

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 636

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

JEANNETTE WALLACE

AN ACT

RELATING TO INFORMATION AND COMMUNICATIONS SYSTEMS; ENACTING THE INFORMATION AND COMMUNICATIONS SYSTEMS ACT; PROVIDING THE POWERS AND DUTIES OF THE INFORMATION SYSTEMS DIVISION OF THE GENERAL SERVICES DEPARTMENT; CREATING AND PROVIDING FOR CERTAIN FUNDS; PROVIDING FOR REVENUE BONDS; MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Section 1. Section 13-1-99 NMSA 1978 (being Laws 1984, Chapter 65, Section 72, as amended) is amended to read:

"13-1-99. EXCLUDED FROM CENTRAL PURCHASING THROUGH THE STATE PURCHASING AGENT. -- Excluded from the requirement of procurement through the state purchasing agent but not from the requirements of the Procurement Code are the following:

- A. procurement of professional services except for

Underscored material = new  
[bracketed material] = delete

1 professional services for information and communications  
2 management;

3 B. small purchases having a value not exceeding [~~two~~  
4 ~~hundred fifty dollars (\$250)] five hundred dollars (\$500);~~

5 C. emergency procurement;

6 D. procurement of highway construction or  
7 reconstruction by the state highway and transportation  
8 department;

9 E. procurement by the judicial branch of state  
10 government;

11 F. procurement by the legislative branch of state  
12 government;

13 G. procurement by the boards of regents of state  
14 educational institutions named in Article 12, Section 11 of the  
15 constitution of New Mexico;

16 [~~H. procurement of information processing resources~~  
17 ~~procured through the commission on information and communication~~  
18 ~~management;~~

19 I.] H. procurement by the state fair commission of  
20 tangible personal property, services and construction under five  
21 thousand dollars (\$5,000);

22 [~~J.~~] I. procurement by the intertribal Indian  
23 ceremonial association;

24 [~~K.~~] J. purchases from the instructional material  
25 fund;

. 109454. 1GJ

Underscored material = new  
[bracketed material] = delete

1           [~~E.~~] K. procurement by all local public bodies;  
2           [~~M.~~] L. procurement by regional education  
3 cooperatives; and  
4           [~~N.~~] M. procurement by each state health care  
5 institution that provides direct patient care and that is, or a  
6 part of which is, medicaid certified and participating in the  
7 New Mexico medicaid program. "

8           Section 2. Section 15-1-1 NMSA 1978 (being Laws 1986,  
9 Chapter 81, Section 1, as amended) is recompiled as Section  
10 15-10-1 NMSA 1978 and is amended to read:

11           "15-10-1. SHORT TITLE. -- Chapter 15, Article [~~1~~] 10 NMSA  
12 1978 may be cited as the "Information and [~~Communication~~  
13 ~~Management~~] Communications Systems Act". "

14           Section 3. Section 15-1-2 NMSA 1978 (being Laws 1986,  
15 Chapter 81, Section 2) is recompiled as Section 15-10-2 and is  
16 amended to read:

17           "15-10-2. INFORMATION SYSTEMS DIVISION CREATED. -- The  
18 "information systems division" is created within the general  
19 services department. The division director shall be appointed  
20 by the secretary of general services with the governor's  
21 consent. "

22           Section 4. A new Section 15-10-3 NMSA 1978 is enacted to  
23 read:

24           "15-10-3. [NEW MATERIAL] INFORMATION SYSTEMS DIVISION--  
25 POWERS AND DUTIES. --

Underscored material = new  
[bracketed material] = delete

1           A. The information systems division of the general  
2 services department shall provide the staff and resources for  
3 the efficient and effective use of shared facilities for  
4 automated data processing and communications services.

5           B. The information systems division is the  
6 designated central automated data processing host center and  
7 communications services provider for the state of New Mexico.

