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HOUSE BILL 640

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Rob Burpo

AN ACT

**RELATING TO INFORMATION SYSTEMS; CREATING THE INFORMATION
SYSTEMS DIVISION OF THE GENERAL SERVICES DEPARTMENT; CREATING
CERTAIN FUNDS; REPEALING AND ENACTING SECTIONS OF THE NMSA
1978; 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 Systems Division Act".**

**Section 2. INFORMATION SYSTEMS DIVISION CREATED.-- The
"information systems division" is created within the general
services department. The division director shall be appointed
by the secretary of general services with the governor's
consent.**

**Section 3. DEFINITIONS.--As used in the Information
Systems Division Act:**

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1 A. "central communications systems" means voice,
2 radio and data communications systems operated by the
3 division;

4 B. "director" means the director of the division;

5 C. "division" means the information systems
6 division of the general services department;

7 D. "division services" means computer, voice and
8 data communications software and hardware, including services
9 for large scale statewide computing and communication,
10 application development, web enablement, electronic mail and
11 local area and wide area network support;

12 E. "local public body" means any political
13 subdivision of the state and its agencies, instrumentalities
14 and institutions; and

15 F. "state" or "state agency" means the state of
16 New Mexico or any of its officers, branches, agencies,
17 departments, boards, commissions, instrumentalities or
18 institutions.

19 Section 4. INFORMATION SYSTEMS DIVISION-- POWERS AND
20 DUTIES. --

21 A. The division shall support state information
22 systems services and assist state agencies and local public
23 bodies in achieving their information systems objectives.
24 State agencies shall consult with the division prior to
25 seeking other means of achieving those objectives. The

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1 division shall:

2 (1) provide the staff and other resources
3 necessary to carry out its duties;

4 (2) enter into agreements necessary to carry
5 out its duties; and

6 (3) be designated as the host center and
7 information systems services provider for the state.

8 B. The budget for the division shall be approved
9 as part of the total operating budget of the general services
10 department.

11 Section 5. PARTICIPATION OR EXCLUSION OF AGENCY. -- State
12 agencies shall participate in the state's central
13 communications systems to the extent that it is practical and
14 feasible. Except for the institutions enumerated in Article
15 12, Section 11 of the constitution of New Mexico, a state
16 agency participating in division services shall not enter into
17 an agreement to lease or purchase central communications
18 equipment or services except upon prior written approval of
19 the secretary of general services or the director, acting as
20 his designee. If the division finds it to be infeasible or
21 impractical to include particular agencies in central
22 communications systems, the director may exclude them. In the
23 event of exclusion of any agency, the director shall issue a
24 written statement certifying the reasons for the exclusion.

25 Section 6. RADIO COMMUNICATIONS SYSTEMS EQUIPMENT--

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1 SUPERVISORY CONTROL. -- The division has supervisory control
2 over the mobile or fixed radio equipment now owned and
3 subsequently acquired by the state. Supervisory control
4 includes determining the need for, purchase, repair,
5 maintenance, combination or disposition of radio equipment.

6 Section 7. EXCLUSION FROM SUPERVISORY CONTROL. -- The
7 division does not have supervisory control over:

- 8 A. the use of radio equipment, except for:
 - 9 (1) the technical requirements of the
10 equipment; or
 - 11 (2) priority of use if the equipment is used
12 by one or more agencies;

13 B. the radio equipment of the department of
14 military affairs, except the division may maintain radio
15 equipment owned by the department of military affairs that
16 interfaces with other state-owned radio equipment; or

17 C. unless otherwise directed by the secretary of
18 general services, radio equipment that is incidental to a
19 system that is primarily a telephone system.

20 Section 8. PROPERTY OWNERSHIP. -- Ownership of central
21 communications systems property at mountaintop or remote
22 sites, including buildings, towers, antennas, emergency power
23 plants and equipment, is transferred to the division.

24 Section 9. LEASE OF CENTRAL COMMUNICATIONS SYSTEMS
25 NETWORK-- CONDITIONS AND REQUIREMENTS. -- In exercising

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1 supervisory control pursuant to the Information Systems
2 Division Act, the division may lease to a private entity
3 excess capacity on its central communications systems
4 property, including buildings, towers and antennas, provided
5 that:

6 A. the lease conforms with competitive procurement
7 requirements of the Procurement Code;

8 B. the lease is for an equal value exchange of
9 money or property;

10 C. the secretary of general services certifies
11 that the excess capacity will be available for at least the
12 duration of the lease;

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

15 E. the division has submitted to the legislative
16 finance committee a detailed plan for the use of excess
17 capacity being leased and an assessment of how the lease will
18 affect public sector uses; and

19 F. income from the leases shall be deposited in
20 the information systems division operating fund and used to
21 carry out the duties of the division.

22 Section 10. SERVICE FEES--DEPOSIT--APPROPRIATION. --

23 A. The division shall charge a fee for services
24 rendered.

25 B. Service fees shall cover the cost of

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1 depreciation and replacement of equipment and software.

