffett, Heaton, Marquardt, Picraux, Salazar, Townsend,
12 Vigil

13 Absent: None

14
15 G:\BILLTEXT\BILLW_98\H0049
16
17
18
19
20
21
22
23
24
25

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

Page 13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

February 17, 1998

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

HOUSE BILL 49

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

Respectfully submitted,

Ben D. Altamirano, Chairman

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

Page 14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben

Absent: None

H0049FC1

Underscored material = new
[bracketed material] = delete

. 120459. 1