8           C. The information systems division shall enter into  
9 necessary agreements to provide, where feasible, central  
10 telephone, data and radio communications systems, using  
11 appropriate information and communications technology services,  
12 to executive, legislative, judicial, institutional and other  
13 government offices located in the state of New Mexico. "

14           Section 5. Section 15-5-6 NMSA 1978 (being Laws 1963,  
15 Chapter 181, Section 6, as amended) is recompiled as Section  
16 15-10-4 NMSA 1978 and is amended to read:

17           "15-10-4. PARTICIPATION OR EXCLUSION OF AGENCY, DEPARTMENT  
18 OR INSTITUTION. --All departments, institutions and agencies of  
19 the state government to the extent that it is practical and  
20 feasible shall participate in the central telephone [system]  
21 data and radio communications systems. No agreement for any  
22 leased or purchased telephone, data or communications service or  
23 for purchase of any telephone, data or communications equipment  
24 shall be entered into by any department, institution or agency  
25 of the state participating in [~~the central telephone system~~]

. 109454. 1GJ

Underscored material = new  
[bracketed material] = delete

1 information systems division of the general services department  
2 services, except those institutions enumerated in Article 12,  
3 Section 11 of the [~~New Mexico~~] constitution of New Mexico,  
4 except upon prior written approval of the secretary of general  
5 services or the director of the [~~communications~~] information  
6 systems division acting as his designee. If, on the basis of a  
7 technical survey, it is found to be infeasible or impractical to  
8 include particular agencies, departments or institutions in [~~the~~  
9 ~~central telephone system~~] information systems division services,  
10 the director of the [~~communications~~] information systems  
11 division may exclude them. In the event of exclusion of any  
12 agency, department or institution, the director of the  
13 [~~communications~~] information systems division shall file a  
14 written statement, certifying the reasons therefor, with the  
15 state records center. "

16 Section 6. Section 15-2-2 NMSA 1978 (being Laws 1977,  
17 Chapter 247, Section 24, as amended) is recompiled as Section  
18 15-10-5 NMSA 1978 and is amended to read:

19 "15-10-5. RADIO COMMUNICATIONS [~~BUREAU—DUTIES~~]  
20 EQUIPMENT--SUPERVISORY CONTROL. --The [~~"radio communications~~  
21 ~~bureau"~~, hereby created, ~~of the communications~~] information  
22 systems division of the general services department shall have  
23 supervisory control over all mobile or fixed radio equipment now  
24 owned or subsequently acquired by the state or any state  
25 officer, department, other agency, board, [~~or~~] commission, [~~or~~]

. 109454. 1GJ

Underscored material = new  
[bracketed material] = delete

1 division or bureau of any state department or other agency.  
2 This supervisory control shall include but not be limited to the  
3 determination of the need for, purchase, repair, maintenance,  
4 combination or disposition of radio equipment. "

5 Section 7. Section 15-2-4 NMSA 1978 (being Laws 1966,  
6 Chapter 32, Section 3, as amended) is recompiled as Section  
7 15-10-6 NMSA 1978 and is amended to read:

8 "15-10-6. EXCLUSION FROM ~~[JURISDICTION]~~ SUPERVISORY  
9 CONTROL. -- The ~~[radio communications bureau of the~~  
10 ~~communications]~~ information systems division of the general  
11 services department shall not have supervisory control over:

12 A. the use of ~~[such]~~ radio equipment, except as to:

13 (1) the technical requirements of the  
14 equipment; or ~~[unless]~~

15 (2) if the equipment is used by one or more  
16 agencies, ~~[and the radio communications bureau must determine]~~  
17 priority of use;

18 B. the radio equipment of the ~~[office]~~ department of  
19 military affairs, except the ~~[radio communications bureau]~~  
20 information systems division may maintain all radio equipment  
21 owned by the ~~[office]~~ department of military affairs which  
22 interfaces with other state-owned radio equipment; or

23 C. unless otherwise directed by the secretary of  
24 general services, radio equipment that is incidental to a system  
25 which is primarily a telephone system. "

. 109454. 1GJ

Underscored material = new  
[bracketed material] = delete

1           Section 8.   Section 15-2-5 NMSA 1978 (being Laws 1971,  
2 Chapter 115, Section 2, as amended) is recompiled as Section  
3 15-10-7 NMSA 1978 and is amended to read:

4           "15-10-7.   PROPERTY [~~TRANSFER~~] OWNERSHIP. -- Ownership of all  
5 radio [~~communication~~] communications property at mountaintop or  
6 remote sites, including buildings, towers, antennas, emergency  
7 power plants and radio equipment, [~~owned by the New Mexico state~~  
8 ~~police, state highway department, department of game and fish~~  
9 ~~and the state forestry division, is transferred to the~~  
10 ~~communications~~] shall remain under the information systems  
11 division of the general services department."

