

LFC Requestor: Self Assigned

**2025 LEGISLATIVE SESSION  
AGENCY BILL ANALYSIS**

**Section I: General**

**Chamber:** Senate  
**Number:** 217

**Category:** Bill  
**Type:** Introduced

**Date (of THIS analysis):** 02/03/2025  
**Sponsor(s):** Michael Padilla and Debra M. Sariñana  
**Short Title:** DoIT ROLE IN PROCUREMENT

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**Section II: Fiscal Impact**

**APPROPRIATION (dollars in thousands)**

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	NA	NA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	NA	NA

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
<b>Total</b>	\$0	\$0	\$0	\$0	NA	NA

**Section III: Relationship to other legislation**

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

## Section IV: Narrative

### 1. BILL SUMMARY

a) Synopsis

Senate Bill 217 (SB217) proposes to expand the Department of Information Technology (DoIT) oversight of executive agencies related to approval of projects and IT related expenditures.

Is this an amendment or substitution?  Yes  No

Is there an emergency clause?  Yes  No

b) Significant Issues

- Sections C2, C3, C4, C5, C11, C12, C13 refer to projects. There should be a clearly defined definition of which “projects” fall under the purview of DoIT. For instance, adding a definition of a project to mean “Certified Project” or “Project with IT expenditures exceeding X amount”. There are a significant number of routine “IT projects”, such as upgrading Windows Server version X to Windows Server version Y, or enhancement of application X by in-house developers, which DoIT should not need to provide oversight for.
- Section D2 and J1 are under the purview of the Office of Cybersecurity already and making it part of DoIT’s charter could create a conflict of roles and responsibilities.
- Section J2 could create an overly burdensome process wherein the threshold of dollar amount is set by “rule” and may be changed independent of this act.
- Section J4 is broad and could potentially create a burdensome process where a simple software procurement, such as an asset inventory solution, IPRA case management system, or a screen capture software product would take longer and could be denied by DoIT. In many of these cases, there should be a policy for deferring to the agency with expertise and knowledge of the agency’s precise needs.

### 2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes  No

Outlined in detail in section 1.b above.

- Is this proposal related to the NMDOH Strategic Plan?  Yes  No

### 3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?  
 Yes  No  N/A
- If there is an appropriation, is it included in the LFC Budget Request?  
 Yes  No  N/A
- Does this bill have a fiscal impact on NMDOH?  Yes  No

It is difficult to estimate cost, as the language is so overly broad that on the worst extreme, DoIT could dictate to NMDOH what software and hardware solutions we may procure whether it is in alignment with our business processes or not.

### 4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH?  Yes  No

It is difficult to estimate cost, as the language is so overly broad that on the worst extreme, DoIT could dictate to NMDOH what software and hardware solutions we may procure whether it is in alignment with our business processes or not.

### 5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

### 6. TECHNICAL ISSUES

Are there technical issues with the bill?  Yes  No

### 7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written?  Yes  No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)?  Yes  No
- Does this bill conflict with federal grant requirements or associated regulations?  
 Yes  No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs?  Yes  No

The language is overly broad in the sense that DoIT could deny a project or procurement NMDOH may be obligated under grant, or Federal, State, Local, Territorial, or Tribal (FSLTT) compliance mandate.

### 8. DISPARITIES ISSUES

Unknown, as the language is overly broad in the sense that DoIT could deny a project or procurement NMDOH may need to implement to support the reduction of disparities issues.

### 9. HEALTH IMPACT(S)

Unknown, as the language is overly broad in the sense that DoIT could deny a project or procurement NMDOH may need to implement to support the reduction of negative health outcomes.

**10. ALTERNATIVES**

Unknown

**11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

If SB217 is not enacted, executive agencies may procure IT solutions not in alignment with DoIT strategic initiatives.

**12. AMENDMENTS**

A definition should be added for the term project such as:

Project: Any IT project that meets DoIT certification requirements by exceeding an established monetary threshold of \$100,000.

J4 should be modified to also include an established monetary threshold.