

1 SENATE BILL 420

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Stuart Ingle

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9  
10 AN ACT

11 RELATING TO EXECUTIVE ORGANIZATION; ELIMINATING THE DEPARTMENT  
12 OF INFORMATION TECHNOLOGY; CREATING THE INFORMATION TECHNOLOGY  
13 DIVISION WITHIN THE GENERAL SERVICES DEPARTMENT; ENACTING THE  
14 INFORMATION TECHNOLOGY ACT; PROVIDING FOR TRANSFERS OF  
15 FUNCTIONS, PERSONNEL, PROPERTY, OBLIGATIONS AND REFERENCES;  
16 AMENDING, REPEALING, ENACTING AND RECOMPILING SECTIONS OF THE  
17 NMSA 1978; RECONCILING CONFLICTING AMENDMENTS TO THE SAME  
18 SECTIONS OF LAW BY REPEALING LAWS 2007, CHAPTER 288, SECTIONS 2  
19 AND 3.

20  
21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

22 SECTION 1. Section 9-17-3 NMSA 1978 (being Laws 1983,  
23 Chapter 301, Section 3, as amended) is amended to read:

24 "9-17-3. GENERAL SERVICES DEPARTMENT--CREATION--TRANSFER  
25 AND MERGER OF DIVISION FUNCTIONS--MERGER AND CREATION OF

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DIVISIONS.--

A. The "general services department" is created.  
The department shall consist of those divisions created by law  
or executive order, as modified by executive order pursuant to  
Subsection C of this section, including:

- (1) the administrative services division;
- (2) the building services division;
- (3) the property control division;
- (4) the purchasing division;
- (5) the risk management division; ~~and~~
- (6) the transportation services division;
- (7) the information technology division; and
- (8) the state printing and graphics division.

B. The secretary of general services is empowered  
to organize the department and the divisions specified in  
Subsection A of this section and may transfer or merge  
functions between divisions in the interest of efficiency and  
economy.

C. The governor is empowered to merge divisions of  
the department or to create additional divisions by executive  
order in the interest of efficiency or economy."

SECTION 2. A new section of Chapter 15 NMSA 1978 is  
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--Sections 2 through 5 of this  
act and the seventeen sections that are recompiled into Chapter  
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1 15 NMSA 1978 in this 2013 act may be cited as the "Information  
2 Technology Act".

3 SECTION 3. A new section of Chapter 15 NMSA 1978 is  
4 enacted to read:

5 "[NEW MATERIAL] DEFINITIONS.--As used in the Information  
6 Technology Act:

7 A. "commission" means the information technology  
8 commission;

9 B. "department" means the general services  
10 department;

11 C. "division" means the information technology  
12 division of the department;

13 D. "information technology" means computer hardware  
14 and software and ancillary products and services, including:

15 (1) systems design and analysis;

16 (2) acquisition, storage and conversion of  
17 data;

18 (3) computer programming;

19 (4) information storage and retrieval;

20 (5) voice, radio, video and data  
21 communications;

22 (6) requisite systems;

23 (7) simulation and testing; and

24 (8) related interactions between users and  
25 information systems;

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- 1           E. "information technology project" means the
- 2 purchase, replacement, development or modification of a
- 3 hardware or software system;
- 4           F. "secretary" means the secretary of general
- 5 services;
- 6           G. "state chief information officer" means the
- 7 director of the division;
- 8           H. "state information architecture" means a
- 9 logically consistent set of principles, policies and standards
- 10 that guides the engineering of state government's information
- 11 technology systems and infrastructure in a way that ensures
- 12 alignment with state government's business needs; and
- 13           I. "state information technology strategic plan"
- 14 means the information technology planning document for the
- 15 state that spans a three-year period."