2 C. Fees shall be fixed by the director, with
3 approval of the secretary of general services.

4 D. Receipts from fees charged by the division
5 shall be deposited in the information systems division
6 operating fund and the information systems division equipment
7 revolving fund. The portion of fees that covers the cost of
8 depreciation and replacement of equipment and software shall
9 be deposited in the information systems division equipment
10 revolving fund; the remaining portion of fees shall be
11 deposited in the information systems division operating fund.

12 Section 11. OPERATING FUND CREATED--EXPENDITURES.--

13 A. The "information systems division operating
14 fund" is created in the state treasury. Money in the fund is
15 appropriated to the division for carrying out the provisions
16 of the Information Systems Division Act. Income from
17 investment of the fund shall be credited to the fund, and
18 balances remaining in the fund at the end of any fiscal year
19 shall not revert to the general fund. Expenditures from the
20 fund are for the purpose of carrying out the duties of the
21 division.

22 B. The fund shall be administered by the division.
23 Disbursements from the fund shall be made only on warrant from
24 the secretary of finance and administration upon vouchers
25 approved by the director or his authorized representative for

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1 the purposes of carrying out the provisions of the Information
2 Systems Division Act.

3 Section 12. EQUIPMENT REVOLVING FUND CREATED--
4 EXPENDITURES. --

5 A. The "information systems division equipment
6 revolving fund" is created in the state treasury. Money in
7 the fund is appropriated to the division and income from
8 investment of the fund shall be credited to the fund.
9 Balances remaining in the fund at the end of any fiscal year
10 shall not revert to the general fund.

11 B. Expenditures from the information systems
12 division equipment revolving fund shall be for the purpose of
13 acquiring and replacing division services and central
14 communications systems equipment and software. Expenditures
15 shall be made only upon vouchers signed by the director or his
16 authorized representative and shall be disbursed pursuant to
17 the annual operating budget prepared by the division and
18 submitted annually to the department of finance and
19 administration and the legislative finance committee.

20 Section 13. TEMPORARY PROVISION--TRANSFER OF MONEY. --Any
21 unexpended or unencumbered balance remaining in the central
22 telephone services fund is transferred to the information
23 systems division operating fund. Any unexpended or
24 unencumbered balance remaining on deposit to the credit of the
25 radio communications bureau is transferred to the information

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1 systems division operating fund.

2 Section 14. REPEAL. -- Sections 15-2-1 through 15-2-5,
3 15-2-8 and 15-5-1 through 15-5-6 NMSA 1978 (being Laws 1977,
4 Chapter 247, Sections 23 and 24, Laws 1997, Chapter 263,
5 Section 1, Laws 1970, Chapter 71, Section 1, Laws 1966,
6 Chapter 32, Section 3, Laws 1971, Chapter 115, Section 2, Laws
7 1975, Chapter 214, Section 4 and Laws 1963, Chapter 181,
8 Sections 1 through 6, as amended) are repealed.

9 Section 15. SEVERABILITY. -- If any part or application of
10 this act is held invalid, the remainder or its application to
11 other situations or persons shall not be affected.

12 Section 16. EFFECTIVE DATE. -- The effective date of the
13 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 27, 1999

7
8 Mr. Speaker:

9
10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
11 whom has been referred

12
13 HOUSE BILL 640

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

17 1. On page 2, line 24, strike the word "shall" and insert
18 in lieu thereof "should".

19
20 2. On page 3, line 6, strike "host center and" and insert
21 in lieu thereof "primary".

22
23 3. On page 3, line 14, strike "Article" and insert in
24 lieu thereof "Articles 6 and".

25 4. On page 5, line 4, after the word "towers", insert

1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 HGUAC/HB 640

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4 “, bandwi dth”. ,

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6 and thence referred to the APPROPRIATIONS AND FINANCE
7 COMMI TTEE.

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9 Respectfully submit ted,

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12 _____
13 James G. Tayl or, Chair man

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16 Adopted _____
17 (Chi ef Clerk)

Not Adopted _____
(Chi ef Clerk)

18 Date _____
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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 HGUAC/HB 640

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4 The roll call vote was 4 For 0 Against

5 Yes: 4

6 Excused: None

7 Absent: Hobbs, Mallory, Saavedra

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10 J:\99BillSWP\H0640
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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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4 March 5, 1999
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6
7 Mr. Speaker:
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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 640, as amended
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:
15

16 1. On page 6, line 15, strike "appropriated", and insert
17 in lieu thereof "is subject to appropriation by the
18 legislature".

19 2. On page 7, line 7, strike "appropriated", and insert
20 in lieu thereof "is subject to appropriation by the
21 legislature".
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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 Page 13

4 Respectfully submitted,
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10 Max Coll, Chairman

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12 Adopted _____

12 Not Adopted _____

13
14 (Chief Clerk)

14 (Chief Clerk)

15
16 Date _____

17 The roll call vote was 14 For 0 Against

18 Yes: 14

19 Excused: Coll, Picraux, Watchman

20 Absent: None
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24 J:\99BillsWP\H0640
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FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

March 15, 1999

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been
referred

HOUSE BILL 640, as amended

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

Respectfully submitted,

Shannon Robinson, Chairman

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FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Boitano, Stockard, Smith

Absent: None

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