12           Section 9.   A new Section 15-10-8 NMSA 1978 is enacted to  
13 read:

14           "15-10-8.   [NEW MATERIAL]   LEASE AUTHORIZED. -- The  
15 information systems division of the general services department  
16 may lease or license portions of radio communications sites or  
17 equipment if it is not needed for, or will not interfere with,  
18 state use and will comply with rules adopted by the general  
19 services department to ensure competitive leasing. Revenue from  
20 leases or licenses shall be credited to the communications  
21 equipment revolving fund."

22           Section 10.   Section 15-1-8 NMSA 1978 (being Laws 1993,  
23 Chapter 197, Section 7) is recompiled as Section 15-10-9 NMSA  
24 1978 and is amended to read:

25           "15-10-9.   PURCHASING-- INFORMATION AND [~~COMMUNICATION~~]

Underscored material = new  
[bracketed material] = delete

1 COMMUNICATIONS SERVICES, RESOURCES AND SYSTEMS. -- [A.] The state  
2 purchasing agent shall serve as the central purchasing agency  
3 for all information and ~~[communication]~~ communications services,  
4 resources and systems. ~~[The state purchasing agent shall seek~~  
5 ~~advice and support from the commission concerning system~~  
6 ~~procurements and price agreements.]~~

7 ~~B. All information system services and professional~~  
8 ~~services contracts shall be processed in accordance with~~  
9 ~~appropriate rules and regulations of the department of finance~~  
10 ~~and administration; provided, however, that the commission shall~~  
11 ~~review and approve all information system services and~~  
12 ~~professional service contracts for management of information and~~  
13 ~~communication system projects prior to final approval by the~~  
14 ~~department of finance and administration.]~~ As used in this  
15 section, "information and communications services, resources and  
16 systems" means computer, voice and data communications software  
17 and hardware, including imaging systems, terminals and  
18 communications networks and facilities, information systems  
19 services and professional services contracts."

20 Section 11. A new Section 15-10-10 NMSA 1978 is enacted to  
21 read:

22 "15-10-10. [NEW MATERIAL] SERVICE FEES--DEPOSIT--  
23 APPROPRIATION. --

24 A. The information systems division of the general  
25 services department shall charge a fee to the state and any

. 109454. 1GJ



Underscored material = new  
[bracketed material] = delete

1 agency, institution, instrumentality, officer, board or  
2 commission of the state, including the legislative and judicial  
3 branches, and any county or municipality for services rendered.  
4 All receipts from fees charged by the division shall be  
5 deposited in the information systems division operating fund and  
6 shall be appropriated to the division.

7 B. The rate structure of the service fees shall  
8 include charges for the cost of depreciation and replacement of  
9 data processing and communications equipment.

10 C. The rate structure for fees shall be fixed by the  
11 director of the information systems division, with the approval  
12 of the secretary of general services. "

13 Section 12. A new Section 15-10-11 NMSA 1978 is enacted to  
14 read:

15 "15-10-11. [NEW MATERIAL] OPERATING FUND CREATED--  
16 EXPENDITURES-- TRANSFERS. --

17 A. There is created in the state treasury the  
18 "information systems division operating fund". All income from  
19 investment of the fund shall be credited to the fund. Balances  
20 remaining in the fund at the end of any fiscal year shall not  
21 revert to the general fund.

22 B. Expenditures from the fund shall be made only  
23 upon vouchers approved by the director of the information  
24 systems division of the general services department. "

25 Section 13. Section 15-1-10 NMSA 1978 (being Laws 1986,

. 109454. 1GJ

Underscored material = new  
[bracketed material] = delete

1 Chapter 81, Section 10, as amended) is recompiled as Section  
2 15-10-12 NMSA 1978 and is amended to read:

3 "15-10-12. DATA PROCESSING EQUIPMENT REVOLVING FUND  
4 CREATED--DISBURSEMENT.--

5 A. There is created in the state treasury the "data  
6 processing equipment revolving fund". [The] All income from  
7 investment of the fund shall be credited to the fund. Balances  
8 remaining in the fund at the end of any fiscal year shall not  
9 revert to the general fund.