16           SECTION 4. A new section of Chapter 15 NMSA 1978 is

17 enacted to read:

18           "[NEW MATERIAL] INFORMATION TECHNOLOGY DIVISION--DUTIES

19 AND GENERAL POWERS.--

- 20           A. The division shall:
- 21                 (1) after approval of the secretary,
- 22 promulgate rules:
- 23                         (a) for oversight of information
- 24 technology procurement by executive agencies;
- 25                         (b) to establish criteria that

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1 information technology projects shall satisfy and to provide  
2 that projects are to be phased in with funding released in  
3 phases contingent on successful completion of the prior phase;  
4 and

5 (c) to develop requirements and  
6 standards for the executive branch's information technology  
7 needs, functions, systems and resources, including: 1)  
8 information technology security; 2) approval for information  
9 technology procurement that exceeds the amount set by rule; 3)  
10 detail and format for the agency information technology plan;  
11 4) acquisition licensing and sale of information technology;  
12 and 5) requirements for agency information technology projects  
13 and related plans, analysis, oversight, assessment and  
14 specifications;

15 (2) review executive agency plans regarding  
16 prudent allocation of information technology resources;  
17 reduction of duplicate or redundant data, hardware and  
18 software; and improvement of system interoperability and data  
19 accessibility among agencies;

20 (3) approve executive agency information  
21 technology requests for proposals and other executive agency  
22 requests that are subject to the Procurement Code, prior to  
23 final approval;

24 (4) approve executive agency information  
25 technology contracts and amendments to those contracts,

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1 including emergency procurements, sole source contracts and  
2 price agreements, prior to approval by the department of  
3 finance and administration;

4 (5) develop and implement procedures to  
5 standardize data elements, determine data ownership and ensure  
6 data sharing among executive agencies;

7 (6) verify compliance with state information  
8 architecture and the state information technology strategic  
9 plan before approving documents referred to in Paragraphs (3)  
10 and (4) of this subsection;

11 (7) monitor executive agency compliance with  
12 its agency plan, the state information technology strategic  
13 plan and state information architecture and report to the  
14 secretary, the governor, executive agency management and the  
15 legislative finance committee on noncompliance;

16 (8) develop information technology cost  
17 recovery mechanisms and information systems rate and fee  
18 structures of state agencies and other public or private sector  
19 providers and make recommendations to the information  
20 technology rate committee;

21 (9) provide technical support to executive  
22 agencies in the development of their agency plans;

23 (10) ensure the use of existing public or  
24 private information technology or telecommunications resources  
25 when the use is practical, efficient, effective and financially

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1 prudent and is in compliance with the Procurement Code;

2 (11) review appropriation requests related to  
3 executive agency information technology requests to ensure  
4 compliance with agency plans and the state information  
5 technology strategic plan and make written recommendations by  
6 November 14 of each year to the department of finance and  
7 administration and by November 21 of each year to the  
8 legislative finance committee and the appropriate interim  
9 legislative committee; provided, however, that the  
10 recommendations to the legislative committees have been agreed  
11 to by the division and the department of finance and  
12 administration;

13 (12) provide oversight of information  
14 technology projects, including ensuring adequate risk  
15 management, disaster recovery and business continuity practices  
16 and monitoring compliance for information technology projects  
17 that affect multiple agencies;

18 (13) conduct reviews of information technology  
19 projects and provide written reports to the appropriate  
20 legislative oversight bodies;

21 (14) conduct background checks on division  
22 employees and prospective division employees that have or will  
23 have administrative access or authority to sensitive,  
24 confidential or private information or the ability to alter  
25 systems, networks or other information technology hardware or

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1 software; and

2 (15) perform any other information technology  
3 function assigned by the governor or the secretary.

4 B. The division shall prepare a state information  
5 technology strategic plan for the executive branch and update  
6 it at least once every three years, which plan shall be  
7 available to agencies by July 31 of each year. The plan shall  
8 provide for the:

9 (1) interchange of information related to  
10 information technology among executive agencies;

11 (2) coordination among executive agencies in  
12 the development and maintenance of information technology  
13 systems; and

14 (3) protection of the privacy and security of  
15 individual information as well as of persons using the state's  
16 information technology systems.

17 C. The division, in conjunction with the secretary,  
18 may apply for and receive, with the governor's approval, in the  
19 name of the department, any public or private funds, including  
20 United States government funds, available to the division or  
21 the department to carry out the division's programs, duties or  
22 services.

23 D. Where information technology functions of  
24 executive agencies overlap or a function assigned to one agency  
25 could be better performed by another agency, the division may

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1 recommend appropriate legislation to the next session of the  
2 legislature for its approval."

