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FISCAL IMPACT REPORT

ORIGINAL DATE 2-21-07
 SPONSOR Varela LAST UPDATED 3-15-07 HB 959/aHHGAC/aHAFC/aSFC
 SHORT TITLE Dept. of Information Technology Act SB _____
 ANALYST Aubel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
Transfers appropriations; exact amount not specified	Transfers appropriations; exact amount not specified	Non-Recurring	<ul style="list-style-type: none"> • General Fund; • Central Telephone Services Fund*; • Internal Service Fund*; • Educational Technology Service Fund*

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY07	FY08	FY09		
	(\$0.01)**	(\$0.01)	Recurring	GSD Other Revenues*
	\$0.01	\$0.01	Recurring	DOIT Other Revenues*

(Parenthesis () Indicate Revenue Decreases) ** See narrative

*See above description of funds.

Duplicates SB 979/aSPAC/aSFC/aHHGAC
 Relates to HB 814 and HB 75/HHGACS (SB351/SPACS)
 Conflicts with HB 541

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of Chief Information Officer (OCIO)
Department of Finance Authority (DFA)
General Services Department (GSD)
Administrative Office of the Courts (AOC)
Office of the Attorney General (OAG)
Department of Public Safety (DPS)
Department of Military Affairs (DMA)
Department of Health (DOH)
New Mexico Higher Education Department (HED)
Department of Corrections (DC)
Public Regulatory Commission (PRC)
Public Education Department (PED)
New Mexico Environment Department (NMED)

SUMMARY

Synopsis of SFC Amendment

The Senate Finance Committee amendments include the following three changes:

1. The Secretary's appointments for the new department's division directors are no longer subject to the governor's approval;
2. A new stipulation is added for the three public governor-appointees on the Information Technology Commission (ITC) that one is from each congressional district; and
3. The two nonvoting members representing local government are added back in for the ITC, with the provision that the members are not from the same or adjacent counties.

~~HB 959, as now amended, differs from SB 979 regarding the ITC changes in #2 and #3 above.~~

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee Amendment increase the number of members on the Information Technology Commission (ITC) to 17 by adding one additional local telecommunications service provider to be appointed by the governor. The Amendment also removes the "number of lines" qualification for the members representing local telecommunications service providers.

Synopsis of HHGAC Amendment

The House Health and Government Affairs Committee amendment to House Bill 959 makes two primary changes, as follows:

Information Technology Commission

The Information Technology Commission (ITC) is increased from 13 to 16 voting members. The two local government representatives are reclassified as voting members and revised as governor-appointees, one selected from a list of three names provided by the New Mexico Association of Counties and one appointment from a list of three names provided by the New Mexico Municipal League. The third addition is one member appointed by the Governor to represent local telecommunications service providers that have less than fifty thousand lines in the state.

The amendment further clarifies that the two representatives from the national laboratories shall be appointed by the respective laboratory director.

Communications

The second primary addition to HB 959 adds language requiring an assessment of how the expansion or upgrade of a state-owned or state-funded telecommunications network – whether voice, data or video transmission – would potentially affect local telecommunications service providers and their service ratepayers.

Further revisions clarify the reference to “radio” communications is restricted to “two-way radio” services and capacity.

Synopsis of Original Bill

House Bill 959 repeals Sections 15-1C-1 through 15-1C-12 NMSA 1978 and enacts the Department of Information Technology Act, which creates the Department of Information Technology (DOIT) as a cabinet-level department. DOIT would administer all laws and exercise all functions currently being performed by the Office of the Chief Information Officer (OCIO); the Information Technology Commission (ITC); and the Communications Division (CD), Information Support Division (ISD), including Radio Communications Bureau (RCB) and the Telecommunications Bureau of GSD. The stated purpose of the bill is to consolidate enterprise information technology services duplicated within executive agencies and provide additional information technology services and functionality to improve and streamline information technology systems and services.

The new Secretary, appointed by the Governor with consent from the Senate, would serve as the Chief Information Officer (CIO) for the state.

The proposed department is comprised of three major divisions: Program Support Division, Compliance and Project Management Division, and Enterprise Services Division. Each division has an Exempt director appointed by the CIO, with the Governor’s consent.

Section 7 creates the “information technology rate committee”, consisting of seven members that will review and propose the rate and fee schedule by July 15 of each year.