10 B. Expenditures from the data processing equipment  
11 revolving fund shall be made for the purpose of acquiring and  
12 replacing data processing equipment. Such expenditures shall be  
13 made only upon vouchers approved by the director of the  
14 information systems division of the general services department  
15 and shall be disbursed pursuant to a [five] three-year plan  
16 prepared by the division and [approved by the commission and  
17 ~~presented~~] submitted annually to the department of finance and  
18 administration and the [legislature] legislative finance  
19 committee.

20 C. When changes in the [five] three-year plan are  
21 necessary, justification for such changes shall be [~~presented to~~  
22 ~~the commission for approval, with copies~~] submitted to the  
23 department of finance and administration and the legislative  
24 finance committee. "

25 Section 14. Section 15-1-11 NMSA 1978 (being Laws 1986,

. 109454. 1GJ

Underscored material = new  
[bracketed material] = delete

1 Chapter 81, Section 11, as amended) is recompiled as Section  
2 15-10-13 NMSA 1978 and is amended to read:

3 "15-10-13. COMMUNICATIONS EQUIPMENT REVOLVING FUND  
4 CREATED--DISBURSEMENT.--

5 A. There is created in the state treasury the  
6 "communications equipment revolving fund". [The] All income  
7 from investment of the fund shall be credited to the fund.  
8 Balances remaining in the fund at the end of any fiscal year  
9 shall not revert to the general fund.

10 B. Expenditures from the communications equipment  
11 revolving fund shall be made for the purpose of acquiring and  
12 replacing communications equipment. Such expenditures shall be  
13 made only upon vouchers approved by the director of the  
14 information systems division of the general services department  
15 and shall be disbursed pursuant to a [five] three-year plan  
16 prepared by the division and [approved by the commission and  
17 ~~presented~~] submitted annually to the department of finance and  
18 administration and the [legislature] legislative finance  
19 committee.

20 C. When changes in the [five] three-year plan are  
21 necessary, justification for such changes shall be [~~presented to~~  
22 ~~the commission for approval, with copies~~] submitted to the  
23 department of finance and administration and the legislative  
24 finance committee. "

25 Section 15. A new Section 15-10-14 NMSA 1978 is enacted to

. 109454. 1GJ

Underscored material = new  
[bracketed material] = delete

1 read:

2 "15-10-14. [NEW MATERIAL] INFORMATION SYSTEMS REVENUE  
3 BOND FUND--CREATED--DISBURSEMENT.--

4 A. There is created in the state treasury the  
5 "information systems revenue bond fund". All income from  
6 investment of the fund shall be credited to the fund. Balances  
7 remaining in the fund at the end of any fiscal year shall not  
8 revert to the general fund but shall be transferred as provided  
9 in Subsection B of this section.

10 B. The fund shall be used to pay revenue bond issues  
11 authorized pursuant to Section 15-10-17 NMSA 1978. The fund  
12 shall account for debt, deposits, disbursements and balances  
13 relating to data processing separately from debt, deposits,  
14 disbursements and balances relating to communications. Money  
15 deposited from each source shall be used for payment of all  
16 principal and interest due on outstanding revenue bonds relating  
17 to that source during each fiscal year. The balances remaining  
18 from each source at the end of any fiscal year shall be  
19 deposited into the data processing equipment revolving fund and  
20 the communications equipment revolving fund, respectively.