3 SECTION 5. A new section of Chapter 15 NMSA 1978 is  
4 enacted to read:

5 "[NEW MATERIAL] STATE AGENCIES--DUTIES--DISPUTE.--

6 A. Each executive agency shall submit an agency  
7 information technology plan to the division in the form and  
8 detail required by the division. Each executive agency shall  
9 conduct background checks on agency or prospective agency  
10 employees that have or will have administrative access or  
11 authority to alter systems, networks or other information  
12 technology hardware or software.

13 B. A state agency that receives an invoice from the  
14 division for services rendered to the state agency has thirty  
15 days from receipt of the invoice to pay the division or to  
16 notify the division that the amount of the invoice is in  
17 dispute. The state agency has fifteen days from its  
18 notification of dispute to the division to present in writing  
19 its reasons for dispute and to request an adjustment. The  
20 division has fifteen days from its receipt of the reasons for  
21 dispute to notify the state agency of its decision regarding  
22 the dispute. If the division and the state agency do not agree  
23 on a resolution, the secretary of finance and administration  
24 shall make a determination on the amount owed by the state  
25 agency to the division. If the state agency has not paid the

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1 division or notified the division of a dispute within thirty  
2 days of receipt of the invoice, the division shall notify the  
3 department of finance and administration and request that the  
4 department of finance and administration transfer funds from  
5 the state agency to the division to satisfy the state agency's  
6 obligation."

7 SECTION 6. Section 9-27-7 NMSA 1978 (being Laws 2007,  
8 Chapter 290, Section 7, as amended) is recompiled in the  
9 Information Technology Act and is amended to read:

10 "INFORMATION TECHNOLOGY RATE COMMITTEE--MEMBERSHIP--  
11 DUTIES.--

12 A. The "information technology rate committee" is  
13 created. The committee consists of seven members as follows:

14 (1) five members appointed by the governor  
15 from executive agencies that use information technology  
16 services and pay rates to an internal service fund;

17 (2) the secretary of finance and  
18 administration, who shall serve as chair of the committee; and

19 (3) the secretary of [~~information technology~~]  
20 general services.

21 B. The information technology rate committee shall:

22 (1) review the rate and fee schedule proposed  
23 by the [~~secretary~~] state chief information officer;

24 (2) ensure that the rate and fee schedule  
25 complies with the federal office of management and budget

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1 circular A-87 or its successor directive;

2 (3) consider for approval an equitable rate  
3 and fee schedule based on cost recovery for state agencies that  
4 use information technology services and pay rates to an  
5 internal service fund, with priority service to public safety  
6 agencies;

7 (4) present the committee's proposed rate and  
8 fee schedule by June 1 of each year to the office of the  
9 governor, the department of finance and administration and the  
10 legislative finance committee; and

11 (5) by July 15 of each year, implement a rate  
12 and fee schedule based on the [~~committee's~~] state chief  
13 information officer's recommendations; provided, however, that  
14 a reduction in rates or fees by the [~~department~~] division shall  
15 not require the committee's approval if the reduction is based  
16 on cost recovery and if the committee is notified timely."

17 SECTION 7. Section 9-27-9 NMSA 1978 (being Laws 2007,  
18 Chapter 290, Section 9, as amended) is recompiled in the  
19 Information Technology Act and is amended to read:

20 "INFORMATION TECHNOLOGY COMMISSION--CREATION--POWERS AND  
21 DUTIES.--

22 A. The "information technology commission" is  
23 created. The commission consists of fifteen voting members as  
24 follows:

25 (1) four members appointed by the governor,

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1 who are not from the higher education department or the public  
2 education department;

3 (2) one staff member with telecommunications  
4 regulatory experience appointed by the chair of the public  
5 regulation commission;

6 (3) two members representing education, one  
7 appointed by the secretary of higher education and one  
8 appointed by the secretary of public education;

9 (4) two members appointed by the governor to  
10 represent local government, one appointment to be selected by  
11 the governor from a list of three names provided by the New  
12 Mexico association of counties and one appointment to be  
13 selected by the governor from a list of three names provided by  
14 the New Mexico municipal league;

15 (5) two members appointed at-large by the  
16 governor;

17 (6) two members appointed by the governor to  
18 represent local telecommunications service providers; and

19 (7) two members from the national laboratories  
20 appointed by the respective laboratory director.