Section 9 re-creates the Information Technology Commission (ITC) (which would be repealed), retaining the voting structure of 13 members in the current Section 15-1C-4, but updates the public education representation and adds three nonvoting members: two representing local

government and one representing the office of the attorney general.

The Information Technology Oversight Committee, currently established in Section 15-1C-10 (which would be repealed), is not re-established under HB 959.

Additional “housecleaning” language reconciles provisions in HB 959 to related sections elsewhere in enabling statute pertaining to GSD, OCIO, the state police emergency response officer and emergency management task force, educational technology deficiencies, Amber alert notification, and juror selection.

FISCAL IMPLICATIONS

According to DFA, HB 959 would require the transfer of approximately \$48.0 million of budgeted expenditures and 215 FTE from the General Services Department (GSD), along with all necessary assets and liabilities that currently support the information technology and voice and data communications functions. The OCIO has 10 FTE and a FY07 budget of approximately \$1.0 million. DFA notes that the most cost-effective means of achieving the transition would be for the OCIO personnel to move to the Simms building.

Fees for IT and communication services currently going to GSD would flow to DOIT under this Act. Additional revenue and appropriations fiscal impact is indeterminate at this time, although GSD asserts that a GSD/OCIO transition cost analysis is being developed.

However, GSD does provide some insight, as follows:

Moving ISD and CD from GSD into a department with the OCIO will require transition costs for moving, relocation of other departments, reconfiguration of program support staff and some recurring cost and staff increases to ensure both new departments have adequate staff, equipment, and on-going expenses. Both departments will need an accounts receivable and billing system, and there will be some new costs (e.g. housing outside Simms Building for GSD program support).

SIGNIFICANT ISSUES

GSD notes that the overarching policy issue this bill addresses relates to the anticipated benefits (financial and programmatic) of centralizing the policy and operational aspects of the state’s IT programs, which would include completing the executive strategy of consolidation, providing overall standards for common uses, reducing duplication of efforts, and aligning IT direction for executive agencies. Additional significant issues relating to various segments of HB 959 are as follows:

Chief Information Officer

In addition to standard cabinet secretary duties and powers, GSD specifies that the DOIT Secretary has a broad range of authority concerning executive branch IT issues, including:

- Prepare a state IT strategic plan;
- Ensure communication and coordination among executive agencies;
- Ensure protection of privacy and security of information and individuals;
- Promulgate rules for oversight of IT procurement;

- Establish criteria for IT project management; ensuring performance-based phases and release of funding only when a phase is successfully completed;
- Provide oversight and ensure risk management, disaster recovery and business continuity, including compliance with ITC strategies;
- Review and approve agency information technology plans, funding requests, purchases, Request For Proposals (RFPs) and contracts;
- Develop and implement procedures to standardize data elements, determine data ownership and ensure data sharing among executive agencies;
- Verify compliance with IT architecture and strategic plan;
- Report any non-compliance to the Governor, executive agency management, and the Legislative Finance Committee;
- Develop IT cost recovery mechanisms and rate/fee structure for executive agencies as well as other public or private sector providers and ensure use of existing public or private IT resources when practical, efficient, effective and financially prudent;
- Provide technical support to executive agencies regarding their IT plans;
- Review IT appropriation requests and make written recommendations to DFA, LFC, ITC and “the appropriate interim committee”
- Ensure public hearings on issues affecting outside entities with no less than 30-days prior notice to any interested parties;
- Be able to issue orders and instructions to ensure implementation and compliance and enforce them by court action;
- Recommend solutions when agency IT functions or systems overlap or duplicate; and
- Provide general oversight, standardization, monitoring and security for IT related issues.

The OCIO specifies that that Secretary is also given authority to promulgate procedural rules and set standards for the executive agencies’ information technology needs, functions, systems and resources, subject to the review and approval of the ITC and the normal public review process.

The scope of the duties identified for the Secretary is obviously quite extensive. Yet HB 959 does not include a minimum qualification provision as is currently specified for the Office of the Chief Information Officer in Section 15-1C-6 NMSA 1978: a “minimum of seven years’ experience in the management of a large information technology enterprise.”

GSD questions whether the State Purchasing Agent is removed from the IT procurement process (Section H (2)), but Section C (2) on page seven clearly specifies that the Secretary approves IT requests that “proposals and contract vendor requests that are subject to the Procurement Code.”

The OCIO asserts that the DOIT Secretary, as chief security officer, can better manage the state and security plans. However, no reference to “chief security officer” was found in the Act.