21 C. Distributions from the fund shall be made monthly  
22 for the purpose of paying principal, interest, premium, expenses  
23 and obligations related to revenue bond issues authorized  
24 pursuant to Section 15-10-17 NMSA 1978. "

25 Section 16. Section 15-5-4 NMSA 1978 (being Laws 1963,

. 109454. 1GJ

Underscored material = new  
[bracketed material] = delete

1 Chapter 181, Section 4, as amended) is recompiled as Section  
2 15-10-15 NMSA 1978 and is amended to read:

3 "15-10-15. ~~[DEPOSIT]~~ COLLECTION OF MONEY. -- The  
4 ~~[telecommunications bureau of the communications]~~ information  
5 systems division of the general services department shall order  
6 the deposit or transfer monthly to ~~[a fund known as the "central~~  
7 ~~telephone services fund"]~~ the information systems division  
8 operating fund the amount of money owed by ~~[each department,~~  
9 ~~institution and agency utilizing the central telephone system~~  
10 ~~State institutions and agencies]~~ the state and each agency,  
11 institution, instrumentality, officer, board or commission of  
12 the state, including the legislative and judicial branches, and  
13 each county or municipality using the division's services.  
14 Users of the division's services shall adopt such accounting  
15 procedures as are prescribed by the department of finance and  
16 administration for the handling of payments ~~[with reference to~~  
17 ~~the central telephone system]~~ to the division. Accounting  
18 procedures shall identify sources of revenue used to pay for the  
19 division's services. "

20 Section 17. Section 15-1-12 NMSA 1978 (being Laws 1986,  
21 Chapter 81, Section 12, as amended) is recompiled as Section  
22 15-10-16 NMSA 1978 and is amended to read:

23 "15-10-16. DEPRECIATION AND REPLACEMENT FEES--ASSESSMENT--  
24 COLLECTION--CREDITING TO FUNDS. --

25 A. ~~[Each officer, agency, department, division,~~

Underscored material = new  
[bracketed material] = delete

1 ~~board or commission of the state]~~ The state and any agency,  
2 institution, instrumentality, officer, board or commission of  
3 the state, including the legislative and judicial branches and  
4 any county or municipality, that uses [state] information  
5 systems division data processing equipment or [state]  
6 ~~communications~~ equipment shall pay monthly depreciation and  
7 replacement fees, assessed through the information systems  
8 division rate structure, to the information systems division of  
9 the general services department for such equipment. Such fees  
10 shall be deposited in the information systems division operating  
11 fund.

12 B. Depreciation and replacement fees shall be set by  
13 the director of the information systems division and shall be  
14 based upon the costs of acquisition, depreciation and  
15 replacement of the equipment and the related services supplied  
16 to such officers and agencies by the information systems  
17 division.

18 C. [~~Except as provided in Subsection D of this~~  
19 ~~section]~~ Money in the information systems division operating  
20 fund that is attributable to depreciation and replacement fees  
21 and that is derived from general fund appropriations or general  
22 ad valorem tax revenues shall be deposited [~~quarterly~~] monthly  
23 into the data processing equipment revolving fund and the  
24 ~~communications~~ equipment revolving fund, respectively. Money in  
25 the funds shall be disbursed pursuant to Sections [~~15-1-10 and~~

. 109454. 1GJ

Underscored material = new  
[bracketed material] = delete

1 ~~15-1-11]~~ 15-10-12 and 15-10-13 NMSA 1978.

2 D. ~~[For the period beginning July 1, 1988 and ending~~  
3 ~~June 30, 1990, depreciation and replacement fees attributable to~~  
4 ~~data processing equipment may be retained in the information~~  
5 ~~systems division operating fund and may be appropriated by the~~  
6 ~~legislature for operation of the information systems division.~~  
7 ~~Any unencumbered balance in excess of seven hundred thousand~~  
8 ~~dollars (\$700,000) in the information systems division operating~~  
9 ~~fund as of June 30, 1990 shall be transferred to the data~~  
10 ~~processing equipment revolving fund.]~~ Money in the information  
11 systems division operating fund attributable to depreciation and  
12 replacement fees and that is derived from money received from  
13 sources other than general fund appropriations or general ad  
14 valorem property tax revenues shall be deposited monthly into  
15 the information systems revenue bond fund. So long as revenue  
16 bonds issued by the New Mexico finance authority pursuant to the  
17 Information and Communications Systems Act are outstanding, the  
18 amount deposited monthly into the information systems revenue  
19 bond fund shall equal not less than two hundred percent of the  
20 monthly obligations related to such bonds as described in  
21 Subsection D of Section 15-10-17 NMSA 1978. If there is no  
22 outstanding debt for data processing or communications  
23 equipment, depreciation and replacement fees shall be deposited  
24 directly into the respective equipment revolving fund. Money in  
25 the information systems revenue bond fund shall be disbursed

