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**HOUSE BILL 332**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Robert M. Burpo**

**AN ACT**

**RELATING TO STATE GOVERNMENT; CREATING THE INFORMATION SYSTEMS  
DIVISION OF THE GENERAL SERVICES DEPARTMENT; PROVIDING POWERS  
AND DUTIES; CREATING CERTAIN FUNDS; MAKING CERTAIN TRANSFERS;  
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. DEFINITIONS. -- As used in the Information  
Systems Division Act:**

**A. "central communications system" means a voice,  
radio or data communications system that is operated by the  
division and used by other governmental agencies;**

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

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1 C. "division" means the information systems  
2 division of the general services department;

3 D. "information systems services" means computer,  
4 voice or communications software and hardware, including  
5 services for large-scale statewide computing and  
6 communication, application development, web enablement,  
7 electronic mail and local area and wide area network support;

8 E. "local public body" means a political  
9 subdivision of the state; and

10 F. "state" or "state agency" means the state of  
11 New Mexico or any of its officers, branches, agencies,  
12 departments, boards, commissions, instrumentalities or  
13 institutions.

14 Section 3. INFORMATION SYSTEMS DIVISION-- CREATION--  
15 DUTIES.--

16 A. The "information systems division" is created  
17 within the general services department.

18 B. The division shall be the primary information  
19 systems services provider for the state. In that capacity,  
20 the division shall:

21 (1) operate and support central  
22 communications systems;

23 (2) offer information systems services to  
24 state agencies;

25 (3) assist state agencies and local public

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1 bodies in achieving their information systems needs and  
2 objectives;

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

5 (5) enter into agreements necessary to carry  
6 out its duties.

7 Section 4. STATE AGENCIES--DUTIES RELATING TO  
8 INFORMATION SYSTEMS--EXCLUSIONS.--

9 A. Unless excluded pursuant to Subsection D of  
10 this section, a state agency shall participate in the state's  
11 central communications systems and obtain information systems  
12 services from the division.

13 B. Unless excluded pursuant to Subsection D of  
14 this section, a state agency shall not enter into an agreement  
15 to lease or purchase central communications system equipment  
16 or information systems services except with the prior written  
17 approval of the director.

18 C. A state agency shall consult with the division  
19 prior to seeking other means to achieve its information  
20 systems objectives.

21 D. The provisions of Subsections A and B of this  
22 section do not apply to:

23 (1) a state agency within the judicial  
24 department;

25 (2) an educational institution enumerated in

. 133754. 2

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1 Article 12, Section 11 of the constitution of New Mexico; or  
2 (3) a state agency that has been excluded by  
3 the director after finding, in writing, that it would be  
4 infeasible or impractical to apply the provision to that  
5 agency.

6 Section 5. SUPERVISORY CONTROL OVER RADIO COMMUNICATIONS  
7 SYSTEMS EQUIPMENT-- EXCLUSIONS. --

8 A. Unless excluded pursuant to Subsection B of  
9 this section, the division has supervisory control over all  
10 mobile or fixed radio equipment owned by the state. As used  
11 in this section, "supervisory control" includes determining  
12 the need for purchase, repair, maintenance, combination or  
13 disposition of radio equipment.

14 B. The provisions of Subsection A of this section  
15 do not apply to:

16 (1) the use of radio equipment, except for:

17 (a) the technical requirements of the  
18 equipment; or

19 (b) priority of use if the equipment is  
20 used by two or more state agencies;

21 (2) the radio equipment of the department of  
22 military affairs, except that the division may maintain radio  
23 equipment owned by the department of military affairs that  
24 interfaces with other state-owned radio equipment; or

25 (3) unless otherwise directed by the

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1 secretary of general services, radio equipment that is  
2 incidental to a system that is primarily a telephone system.

3 Section 6. LEASE OF CENTRAL COMMUNICATIONS SYSTEM

4 PROPERTY-- CONDITIONS AND REQUIREMENTS. --The division may lease  
5 to a private entity excess capacity on its central  
6 communications system property, including buildings, towers,  
7 bandwidth and antennas; provided that:

8 A. the lease conforms with competitive procurement  
9 requirements of the Procurement Code;

10 B. the lease is for an equal value exchange of  
11 money or property;

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

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

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

21 F. income from the leases is deposited in the  
22 information systems division operating fund.

23 Section 7. SERVICE FEES-- DEPOSIT-- APPROPRIATION. --

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

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1           B. Service fees shall, at a minimum, cover the  
2 cost of depreciation and replacement of equipment and software  
3 and related expenses.

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

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

15           Section 8. INFORMATION SYSTEMS DIVISION OPERATING FUND  
16 CREATED-- EXPENDITURES. --

17           A. The "information systems division operating  
18 fund" is created in the state treasury. Money in the fund is  
19 subject to appropriation to the division for carrying out the  
20 provisions of the Information Systems Division Act. Income  
21 from investment of the fund shall be credited to the fund, and  
22 balances remaining in the fund at the end of any fiscal year  
23 shall not revert to any other fund.

24           B. The information systems division operating fund  
25 shall be administered by the division. Disbursements from the

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1 fund shall be made only on warrant of the secretary of finance  
2 and administration upon vouchers signed by the director or his  
3 authorized representative for the purposes of carrying out the  
4 provisions of the Information Systems Division Act.

5 Section 9. INFORMATION SYSTEMS DIVISION EQUIPMENT  
6 REVOLVING FUND CREATED--EXPENDITURES.--

7 A. The "information systems division equipment  
8 revolving fund" is created in the state treasury. Money in  
9 the fund is subject to appropriation to the division. Income  
10 from investment of the fund shall be credited to the fund.  
11 Balances remaining in the fund at the end of any fiscal year  
12 shall not revert to any other fund.

13 B. Expenditures from the information systems  
14 division equipment revolving fund shall be for the purpose of  
15 acquiring and replacing division services and central  
16 communications system equipment and software and related  
17 expenses. Expenditures shall be made only upon vouchers  
18 signed by the director or his authorized representative.

19 Section 10. TEMPORARY PROVISION--TRANSFERS.-- On the  
20 effective date of this act:

21 A. all property, including furniture, equipment,  
22 central communications systems, funds, money, appropriations,  
23 records and contracts; personnel; and budgets of the  
24 communications division of the general services department are  
25 transferred to the information systems division of the general

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1 services department;

2 B. all references to the communications division  
3 of the general services department or the telecommunications  
4 bureau of the communications division shall be deemed to be  
5 references to the information systems division of the general  
6 services department; and

7 C. any unexpended or unencumbered balance  
8 remaining in the central telephone services fund is  
9 transferred to the information systems division operating  
10 fund.

11 Section 11. REPEAL. -- Sections 15-2-1 through 15-2-5,  
12 15-2-8 and 15-5-1 through 15-5-6 NMSA 1978 (being Laws 1977,  
13 Chapter 247, Sections 23 and 24, Laws 1997, Chapter 263,  
14 Section 1, Laws 1970, Chapter 71, Section 1, Laws 1966,  
15 Chapter 32, Section 3, Laws 1971, Chapter 115, Section 2, Laws  
16 1975, Chapter 214, Section 4 and Laws 1963, Chapter 181,  
17 Sections 1 through 6, as amended) are repealed.

18 Section 12. EFFECTIVE DATE. -- The effective date of the  
19 provisions of this act is July 1, 2001.