Department of Information Technology

DFA notes that consolidating information technology services was recommended by the Governor’s Performance Review. The report concluded that a new Department of Information Technology (DOIT) should merge the current strategic planning and agency oversight functions of the Office of the OCIO with the information processing and communication services provided of the General Services Department (GSD). The review also suggested that DOIT consolidate

enterprise information technology functions duplicated within agencies, such as project management, security, privacy, disaster recovery, and infrastructure and strategic planning.

DFA also provides a frank assessment of the current challenges and possible solutions that may face the new DOIT, as follows:

The information technology function at GSD is in a period of major flux. New rates for IT services were developed effective July 1, 2006 without the knowledge of the impact of SHARE on the need for information processing services. Six months of actual agency usage data applied to the revised rates indicates that GSD is not recovering its costs for providing information processing services, because agencies are not using some of the services at nearly the level of FY06. In the near future, the development of new agency server-based systems, especially at the Human Services Department, will further reduce the need for enterprise mainframe services provided by GSD. A more consolidated approach to providing IT services may help resolve some of the enterprise issues at GSD, but DOIT will be inheriting problems that it may not currently have the expertise to deal with.

It will be important for DOIT to be prepared to deal with the historical adversarial relationship that has occurred between user agencies and GSD. The new Secretary of DOIT will have to convey to agencies a strong customer service orientation.

Information Technology Rate Committee

HB 959 creates the Information Technology Rate Committee (ITRC), consisting of five members appointed by the Governor from executive agencies that use information processing services, the Secretary of DFA, who will serve as committee chair, and the Secretary of DOIT. The committee shall review and approve the rates for information processing services proposed by the Secretary of DOIT and receive comment on them from the Office of the Governor, DFA and LFC. The Act specifies that by July 15 of each year the committee shall implement the consensus rate schedule for services used. This provision will be extremely useful to agencies for budgeting purposes, but a clarification could be made to specify that this rate schedule applies to the next fiscal year.

Several agencies noted that the internal rate-setting protocol does not require the proposed rate committee to consider a market-based comparison when setting rates. However, without language compelling agencies to purchase their services through DOIT, the ability for agencies to select their providers would logically require DOIT to set competitive rates. GSD points out that moving rate setting from cost-based rates may expose the state to federal claims.

DOH suggested that all agencies acquiring services from the Department of Information Technology should have service level agreements in place prior to rate setting, which would help address the cost-recovery issue raised by DFA.

THE AOC notes that the judiciary uses IT- related services including SHARE, digital microwave communications to courts, internet services, point-to-point telecommunications circuits from GSD to JID, and other IT services that the state may provide related to accounting, human resources and other core services that are shared between the executive branch and the judiciary. Given this relationship, AOC believes that the judiciary should have a voice in the rate-setting process.

Information Technology Commission

A 13-member Information Technology Commission (ITC) is created: five members appointed by the governor, one staff member with telecommunications regulatory experience appointed by the chair of the Public Regulations Committee, two members representing education: one appointed by the Secretary of Higher Education and the other appointed by the Secretary of Public Education, two members from the national laboratories and three members with information technology and management experience who are not public employees, appointed by the governor to represent the public. Eight nonvoting members would also sit on the commission: two members from Judicial Information Systems Council, one member from the Office of the Attorney General, two members representing local government appointed by the New Mexico Municipal League and the New Mexico Association of Counties, respectively, one Legislative Counsel Service (LCS) staff member, one Legislative Finance Committee (LFC) staff member and the DOIT Secretary as Chief Information Officer.

Some concern has been expressed by local government entities over their lack of voting power on the committee.

The redefinition of the members of the ITC includes a restriction on members who have a financial interest in IT companies that could benefit from state contracts, which would avoid any possible conflict of interest.

GSD maintains that ITC rule-making authority is removed, its ability to hold OCIO, GSD and agency projects accountable is eliminated, and the new cabinet secretary is vested with both oversight and implementation authority. Other agencies noted that a centralized IT department has been successfully adopted in other states.

Communications

NMSA Section 15-5-1 currently authorizes the Telecommunications Bureau of the Communications Division of GSD to enter into necessary agreements to provide, where feasible, a central telephone system, including wide-area telephone service, and related facilities to all executive, legislative, judicial, institutional and other state governmental offices located in New Mexico.

