

AN ACT

RELATING TO INFORMATION TECHNOLOGY; CREATING A MANAGEMENT COMMISSION; CREATING AN OFFICE; CREATING A LEGISLATIVE OVERSIGHT COMMITTEE; PROVIDING POWERS AND DUTIES; REQUIRING ANNUAL PLANNING; DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE.--Sections 1 through 9 of this act may be cited as the "Information Technology Management Act".

Section 2. PURPOSE.--The purpose of the Information Technology Management Act is to:

A. assess and inventory current information systems' services and resources;

B. coordinate the central and individual executive agency information systems in a manner that ensures that the most cost-effective and efficient information and communication systems and resources are being used by executive agencies;

C. develop a five-year state strategic plan for information and communication management that is updated annually by the information technology commission; and

D. promote data sharing between governmental entities and provide a mechanism for information technology expertise to be shared between the branches of state

government and local governments.

Section 3. DEFINITIONS.--As used in the Information Technology Management Act:

A. "agency plan" means an executive agency's annual information technology plan;

B. "commission" means the information technology commission;

C. "development project" means the period from when funding is made available for information technology development until after system implementation;

D. "executive agency" means a state agency of the executive branch of government;

E. "information technology" means computer and voice and data communication software and hardware, including imaging systems, terminals and communications networks and facilities, staff information systems services and professional services contracts for information systems services;

F. "office" means the information technology management office;

G. "state information architecture" includes the standards, guidelines, policies and protocols to implement information technology; and

H. "state strategic plan" means the executive information technology planning document that spans a three-

to five-year period.

Section 4. COMMISSION CREATED--MEMBERSHIP.--

A. The "information technology commission" is created. The commission consists of thirteen members as follows:

(1) five members appointed by the governor, three of whom are from agencies whose primary funding is not from internal service funds;

(2) one staff member with telecommunications regulatory experience appointed by the chairman of the public regulation commission;

(3) two members representing education, one appointed by the commission on higher education and one appointed by the president of the state board of education;

(4) two members from the national laboratories; and

(5) three members appointed by the governor to represent the public with information technology and management experience, but who are not employees of the state or a political subdivision of the state and who do not have any financial interest in the state information systems or state contracts. The public members shall serve for staggered three-year terms.

B. Additionally, the following advisory members may be appointed at the request of the commission:

(1) two members from the judicial information systems council appointed by the chairman of the council;

(2) two members from the house of representatives and two members from the senate appointed by the New Mexico legislative council; and

(3) two members representing local governments, one appointed by the New Mexico association of counties and one appointed by the New Mexico municipal league.

C. The members of the commission who are not supported by public money may receive per diem and mileage pursuant to the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance.

D. For the initial year of operation, the chief information officer shall act as chairman. Thereafter, the commission shall elect a chairman and vice chairman for a two-year term.

E. The commission shall meet at least semiannually and may meet at the call of the chairman or a majority of the members.

Section 5. COMMISSION--POWERS AND DUTIES.--The commission shall:

A. adopt and promulgate rules that specify the state information architecture to implement the state

strategic plan;

B. adopt and promulgate other rules necessary for the administration of the Information Technology Management Act and the conduct of the affairs of the office;

C. develop strategies for identifying and managing development projects that involve multiple agencies to ensure appropriate and timely resolution of system development problems;

D. provide information technology planning guidelines for agency annual plans;

E. update the state strategic plan annually, including identifying areas of noncompliance with the state strategic plan; and

F. submit proposed rules to the information technology oversight committee for its review prior to adoption.

Section 6. INFORMATION TECHNOLOGY MANAGEMENT OFFICE  
CREATED--ADMINISTRATIVE ATTACHMENT--CHIEF INFORMATION  
OFFICER--QUALIFICATIONS--STAFF.--

A. The "information technology management office" is created. The office is administratively attached to the office of the governor.

B. The head of the office is the "chief information officer", who is appointed by the governor with the advice and consent of the senate. The chief information

officer shall have a minimum of seven years' experience in the management of a large information technology enterprise. The chief information officer serves at the pleasure of the governor.

C. The chief information officer may hire staff as necessary to carry out the provisions of the Information Technology Management Act. Staff of the office are subject to the provisions of the Personnel Act.

Section 7. OFFICE--POWERS AND DUTIES.--

A. The office may:

(1) obtain information, documents and records that are not confidential by law from an executive agency as needed to carry out the provisions of the Information Technology Management Act;

(2) enter into contracts;

(3) perform performance or other audits or reviews of executive agency development projects or management processes; and

(4) when requested, offer assistance or expertise to the judiciary, legislature, institutions of higher education, counties, municipalities, public school districts and other political subdivisions of the state.