21 B. Additionally, the following nonvoting members  
22 may serve on the commission:

23 (1) two members from the judicial information  
24 systems council appointed by the chair of that council;

25 (2) one staff member from the legislative

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1 council service and one staff member from the legislative  
2 finance committee, appointed by their respective directors; and  
3 (3) the [~~secretary as~~] state chief information  
4 officer.

5 C. No appointee [~~or designee~~] of the commission  
6 from a state agency shall be less than the deputy head of the  
7 agency.

8 D. A registered lobbyist under the Lobbyist  
9 Regulation Act shall not serve on the commission while  
10 registered as a lobbyist or for one year after terminating work  
11 as a lobbyist in compliance with the termination requirements  
12 of the Lobbyist Regulation Act.

13 E. The commission shall appoint a voting member to  
14 represent the commission on the [~~department's~~] division's  
15 committee or other body that certifies information technology  
16 projects.

17 F. The members of the commission who are not  
18 supported by public money [~~or their designees~~] may receive per  
19 diem and mileage pursuant to the Per Diem and Mileage Act, but  
20 shall receive no other compensation, perquisite or allowance.

21 G. The commission shall elect a chair and vice  
22 chair from the active voting membership of the commission for  
23 two-year terms.

24 H. The [~~department~~] division shall provide staff to  
25 the commission.

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1 I. The commission shall meet at least quarterly to  
2 review and approve:

3 (1) the development and implementation of the  
4 state information technology strategic plan;

5 (2) critical information technology  
6 initiatives for the state;

7 (3) identification of information technology  
8 needs of state agencies;

9 (4) strategies for identifying information  
10 technology projects that affect multiple agencies;

11 (5) the state information architecture and the  
12 state information technology strategic plan for updates and  
13 compliance by executive agencies;

14 (6) proposed rules by the [~~secretary~~] state  
15 chief information officer; and

16 (7) guidelines for mediation of disputes  
17 between an executive agency and the [~~secretary as~~] state chief  
18 information officer."

19 **SECTION 8.** Section 9-27-11 NMSA 1978 (being Laws 2008,  
20 Chapter 84, Section 2, as amended) is recompiled in the  
21 Information Technology Act and is amended to read:

22 "EQUIPMENT REPLACEMENT PLANS--EQUIPMENT REPLACEMENT  
23 REVOLVING FUNDS.--

24 A. In order to plan for the expenditure of capital  
25 investments necessary to provide goods and services to the

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1 state and its agencies and to local public bodies and other  
2 enterprise customers, the ~~[department]~~ division shall establish  
3 and maintain an equipment replacement plan for each of the  
4 ~~[department's]~~ division's enterprise functions. No later than  
5 September 1 of each year, the plans shall be submitted to the  
6 department of finance and administration, the information  
7 technology commission and the legislature, accompanied by a  
8 reconciliation report of the preceding fiscal year reflecting  
9 financial activity in each of the equipment replacement  
10 revolving funds established pursuant to this section.

11 B. Upon the request of the ~~[secretary]~~ state chief  
12 information officer, the state treasurer shall establish in the  
13 state treasury such "equipment replacement revolving funds" as  
14 are necessary to administer each of the ~~[department's]~~  
15 division's enterprise functions. The revolving funds ~~[shall]~~  
16 consist of legislative appropriations to the funds and  
17 transfers made to the funds pursuant to ~~[Subsections]~~  
18 Subsection C ~~[and D]~~ of this section. Income from investment  
19 of the revolving funds shall be credited ~~[back]~~ to the funds,  
20 and money in the funds shall not revert at the end of a fiscal  
21 year. Expenditures from the funds shall only be made pursuant  
22 to an appropriation from the legislature and only for the  
23 purpose of acquiring and replacing capital equipment and  
24 associated software used to provide enterprise services  
25 pursuant to the ~~[department's]~~ division's equipment replacement

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1 plans.