The OAG notes that this bill would expand the authority of the Secretary of Information Technology to provide telecommunications services as is necessary to facilitate a state-mandated program, including distance education, tele-health or school-based health center programs, services that will presumably reach beyond the offices described in current law.

On the other hand, the state central telephone system limitation, Section 15-2-1, is amended so the new department shall not provide telecommunications services, including telephone, data and broadband services, to an entity other than those authorized under Sec. 15-5-1.

PERFORMANCE IMPLICATIONS

Current statute provides more specificity regarding the agency submission of IT strategic plans, which raises the issue of plan quality, as well as ultimately the performance of the plan's implementation. The OCIO maintains that this language was intentionally dropped in favor of

the Sections D and E (page 9), which leave the form and detail to the rule-making authority of the Secretary in order to provide flexibility to easily adapt with changes in technology. The OCIO maintains that embedding the requirements in statute would not provide this flexibility.

DFA suggests that the proposed structure and authority of DOIT should result in closer coordination between services provided and agency needs, and bring into closer alignment individual agency information systems directions with an over-all state plan. DFA also believes that this direction should help to eliminate redundancy and result in a more efficient and cost-effective delivery of information processing services. DPS also believes that better coordination of state-wide IT initiatives will reduce rising costs in the future.

In order to track the performance of DOIT in realizing the expected results from centralizing the executive IT components into a more enterprise-focused structure, the LFC strongly suggests that performance measures be adopted according to the Governmental Accountability Act that will identify and measure at least the five top objectives DOIT envisions it will achieve.

ADMINISTRATIVE IMPLICATIONS

Section 26 provides for the transfer of functions, personnel, property, contracts required to DOIT to carry out the Act's mandates. It should be noted that this transfer provision does not relate to the IT divisions of the individual executive agencies other than GSD and the OCIO.

At the time of transferring all agency and program resources to DOIT, the Governor's office and the State Budget Division shall identify those resources necessary in order to maintain the same level of service provided to agencies. All IT and communications human resources currently located at GSD and OCIO will require evaluation to determine how they would fit into the new DOIT organizational structure. The need for technical and administrative functions at DOIT will have to be clearly identified. Position reclassifications may be necessary and even though not called for in HB 959, a portion of the current administrative function at GSD may also need to be dedicated to DOIT, as well as a portion of the GSD IT staff remain behind to directly support GSD IT needs.

According to GSD, a transition plan is being developed that will address these issues. Although the intent of such a plan to promote a "seamless" transition, some administrative impact can be anticipated from the consolidation of two agencies with differing "corporate cultures", differing procedures, differing reporting structures, and new or expanded objectives.

HB 959 does not set a deadline for the consolidation of all programs and services, but does require the Secretary of DOIT to provide the LFC with a plan to provide information technology services to executive agencies.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicates SB 979.

Conflicts with HB 541, which proposes a different structure for the ITC.

Relates to HB 814, which proposes a structured IT equipment replacement plan.

Relates to HB 75/HHGAC Substitute and SB 351/SPAC Substitute (duplicate bills), which would insert the same prohibitions as included in HB 959 about providing telecommunications services (telephone, data and broadband) to any political subdivisions of the state, except as necessary to facilitate state mandated programs (e.g. distance education, tele-health or school-based health center programs).

Provisions not in HB 959 but included in HB 75 and SB 351 would require GSD to prepare an agency plan before expanding or upgrading a state telecommunications network (voice, data or video) that includes an assessment of the potential impact on local telecommunications service providers and rate payers. A definition is inserted into the GSD telecommunications bureau that excludes from “executive, legislative, judicial, institutional and other state governmental offices” any municipality, county, school district or two-year public post-secondary educational institutions.

TECHNICAL ISSUES

HED states a concern of multiple authorities over its Education Bureau Chief, which it explains as follows:

HB 959 amends the public education act (referencing the education technology bureau) from the Education Tech Bureau Chief and the Council on Technology in Education to define and develop minimum educational technology adequacy standards to the Council and the secretary of IT. The Public Education Department has a CIO and as such has oversight for the departmental IT. The DOIT will also have oversight over the department’s IT. Hence, the Education Tech Bureau has a bureau chief, an agency CIO, a council and proposed participation of the Secretary of IT by this bill.

DOH states it technical issue as follows:

House Bill 959, Section 11, Paragraph D states “the injury prevention and emergency medical services bureau of the public health division of the department of health for assistance with accidents involving casualties...” The injury prevention and emergency medical services bureau is within the Epidemiology and Response Division of the Department of Health.