B. The office shall:

(1) review agency plans and make recommendations to the commission regarding prudent

allocation of information technology resources; reduction of data, hardware and software redundancy; improving system interoperability and data accessibility among agencies;

(2) approve executive agency requests for proposals and information technology professional service contracts for technical sufficiency as they pertain to information technology;

(3) monitor executive agency compliance with its agency plan, the state strategic plan and state information architecture and report to the commission and executive agency management on noncompliance;

(4) review information technology cost recovery mechanisms and information systems rate structures of executive agencies and make recommendations to the commission;

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

(6) review appropriation requests related to executive agency information technology requests to ensure compliance with agency plans and the state strategic plan and make written recommendations to the department of finance and administration, the legislative finance committee and the information technology oversight committee by November 30 of each year;

(7) provide oversight of development

projects, including ensuring adequate risk management and disaster recovery practices and monitor compliance with strategies developed by the commission for timely resolution of development project problems; and

(8) perform any other function assigned by the commission.

Section 8. AGENCY PLANS--CERTIFICATION.--

A. Agency plans shall:

(1) be consistent with the state strategic plan;

(2) demonstrate the executive agency has developed information technology objectives consistent with the agency plan, the state strategic plan and the state information technology architecture;

(3) show appropriate coordination with other executive agencies to improve customer service and reduce redundant data, hardware and software;

(4) include information about information technology objectives, inventories, data and expenditures for each fiscal year;

(5) demonstrate consistency with appropriations and budgets approved by the department of finance and administration; and

(6) include any other components required by the office or the commission.



B. Prior to making information technology purchases, an executive agency shall certify to the office that its proposed information technology purchases are consistent with its agency plan, the information architecture adopted by the commission and the state strategic plan. The office may delay or stop a purchase if it believes that the proposed purchase may not meet the requirements of the agency plan, state information architecture or state strategic plan.

Section 9. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The information technology commission and information technology management office are terminated July 1, 2005 pursuant to the Sunset Act. The commission and office shall continue to operate according to the provisions of the Information Technology Management Act until July 1, 2006. Effective July 1, 2006, that act is repealed.

Section 10. INFORMATION TECHNOLOGY OVERSIGHT COMMITTEE CREATED--APPOINTMENT.--

A. The "information technology oversight committee" is created as a joint interim legislative committee. The committee shall function from the date of its appointment until December 1 prior to the first session of the forty-seventh legislature unless terminated earlier by the New Mexico legislative council.

B. The committee shall be composed of eight members. The New Mexico legislative council shall appoint

four members from the house of representatives and four members from the senate. At the time of making the appointments, the legislative council shall designate the chairman and the vice chairman.

C. Members shall be appointed from each house so as to give the two major political parties in each house the same proportionate representation on the committee as prevails in each house; however, in no event shall either party have less than one member from each house on the committee. At the request of the committee chairman, members may be removed from the committee by the legislative council for nonattendance according to council policy. Vacancies on the committee, however caused, may be filled by the legislative council or the council may reduce the size of the committee by not making replacement appointments and, in such case, need not readjust party representation.

D. No action shall be taken by the committee if a majority of the total membership from either house on the committee rejects such action.

E. Staff for the committee shall be furnished by the legislative council service. The legislative council service may request the assistance of the legislative finance committee in staffing the committee.

Section 11. OVERSIGHT COMMITTEE DUTIES.--

A. The information technology oversight committee

shall hold one organizational meeting each year to develop a work plan and budget for the ensuing interim. The work plan and budget shall be submitted to the New Mexico legislative council for approval.

B. The committee shall:

(1) monitor the work of the information technology commission and the information technology management office, including reviewing the commission's rules setting out the policies, standards, procedures and guidelines for information architecture and development projects and the annual update of the state strategic plan;

(2) oversee the implementation of the Information Technology Management Act, review the work of the judicial information systems council and division and oversee any other state-funded systems;

(3) meet on a regular basis to receive and evaluate periodic reports from the information technology commission and information technology management office; and

(4) perform such other related duties as assigned by the legislative council.

C. The committee shall make a report of its findings and recommendations for the consideration of each session of the legislature. The report and any suggested legislation shall be made available to the legislative council by December 31 preceding that session.

Section 12. EMERGENCY.--It is necessary for the public  
peace, health and safety that this act take effect  
immediately. \_\_\_\_\_