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HOUSE BILL 356

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

INTRODUCED BY

Luciano "Lucky" Varela

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. -- [~~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
Technology Management Act is to:

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1 A. coordinate policies and procedures for e-
2 government;

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

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

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

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

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

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

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

25 B. "commission" means the information technology

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1 commi ssi on;

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

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

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

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

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

20 [F.] G. "office" means the [information technology
21 management] office of the chief information officer;

22 [G.] H. "state information architecture" means a
23 model that specifies the relationships among the internet and
24 the statewide web, government processes and government support
25 services and that includes rules for the standards,

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1 guidelines, policies and protocols used to implement
2 information technology; and

3 ~~[H.]~~ I. "state information technology strategic
4 plan" means the ~~[executive]~~ information technology planning
5 document for the state that spans a ~~[three-to-five-year]~~
6 three-year period. "

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

9 "15-1C-4. COMMISSION CREATED-- MEMBERSHIP. --

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

13 (1) five members appointed by the governor,
14 at least three of whom are from agencies whose primary funding
15 is not from internal service funds;

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

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

22 (4) two members from the national
23 laboratories; and

24 (5) three members appointed by the governor
25 to represent the public with information technology and

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1 management experience, but who are not employees of the state
2 or a political subdivision of the state and who do not have
3 any financial interest in the state information systems or
4 state contracts. The public members shall serve for staggered
5 three-year terms.

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

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

10 (2) ~~two members from the house of~~
11 ~~representatives and two members from the senate appointed by~~
12 ~~the New Mexico legislative council]~~ two members who work as
13 legislative staff, including a legislative staffer appointed
14 by the legislative finance committee and a legislative staffer
15 appointed by the legislative council; and

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

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

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

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1 ~~[D-]~~ E. For the initial year of operation, the
2 chief information officer shall act as chairman. Thereafter,
3 the commission shall elect a chairman and vice chairman for a
4 two-year term.

5 ~~[E-]~~ F. The commission shall meet at least
6 semiannually and may meet at the call of the chairman or a
7 majority of the members. "

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

10 "15-1C-5. COMMISSION-- POWERS AND DUTIES. --The commission
11 shall:

12 A. adopt and promulgate rules that ~~[specify]~~
13 delineate the state information architecture ~~[to implement]~~ as
14 a framework for the state information technology strategic
15 plan;

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

19 C. develop strategies for identifying and managing
20 ~~[development]~~ information technology projects that involve
21 multiple agencies to ensure appropriate and timely resolution
22 of ~~[system development]~~ information technology problems;

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

25 E. update the state information technology

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1 strategic plan annually, including identifying areas of
2 noncompliance with the state information technology strategic
3 plan; and

4 F. submit proposed rules to the information
5 technology oversight committee for its review prior to
6 adoption. "

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

9 "15-1C-6. [~~INFORMATION TECHNOLOGY MANAGEMENT~~] OFFICE OF OF
10 THE CHIEF INFORMATION OFFICER CREATED-- ADMINISTRATIVE
11 ATTACHMENT-- CHIEF INFORMATION OFFICER-- QUALIFICATIONS--
12 STAFF. --

13 A. The [~~"information technology management~~
14 ~~office"~~] "office of the chief information officer" is created.
15 The office is administratively attached to the office of the
16 governor.

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

24 C. The chief information officer may hire staff as
25 necessary to carry out the provisions of the Information

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1 Technology Management Act. Staff of the office are subject to
2 the provisions of the Personnel Act. "

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

5 "15-1C-7. OFFICE--POWERS AND DUTIES. --

6 A. The office may:

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

11 (2) enter into contracts;

12 (3) perform [~~performance or other audits or~~]
13 reviews of executive agency development projects or management
14 processes; and

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

19 B. The office shall:

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

22 [~~(1)~~] (2) review agency plans and make
23 recommendations to the commission regarding prudent allocation
24 of information technology resources; reduction of data,
25 hardware and software redundancy; improving system

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1 interoperability and data accessibility among agencies;

2 ~~[(2)]~~ (3) approve executive agency
3 information technology requests for proposals that are subject
4 to the Procurement Code and information technology
5 professional service contracts, including emergency
6 procurements, sole source contracts and price agreements [~~for~~
7 ~~technical sufficiency as they pertain to information~~
8 ~~technology~~];

9 ~~[(3)]~~ (4) monitor executive agency compliance
10 with its agency plan, the state information technology
11 strategic plan and state information architecture and report
12 to the commission and executive agency management on
13 noncompliance;

14 ~~[(4)]~~ (5) review information technology cost
15 recovery mechanisms and information systems rate structures of
16 executive agencies and make recommendations to the commission;

17 ~~[(5)]~~ (6) provide technical support to
18 executive agencies in the development of their agency plans;

19 ~~[(6)]~~ (7) review appropriation requests
20 related to [~~executive agency~~] information technology
21 [~~requests~~] to ensure compliance with agency plans and the
22 state information technology strategic plan and make written
23 recommendations to the department of finance and
24 administration, the legislative finance committee and the
25 information technology oversight committee by November 30 of

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1 each year;

2 [~~(7)~~] (8) provide oversight of [~~development~~]
3 information technology projects, including ensuring adequate
4 risk management and disaster recovery practices and [~~monitor~~]
5 monitoring compliance with strategies developed by the
6 commission for timely resolution of [~~development~~] information
7 technology project problems; and

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

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

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