

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 91

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Ted Hobbs

AN ACT

RELATING TO INFORMATION TECHNOLOGY; CLARIFYING PROVISIONS OF  
THE INFORMATION TECHNOLOGY MANAGEMENT ACT; EXTENDING THE  
TERMINATION DATE FOR THE INFORMATION TECHNOLOGY COMMISSION AND  
THE INFORMATION TECHNOLOGY MANAGEMENT OFFICE; AMENDING  
SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

Section 1. Section 15-1C-1 NMSA 1978 (being Laws 1999,  
Chapter 16, Section 1) is amended to read:

"15-1C-1. SHORT TITLE. -- [~~Sections 1 through 9 of this  
act~~] Chapter 15, Article 1C NMSA 1978 may be cited as the  
"Information Technology Management Act"."

Section 2. Section 15-1C-2 NMSA 1978 (being Laws 1999,  
Chapter 16, Section 2) is amended to read:

"15-1C-2. PURPOSE. -- The purpose of the Information

underscored material = new  
[bracketed material] = delete

1 Technology Management Act is to:

2 A. develop policies and procedures for state  
3 e-government;

4 [~~A.~~] B. assess and inventory current information  
5 systems' services and resources;

6 [~~B.~~] C. coordinate the central and individual  
7 executive agency information systems in a manner that ensures  
8 that the most cost-effective and efficient information and  
9 communication systems and resources are being used by  
10 executive agencies;

11 [~~C.~~] D. develop a five-year state strategic plan  
12 for information and communication management that is updated  
13 annually by the [~~information technology~~] commission; and

14 [~~D.~~] E. promote data sharing between governmental  
15 entities and provide a mechanism for information technology  
16 expertise to be shared between the branches of state  
17 government and local governments. "

18 Section 3. Section 15-1C-3 NMSA 1978 (being Laws 1999,  
19 Chapter 16, Section 3) is amended to read:

20 "15-1C-3. DEFINITIONS. --As used in the Information  
21 Technology Management Act:

22 A. "agency plan" means an executive agency's  
23 annual information technology plan;

24 B. "commission" means the information technology  
25 commi ssi on;

. 139782. 1

underscored material = new  
[bracketed material] = delete

1 C. "development project" means the period from  
2 when funding is made available for information technology  
3 development until after system implementation;

4 D. "e-government" means the provision of  
5 constituent access to government information and services by  
6 using the internet and a state portal that complies with the  
7 state information architecture;

8 [~~D.~~] E. "executive agency" means a state agency of  
9 the executive branch of government;

10 [~~E.~~] F. "information technology" means computer  
11 and voice and data communication software and hardware,  
12 including imaging systems, terminals and communications  
13 networks and facilities, staff information systems services  
14 and professional services contracts for information systems  
15 services;

16 [~~F.~~] G. "office" means the information technology  
17 management office;

18 [~~G.~~] H. "state information architecture" includes  
19 the standards, guidelines, policies and protocols to implement  
20 information technology; and

21 [~~H.~~] I. "state strategic plan" means the executive  
22 information technology planning document that spans a three-  
23 to five-year period. "

24 Section 4. Section 15-1C-7 NMSA 1978 (being Laws 1999,  
25 Chapter 16, Section 7) is amended to read:

. 139782. 1

1 "15- 1C- 7. OFFICE-- POWERS AND DUTIES. --

2 A. The office may:

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

7 (2) enter into contracts;

8 (3) perform performance or other audits or  
9 reviews of executive agency development projects or management  
10 processes; and

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

15 B. The office shall:

16 (1) provide oversight of state e-government  
17 implementation, including implementation of the state portal;

18 [~~(1)~~] (2) review agency plans and make  
19 recommendations to the commission regarding prudent allocation  
20 of information technology resources; reduction of data,  
21 hardware and software redundancy; improving system  
22 interoperability and data accessibility among agencies;

23 [~~(2)~~] (3) approve executive agency requests  
24 for proposals and information technology professional service  
25 contracts for technical sufficiency as they pertain to

. 139782. 1

underscored material = new  
[bracketed material] = delete

1 information technology;

2 [~~(3)~~] (4) monitor executive agency compliance  
3 with its agency plan, the state strategic plan and state  
4 information architecture and report to the commission and  
5 executive agency management on noncompliance;

6 [~~(4)~~] (5) review information technology cost  
7 recovery mechanisms and information systems rate structures of  
8 executive agencies and make recommendations to the commission;

9 [~~(5)~~] (6) provide technical support to  
10 executive agencies in the development of their agency plans;

11 [~~(6)~~] (7) review appropriation requests  
12 related to executive agency information technology requests to  
13 ensure compliance with agency plans and the state strategic  
14 plan and make written recommendations to the department of  
15 finance and administration, the legislative finance committee  
16 and the information technology oversight committee by November  
17 30 of each year;

18 [~~(7)~~] (8) provide oversight of development  
19 projects, including ensuring adequate risk management and  
20 disaster recovery practices and [~~monitor~~] monitoring  
21 compliance with strategies developed by the commission for  
22 timely resolution of development project problems; and

23 [~~(8)~~] (9) perform any other function assigned  
24 by the commission. "

25 Section 5. Section 15-1C-9 NMSA 1978 (being Laws 1999,

. 139782. 1

underscored material = new  
[bracketed material] = delete

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

Chapter 16, Section 9) is amended to read:  
"15-1C-9. TERMINATION OF AGENCY LIFE--DELAYED  
REPEAL.--The information technology commission and information  
technology management office are terminated July 1, [2005]  
2008 pursuant to the Sunset Act. The commission and office  
shall continue to operate according to the provisions of the  
Information Technology Management Act until July 1, [2006]  
2009. Effective July 1, [2006] 2009, that act is repealed."  
Section 6. EMERGENCY.--It is necessary for the public  
peace, health and safety that this act take effect  
immediately.