Administrative Office of the Courts suggests that most sections of the Act clearly specify that any changes only relate to the executive branch, but maintains that certain sections lack that qualification. Their suggested amendments are included as part of Attachment 1 (B).

Both NMED and GSD note that HB 959 refers to administratively-attached agencies (Subsection B), but none are included in the bill. All GSD suggested amendments are included in Attachment 1 (A). NMED’s suggested amendments are included in Attachment 1 (C).

ALTERNATIVES

One option submitted by GSD is to establish a single state infrastructure pursuant to the executive order without diminishing ITC oversight and without eliminating ITOC.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The OCIO will continue to have oversight of state operations for information technology and

communications. GSD will continue with prime responsibility for managing IT operations. Current opportunity for increasing effectiveness and efficiencies of a consolidated IT system would be lost.

POSSIBLE QUESTIONS

1. Will qualifications for the Chief Information Officer be required?
2. Where will DOIT be located? If at the Simms building, will any GSD personnel be displaced?
3. The OCIO maintains that the transition and centralization effort will not create additional operational budgetary demands. How realistic is this assessment?
4. Do the current revenues for GSD pay any indirect costs for other programs, such as Program Support? If so, how will these funds be replaced?
5. Will a legislative interim committee be created to replace ITOC?
6. Would it be beneficial to remove language in the telecommunication section relating to archaic technology, such as “WATS”?
7. How will DOIT coordinate agency IT budgeting, agency IT appropriation requests, IT replacement schedules, and other IT-related strategies and decisions with the Legislature?
8. How will the rate structure be assured that it doesn’t over- or under-charge its customers?

ATTACHMENT

MA/nt:csd:mt

ATTACHMENT

HB 959 – Dept. of Information Technology Act

A. GSD PROPOSED AMENDMENTS

Reference	Issue	Resolution
Page 1-6	None	
Page 7	State Purchasing Division is omitted from IT procurement	Line 10, after “procurement” add “consistent with the Procurement Code and rules promulgated there under by the State Purchasing Division of the General Services Department”.
		Line 14, after “price agreements” add “consistent with the Procurement Code and rules promulgated there under by the State Purchasing Division of the General Services Department”.
		Lines 16 and 17, delete “develop and implement procedures to standardize data elements, determine data ownership and” and insert “establish rules and promulgate guidelines and standards to promote coordinated development and use of systems solutions among departments and agencies and to ”
Page 12	Appropriate role of IT Rate Committee – authority should be with secretary; committee should review/recommend	Line 3, delete “propose” and insert “recommend”.
		Line 6, after “;” insert “and”
		Line 8, after “schedule” insert “and recommendations”
		Line 10, after “committee” delete semicolon and insert a period.
		Line 11, change “(4)” to “C.” and capitalize the initial letter “B”; after the comma delete “implement a” and insert “the secretary shall implement an equitable”.
Pages 13-23	None	
Page 24	Communications engineer reference is not required	Lines 7 through 15, delete subsection A
	Conform w/HB 75	Line 22, delete “including” and insert “such as”.
Page 26	Conform service charge to language in Section 7 – rate committee	Line 22, before the period insert “of information technology”.
	Include fees for IT and radio services	Line 24, before the period insert “pursuant to Section 7 of this Act”.
		Line 24 after “collected” insert “for information technology”
Page 28	GSD omitted from property transfer	Line 7, after the comma insert “general services department”.
	Sec. 19 outdated - covered in Sec. 18	Lines 13 through 22, delete section 19. Include in repealer in Section 27, page 38.

