

AN ACT

RELATING TO INFORMATION TECHNOLOGY; CLARIFYING PROVISIONS OF THE INFORMATION TECHNOLOGY MANAGEMENT ACT; REVISING THE MEMBERSHIP OF THE INFORMATION TECHNOLOGY COMMISSION; 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. -- 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 Technology Management Act is to:

A. coordinate policies and procedures for e-government;

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

C. coordinate central and individual executive agency information technology in a manner that ensures compliance with state information architecture and that ensures that the most cost-effective and efficient

information and communication systems and resources are being

used by executive agencies;

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

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

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

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

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

B. "commission" means the information technology commission;

C. "e-government" means the provision of constituent access to government information and services via the internet through a state portal that complies with the state information architecture;

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

E. "information technology" means computer and voice and data communication software and hardware, including

imaging systems, terminals and communications networks and facilities, staff information systems services and professional services contracts for information systems services;

F. "information technology project" means the purchase, replacement, development or modification of a hardware or software system;

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

H. "state information architecture" means a model that specifies the relationships among the internet and the statewide web, government processes and government support services and that includes rules for the standards, guidelines, policies and protocols used to implement information technology; and

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

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

"15-1C-4. COMMISSION CREATED--MEMBERSHIP.--

A. The "information technology commission" is created. The commission consists of thirteen members as follows:

(1) five members, other than the chief

information officer or staff from the office of the chief information officer, appointed by the governor, at least three of whom are from agencies whose primary funding is not from internal service funds;

(2) one staff member with telecommunications regulatory experience appointed by the chairman of the public regulation commission;

(3) two members representing education, one appointed by the commission on higher education and one appointed by the president of the state board of education;

(4) two members from the national laboratories; and

(5) three members appointed by the governor to represent the public with information technology and management experience, but who are not employees of the state or a political subdivision of the state and who do not have any financial interest in the state information systems or state contracts. The public members shall serve for staggered three-year terms.

B. Additionally, the following advisory members may be appointed at the request of the commission:

(1) two members from the judicial information systems council appointed by the chairman of the council;

(2) one staff member from the legislative

council service and one staff member from the legislative finance committee, appointed by their respective directors; and

(3) two members representing local governments, one appointed by the New Mexico association of counties and one appointed by the New Mexico municipal league.

C. Members of the commission, except the three public members appointed by the governor, may select designees to represent them and vote on their behalf.

D. The members of the commission who are not supported by public money, or their designees, may receive per diem and mileage pursuant to the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance.

E. The commission shall elect a chairman and vice chairman from the active membership of the commission for two-year terms.

F. The commission shall meet at least semiannually and may meet at the call of the chairman or a majority of the members."

Section 5. Section 15-1C-5 NMSA 1978 (being Laws 1999, Chapter 16, Section 5) is amended to read:

"15-1C-5. COMMISSION-- POWERS AND DUTIES. -- The commission shall:

A. adopt and promulgate rules that delineate the state information architecture as a framework for the state information technology strategic plan;

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

C. develop strategies for identifying and managing information technology projects that involve multiple agencies to ensure appropriate and timely resolution of information technology problems;

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

E. update the state information technology strategic plan annually, including identifying areas of noncompliance with the state information technology strategic plan;

F. submit proposed rules to the information technology oversight committee for its review prior to adoption;

G. review and approve information technology appropriation requests and report to the legislative finance committee and the information technology oversight committee regarding those requests;

H. establish a schedule to receive reports from agencies and the chief information officer regarding the

status of information technology projects; and

I. adopt and promulgate rules that authorize an agency to appeal to the commission regarding a decision made by the chief information officer pursuant to Paragraph (3) of Subsection B of Section 15-1C-7 NMSA 1978. "

Section 6. Section 15-1C-6 NMSA 1978 (being Laws 1999, Chapter 16, Section 6) is amended to read:

"15-1C-6. OFFICE OF THE CHIEF INFORMATION OFFICER
CREATED-- ADMINISTRATIVE ATTACHMENT-- CHIEF INFORMATION
OFFICER-- QUALIFICATIONS-- STAFF. --

A. The "office of the chief information officer" is created. The office is administratively attached to the office of the governor.

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

C. The chief information officer may hire staff as necessary to carry out the provisions of the Information Technology Management Act. Staff of the office are subject to the provisions of the Personnel Act. "

Section 7. Section 15-1C-7 NMSA 1978 (being Laws 1999,

Chapter 16, Section 7) is amended to read:

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

A. The office may:

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

(2) enter into contracts;

(3) perform audits or reviews of executive agency development projects or management processes; and

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

B. The office shall:

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

(2) review agency plans and make recommendations to the commission regarding prudent allocation of information technology resources; reduction of data, hardware and software redundancy; improving system interoperability and data accessibility among agencies;

(3) approve executive agency information technology requests for proposals that are subject to the Procurement Code and information technology professional

service contracts, including emergency procurements, sole source contracts and price agreements;

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

(5) review information technology cost recovery mechanisms and information systems rate structures of executive agencies and make recommendations to the commission;

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

(7) review appropriation requests related to information technology to ensure compliance with agency plans and the state information technology strategic plan and, subject to approval by the information technology commission, make written recommendations to the department of finance and administration, the legislative finance committee and the information technology oversight committee by November 30 of each year;

(8) provide oversight of information technology projects, including ensuring adequate risk management and disaster recovery practices and monitoring compliance with strategies developed by the commission for timely resolution of information technology project problems;

and

(9) perform any other function assigned by
the commission. "

Section 8. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect
immediately. _____