2 C. The ~~[department]~~ division shall record amounts  
3 due to the equipment replacement revolving funds each fiscal  
4 year, based on the calculation of amortization and depreciation  
5 applicable to each enterprise service as reflected in the  
6 ~~[department's]~~ division's published cost structures for  
7 calculation of rates for services. Transfers to the funds  
8 shall be made from the operating funds of each enterprise in  
9 amounts that reconcile with the recorded amounts due. The  
10 recording of amounts due to the equipment replacement revolving  
11 funds and the transfer of the funds shall be consistent with  
12 generally accepted accounting principles.

13 ~~[D. The department may make initial transfers from  
14 its operating funds to establish the beginning fund balances as  
15 of July 1, 2008.]"~~

16 SECTION 9. Section 9-27-13 NMSA 1978 (being Laws 1977,  
17 Chapter 247, Section 23, as amended) is recompiled in the  
18 Information Technology Act and is amended to read:

19 "TELECOMMUNICATIONS SERVICES.--

20 A. The ~~[secretary of information technology]~~ state  
21 chief information officer may hire a communications engineer to  
22 oversee the engineering responsibilities of the ~~[department of~~  
23 ~~information technology]~~ division. The communications engineer  
24 shall have a degree in ~~[either electrical engineering with an~~  
25 ~~electrical communications specialty or in electronics~~

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1 ~~engineering]~~ an appropriate technical field.

2 B. In providing telecommunications services  
3 pursuant to Chapter 15 NMSA 1978, the [~~department of~~  
4 ~~information technology]~~ division shall not provide  
5 telecommunications services, including telephone, data and  
6 broadband services, to an entity other than those authorized  
7 pursuant to Section [~~15-5-1 NMSA 1978]~~ 16 of this 2013 act,  
8 except as is necessary to facilitate a state-mandated program,  
9 including distance education, telehealth or school-based health  
10 center programs. Before expansion or upgrade of a state-owned  
11 or state-funded telecommunications network, whether voice, data  
12 or video transmission, the [~~department]~~ division shall prepare  
13 a plan consistent with state law and applicable rules that  
14 includes an assessment of how the project would potentially  
15 affect local telecommunications service providers and  
16 telecommunications service ratepayers."

17 SECTION 10. Section 9-27-14 NMSA 1978 (being Laws 1977,  
18 Chapter 247, Section 24, as amended) is recompiled in the  
19 Information Technology Act and is amended to read:

20 "RADIO COMMUNICATIONS.--The [~~department of information~~  
21 ~~technology]~~ division shall have supervisory control over all  
22 mobile or fixed radio equipment now owned or subsequently  
23 acquired by the executive branch or any state officer,  
24 department, other agency, board, commission, division or bureau  
25 of any executive state department or agency. This supervisory

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1 control shall include but not be limited to the determination  
2 of the need for, purchase, repair, maintenance, combination or  
3 disposition of radio equipment."

4 SECTION 11. Section 9-27-15 NMSA 1978 (being Laws 1997,  
5 Chapter 263, Section 1, as amended by Laws 2007, Chapter 288,  
6 Section 2 and by Laws 2007, Chapter 290, Section 15) is  
7 recompiled in the Information Technology Act and is amended to  
8 read:

9 "LEASE OF RADIO COMMUNICATIONS NETWORK--CONDITIONS AND  
10 REQUIREMENTS.--In exercising supervisory control pursuant to  
11 Section [~~15-2-2 NMSA 1978, the department of information~~  
12 ~~technology~~] 10 of this 2013 act, the division may lease to a  
13 private entity excess capacity relating to the provision of  
14 two-way radio services on its radio communications property,  
15 including buildings, towers or antennas, provided that:

16 A. the lease conforms with competitive procurement  
17 requirements of the Procurement Code;

18 B. the lease is for an equal value exchange of  
19 money or property;

20 C. the [~~secretary of information technology~~] state  
21 chief information officer certifies that the excess capacity  
22 will be available for at least the duration of the lease;

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

25 E. the [~~department of information technology~~]

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1 division has submitted to the legislative finance committee a  
2 detailed plan for the use of excess capacity being leased and  
3 an assessment of how the lease will affect public sector uses  
4 and local telecommunication service providers; and

5 F. income from the leases shall be deposited to the  
6 credit of the [~~department of information technology~~] division  
7 and used to carry out the duties of the [~~department~~] division."

