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SENATE BILL 351

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

William E. Sharer

FOR THE

ECONOMIC AND RURAL DEVELOPMENT AND TELECOMMUNICATIONS COMMITTEE

AN ACT

RELATING TO ADMINISTRATION OF GOVERNMENT; PROVIDING FOR THE  
GENERAL SERVICES DEPARTMENT'S AUTHORITY TO PROVIDE  
TELECOMMUNICATIONS SERVICES.

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

Section 1. A new section of Chapter 15 NMSA 1978 is  
enacted to read:

"[NEW MATERIAL] TELECOMMUNICATIONS SERVICES--STATE  
AGENCIES.--In providing telecommunications services pursuant to  
Chapter 15 NMSA 1978, the radio communications bureau and the  
telecommunications bureau of the communications division of the  
general services department shall not provide  
telecommunications services, including telephone, data and  
broadband services, to any entity other than a department,  
institution or agency of the state government."

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1           Section 2. Section 15-2-2.1 NMSA 1978 (being Laws 1997,  
2 Chapter 263, Section 1) is amended to read:

3           "15-2-2.1. LEASE OF RADIO COMMUNICATIONS NETWORK--  
4 CONDITIONS AND REQUIREMENTS.--In exercising supervisory control  
5 pursuant to Section 15-2-2 NMSA 1978, the radio communications  
6 bureau of the communications division of the general services  
7 department may lease to a private entity excess capacity on its  
8 radio communications property, including buildings, towers or  
9 antennas, provided that:

10           A. the lease conforms with competitive procurement  
11 requirements of the Procurement Code;

12           B. the lease is for an equal value exchange of  
13 money or property;

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

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

19           E. the radio communications bureau has submitted to  
20 the legislative finance committee a detailed plan for the use  
21 of excess capacity being leased and an assessment of how the  
22 lease will affect public sector uses and local  
23 telecommunications service providers; and

24           F. income from the leases shall be deposited to the  
25 credit of the radio communications bureau and used to carry out

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the duties of the bureau."

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