. 109454. 1GJ

Underscored material = new  
[bracketed material] = delete

1 pursuant to Section 15-10-14 NMSA 1978. "

2 Section 18. A new Section 15-10-17 NMSA 1978 is enacted to  
3 read:

4 "15-10-17. [NEW MATERIAL] NEW MEXICO FINANCE AUTHORITY  
5 REVENUE BONDS--PURPOSE--APPROPRIATION. --

6 A. The New Mexico finance authority may issue and  
7 sell revenue bonds in compliance with the New Mexico Finance  
8 Authority Act for the purposes of refinancing, designing,  
9 developing, acquiring, improving, purchasing and implementing  
10 data processing equipment and communications equipment, or any  
11 combination of these, for the information systems division of  
12 the general services department and paying expenses connected  
13 with the sale and issuance of the bonds.

14 B. The New Mexico finance authority may issue and  
15 sell revenue bonds authorized by this section when the secretary  
16 of general services certifies the need for issuance of the  
17 bonds. The proceeds from the sale of the bonds are appropriated  
18 to the information systems division for the purposes enumerated  
19 in Subsection A of this section.

20 C. Money deposited in the information systems  
21 revenue bond fund pursuant to Section 15-10-14 NMSA 1978 is  
22 appropriated to the New Mexico finance authority to be pledged  
23 irrevocably for the payment of the principal, interest, premium,  
24 expenses and obligations related to the bonds authorized by  
25 Subsection A of this section.

. 109454. 1GJ



Underscored material = new  
[bracketed material] = delete

1           D. Money from the information systems revenue bond  
2 fund distributed monthly to the New Mexico finance authority  
3 shall be deposited in a segregated bond fund or account of the  
4 authority. At the end of each month, any money remaining in the  
5 special bond fund or account from distributions made to the  
6 authority during such month, after all debt service  
7 accumulations, expenses or obligations required by the  
8 resolution authorizing issuance of the bonds to be made during  
9 such month and any deficiencies from prior months are fully  
10 satisfied or paid, shall be transferred by the authority to the  
11 information systems division operating fund. Upon payment of  
12 all principal, interest, premium, expenses or obligations  
13 related to the bonds, the New Mexico finance authority shall  
14 certify to the general services department that all obligations  
15 for the bonds issued pursuant to this section have been fully  
16 discharged and direct the department to cease distributing money  
17 to the authority pursuant to Section 15-10-14 NMSA 1978.

18           E. The legislature shall not repeal, amend or  
19 otherwise modify any law that affects or impairs the collection  
20 of depreciation and replacement fees by the general services  
21 department, the distribution of money to the New Mexico finance  
22 authority or any revenue bonds of the New Mexico finance  
23 authority secured by a pledge of money collected by the general  
24 services department and distributed to the authority pursuant to  
25 Section 15-10-14 NMSA 1978. "

. 109454. 1GJ

1           Section 19. REPEAL. --

2           A. Sections 15-1-3 through 15-1-7.2 and 15-1-13 NMSA  
3 1978 (being Laws 1986, Chapter 81, Section 3, Laws 1993, Chapter  
4 197, Sections 3 through 6 and 8, Laws 1994, Chapter 66, Section  
5 1 and Laws 1993, Chapter 197, Section 9, as amended) are  
6 repealed.

7           B. Sections 15-2-1, 15-2-3 and 15-2-8 NMSA 1978  
8 (being Laws 1977, Chapter 247, Section 23, Laws 1970, Chapter  
9 71, Section 1 and Laws 1975, Chapter 214, Section 4, as amended)  
10 are repealed.

11           C. Sections 15-5-1 through 15-5-3 and 15-5-5 NMSA  
12 1978 (being Laws 1963, Chapter 181, Sections 1 through 3 and 5,  
13 as amended) are repealed.

14           Section 20. SEVERABILITY. --If any part or application of  
15 Sections 1 through 19 of this act is held invalid, the remainder  
16 or its application to other situations or persons shall not be  
17 affected.

18           Section 21. EMERGENCY. --It is necessary for the public  
19 peace, health and safety that this act take effect immediately.