8 SECTION 12. Section 9-27-16 NMSA 1978 (being Laws 1970,  
9 Chapter 71, Section 1, as amended) is recompiled in the  
10 Information Technology Act and is amended to read:

11 "SERVICE CHARGE.--

12 A. The [~~department of information technology~~]  
13 division shall charge a fee to the state or any officer,  
14 agency, department, division, board or commission of the state  
15 for any services rendered in the exercise of its supervisory  
16 control.

17 B. Fees shall be fixed by the [~~secretary of~~  
18 ~~information technology~~] state chief information officer.

19 C. Income from fees collected shall be deposited to  
20 the credit of the [~~department of information technology~~]  
21 division and used to carry out the duties of the [~~department~~]  
22 division.

23 D. The [~~department of information technology~~]  
24 division may provide two-way radio services to counties and  
25 municipalities at the same rates charged state agencies."

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1           SECTION 13. Section 9-27-17 NMSA 1978 (being Laws 1966,  
2 Chapter 32, Section 3, as amended) is recompiled in the  
3 Information Technology Act and is amended to read:

4           "EXCLUSION FROM JURISDICTION.--The [~~department of~~  
5 ~~information technology~~] division shall not have supervisory  
6 control over:

7           A. the use of radio equipment, except as to the  
8 technical requirements of the equipment or unless the equipment  
9 is used by one or more agencies and the [~~department of~~  
10 ~~information technology must determine~~] division determines  
11 priority of use;

12           B. the radio equipment of the department of  
13 military affairs, except the [~~department of information~~  
14 ~~technology~~] division may maintain all radio equipment owned by  
15 the department of military affairs that interfaces with state-  
16 owned radio equipment; or

17           C. unless otherwise directed by the [~~secretary of~~  
18 ~~information technology~~] state chief information officer, radio  
19 equipment that is incidental to a system that is primarily a  
20 telephone system."

21           SECTION 14. Section 9-27-18 NMSA 1978 (being Laws 1971,  
22 Chapter 115, Section 2, as amended) is recompiled in the  
23 Information Technology Act and is amended to read:

24           "PROPERTY TRANSFER.--Ownership of all radio communication  
25 property at mountaintop or remote sites, including buildings,

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1 towers, antennas, emergency power plants and radio equipment  
2 owned by the New Mexico state police, department of  
3 transportation, department of game and fish and forestry  
4 division of the energy, minerals and natural resources  
5 department, is transferred to the [~~department of information~~  
6 ~~technology~~] division."

7 SECTION 15. Section 9-27-19 NMSA 1978 (being Laws 1975,  
8 Chapter 214, Section 4, as amended) is recompiled in the  
9 Information Technology Act and is amended to read:

10 "TRANSFER OF PROPERTY--CUSTODY AND CONTROL.--The radio  
11 equipment purchased in accordance with Laws 1972, Chapter 74 by  
12 the property control division of the general services  
13 department [~~is~~] and then transferred to the department of  
14 information technology is transferred to the information  
15 technology division of the general services department. The  
16 [~~department~~] information technology division of the general  
17 services department has the custody and control of the  
18 transferred radio equipment."

19 SECTION 16. Section 9-27-20 NMSA 1978 (being Laws 1963,  
20 Chapter 181, Section 1, as amended by Laws 2007, Chapter 288,  
21 Section 3 and by Laws 2007, Chapter 290, Section 20) is  
22 recompiled in the Information Technology Act and is amended to  
23 read:

24 "TELECOMMUNICATIONS--DUTIES.--The [~~department of~~  
25 ~~information technology~~] division shall enter into necessary

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1 agreements to provide, where feasible, a central telephone  
2 system, including wide-area telephone service, and related  
3 facilities to all executive, legislative and judicial branches.  
4 Nothing in this section shall be construed to apply to the  
5 provision of a central telephone system and related facilities  
6 to political subdivisions of the state."