Page 29	Conform outdated language using (5) page 2 definition of “information technology”	Line 5, delete “telephone” and insert “telecommunications”.
		Line 5, after “including” insert “voice, radio, video and data communications”.
		Line 6, delete “wide-area telephone service”.
	Covered in Sec. 16 – service charge	Lines 12 through 24, delete section 21. Include in repealer in Section 27, page 38.
Page 30	Conform outdated language, include all DOIT services	Line 5, delete “central telephone” and insert “information technology”.
		Line 7, delete “the central telephone system” and insert “a department information technology service”
		Line 11, delete “the central telephone system” and insert “information technology services”.
Pages 31-35	None	
Page 36	GSD left out – e.g. some property, records, etc will stay in GSD; Protect all DOIT and GSD program service delivery	Between lines 1 and 2, insert new subsection A: “The general services department and the office of the chief information officer shall analyze and develop a transition plan to provide for the transfer and redistribution of functions, personnel, and related assets, liabilities and contractual obligations from the existing general services department and office of the chief information officer, as may be necessary to create the department of information technology, without impairing the services and business operations of the programs remaining in the general services department. The secretary of the general services department and the chief information officer shall present this transition plan to the legislative finance committee, to the office of the governor, and to the department of finance and administration for review and approval as the basis for the actual transfer.”
		Line 2, renumber “A” to “B”, and renumber the remaining subsections. At the beginning of the sentence insert “Pursuant to the terms and conditions provided in the approved transition plan,” and change the initial “T” to “t”. Line 9, after “department” insert “, and such related program and administrative support functions as defined in the transition plan,”
		Line 22, after “agencies” insert “or impairing the services and business operations of the programs remaining in the general services department”.
		Page 37, Line 1, after “program” insert “, as such have been defined and provided for in the approved transition plan,”
Page 37	Conform C. and D. to transition plan	Page 37, Lines 2 through 5, delete “The governor’s office and the state budget division of the department of finance and administration shall assist in the identification of personnel, money, appropriations and property to be

		transferred and” and insert “The secretaries of the general services department and of the department of information technology shall certify to the office of the governor and to the state budget division of the department of finance and administration the integrity of the transition, and ”.
Page 38	Add appropriation based on transition plan with money to cover associated costs for both	Between lines 2 and 3 insert a new section: “APPROPRIATION.-- _____dollars (\$_____) is appropriated from the general fund to the general services department and _____dollars (\$_____) is appropriated from the general fund to the department of information technology for expenditure in fiscal year 2008 to effect one-time and transition costs necessary to implement the provisions of this act. The expenditure of these funds shall be made pursuant to the provisions of the approved transition plan and for no other purpose. Any unexpended or unencumbered balances remaining at the end of fiscal year 2008 shall revert to the general fund.”
Page 38	Section 27 Repeal of existing statute eliminates penalty for non-compliance and ITOC.	Line 3, delete “15-1C-12”, and insert “15-1C-7 and Section 15-1C-9”. Line 4, delete “11”, and insert “7 and Section 9”. Lines 5 and 6, delete “Laws 2003, Chapter 49, Section 9 and Laws 2003, Chapter 308, Section 9, as amended”.
	Add repealers for obsolete sections 15-2-8 and 15-5-3	Line 6, after “)”, insert “, Section 15-2-8 NMSA 1978 (being Laws 1975, Chapter 214, Section 4, as amended) and Section 15-5-3 NMSA 1978 (being Laws 1963, Chapter 181, Section 3, as amended)
	Add repealer for obsolete IS Council attached to GSD	On page 38, between lines 2 and 3, insert a new Section 27 to amend Section 9-17-6 NMSA 1978 by deleting Subsection B.

B. ADMINISTRATIVE OFFICE OF THE COURTS PROPOSED AMENDMENTS

Section 6, C, 3 (Should say) promulgate rules for oversight of *executive branch* information technology procurement;

Section 6, C, 12 (Should say) establish rules to ensure that *executive branch* information technology projects satisfy criteria established by the secretary and are phased in with funding released in phases contingent upon successful completion of the prior phase;

Section 6, C, 13 (Should say) provide oversight of *executive branch* information technology projects, including ensuring adequate risk management, disaster recovery and business continuity

practices and monitoring compliance with strategies recommended by the information technology commission for *executive branch* information technology projects that impact multiple agencies; and

Section 6, E, 3 (Should say) protection of the privacy and security of individual information as well as of individuals using *executive branch* ~~the state's~~ information technology systems.

C. NEW MEXICO ENVIRONMENT DEPARTMENT AMENDMENTS

1. Consolidate the IT functions and rulemaking functions of the State Records and Archives under the DOIT so that SRA IT-related rules adhere to the state strategic IT plan and are more appropriately define technically to ensure such rules are able to be implemented.
2. Define reporting structure for the state policy emergency officer. HB 959 does not clarify whether the state police emergency response officer reports to the DOIT or to DPS.
3. Require that "protocols or reporting structure with the department of information technology" be at least as robust as those that currently exist and that any transition to a new protocol be seamless so that emergency response activities are not hampered by either failed protocols or no protocols at all.