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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:

"TELECOMMUNICATIONS SERVICES--SCOPE AND CONDITIONS.--In
providing telecommunications services pursuant to Chapter 15
NMSA 1978, 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 those authorized pursuant to Section 15-5-1 NMSA 1978,
except for telecommunications services that are necessary to
facilitate state-mandated programs, such as distance
education, telehealth or school-based health center programs.
Before expansion or upgrade of the state-owned or
state-funded telecommunications network, or creation of any
additional state telecommunications network, whether voice,
data or video transmission, the general services department
shall prepare an agency plan consistent with state law and
applicable regulations. The agency plan shall include those
components set forth in Section 15-1C-8 NMSA 1978 and shall

1 also include an assessment of how the project would
2 potentially affect local telecommunications service providers
3 and telecommunications service ratepayers."

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

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

13 A. the lease conforms with competitive procurement
14 requirements of the Procurement Code;

15 B. the lease is for an equal value exchange of
16 money or property;

17 C. the secretary of general services certifies
18 that the excess capacity will be available for at least the
19 duration of the lease;

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

22 E. the radio communications bureau has submitted
23 to the legislative finance committee a detailed plan for the
24 use of excess capacity being leased and an assessment of how
25 the lease will affect public sector uses and local

1 telecommunications service providers; and

2 F. income from the leases shall be deposited to
3 the credit of the radio communications bureau and used to
4 carry out the duties of the bureau."

5 Section 3. Section 15-5-1 NMSA 1978 (being Laws 1978,
6 Chapter 124, Section 11, as amended) is amended to read:

7 "15-5-1. TELECOMMUNICATIONS BUREAU CREATED--DUTIES.--

8 A. The "telecommunications bureau" is created
9 within the communications division of the general services
10 department.

11 B. The telecommunications bureau shall enter into
12 necessary agreements to provide, where feasible, a central
13 telephone system, including wide-area telephone service, and
14 related facilities to all executive, legislative, judicial,
15 institutional and other state governmental offices located in
16 the state of New Mexico.

17 C. As used in this section, "executive,
18 legislative, judicial, institutional and other state
19 governmental offices" means any of the branches, agencies,
20 departments, institutions or boards of the state of New
21 Mexico, but does not include a municipality, county, school
22 district or two-year public post-secondary educational
23 institution."