7 SECTION 17. Section 9-27-21 NMSA 1978 (being Laws 1963,  
8 Chapter 181, Section 2, as amended) is recompiled in the  
9 Information Technology Act and is amended to read:

10 "CENTRAL TELEPHONE SERVICES--STAFF--BUDGET.--The  
11 [~~telecommunications bureau of the enterprise services~~] division  
12 [~~of the department~~] shall provide the staff and material  
13 necessary to properly and adequately operate the central  
14 telephone system. The budget for the central telephone system  
15 shall be approved as part of the total operating budget of the  
16 department."

17 SECTION 18. Section 9-27-22 NMSA 1978 (being Laws 1963,  
18 Chapter 181, Section 3, as amended) is recompiled in the  
19 Information Technology Act and is amended to read:

20 "CHARGES FOR CENTRAL TELEPHONE SERVICES.--Departments,  
21 institutions and agencies participating in the central  
22 telephone system shall be charged a pro rata and equitable  
23 share of the total monthly costs of the service. This  
24 determination is to be made by the [~~department of information~~  
25 ~~technology~~] division. Toll calls not covered by the wide-area

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1 telephone service and supplemental equipment shall be  
2 segregated and paid for by the agencies, institutions and  
3 departments that are making the calls or using the supplemental  
4 equipment."

5 SECTION 19. Section 9-27-23 NMSA 1978 (being Laws 1963,  
6 Chapter 181, Section 4, as amended) is recompiled in the  
7 Information Technology Act and is amended to read:

8 "DEPOSIT OF MONEY.--The [~~department of information~~  
9 ~~technology~~] division shall order the deposit or transfer  
10 monthly to a fund known as the "central telephone services  
11 fund" the amount of money owed by each department, institution  
12 and agency [~~utilizing~~] using the central telephone system.  
13 State institutions and agencies shall adopt such accounting  
14 procedures as are prescribed by the department of finance and  
15 administration for the handling of payments with reference to  
16 the central telephone system."

17 SECTION 20. Section 9-27-24 NMSA 1978 (being Laws 1963,  
18 Chapter 181, Section 5, as amended) is recompiled in the  
19 Information Technology Act and is amended to read:

20 "INCOME--APPROPRIATION.--All income to the central  
21 telephone services fund is appropriated to carry out the  
22 purposes of Sections [~~15-5-1 through 15-5-6 NMSA 1978~~] 16  
23 through 19 of this 2013 act and Section 9-27-25 NMSA 1978 or  
24 their successor recompiled sections. Payments from the central  
25 telephone services fund shall be made on vouchers signed by the

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1 secretary of general services or the secretary's designee."

2 SECTION 21. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS,  
3 APPROPRIATIONS, PERSONNEL AND PROPERTY--CONTRACTUAL  
4 OBLIGATIONS--REFERENCES IN LAW.--

5 A. All functions, personnel, appropriations, money,  
6 records, furniture, equipment and other property of the  
7 department of information technology are transferred to the  
8 information technology division of the general services  
9 department.

10 B. Contractual obligations of the department of  
11 information technology are binding on the information  
12 technology division of the general services department.

13 C. All references in law to the department of  
14 information technology shall be deemed to be references to the  
15 information technology division of the general services  
16 department.

17 D. All references in law to the secretary of  
18 information technology or to the chief information officer  
19 shall be deemed to be references to the state chief information  
20 officer of the information technology division of the general  
21 services department.

22 SECTION 22. TEMPORARY PROVISION--RECOMPILATION.--Sections  
23 9-27-12 and 9-27-25 NMSA 1978 (being Laws 2009, Chapter 146,  
24 Section 6 and Laws 1963, Chapter 181, Section 6, as amended)  
25 are recompiled in the Information Technology Act.

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1           **SECTION 23. REPEAL.--**

2                   A. Laws 2007, Chapter 288, Sections 2 and 3 are  
3 repealed.

4                   B. Sections 9-27-1 through 9-27-8 and 9-27-10 NMSA  
5 1978 (being Laws 2007, Chapter 290, Sections 1 through 8 and  
6 26, as amended) are repealed.

7           **SECTION 24. EFFECTIVE DATE.--**The effective date of the  
8 provisions of this act is July 1, 2013.

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