

**INFORMATION TECHNOLOGY AND  
TELECOMMUNICATIONS  
OVERSIGHT COMMITTEE**

**2008  
INTERIM REPORT**



**New Mexico State Legislature  
Legislative Council Service  
411 State Capitol  
Santa Fe, New Mexico**

**January, 2009  
[www.legis.state.nm.us](http://www.legis.state.nm.us)**

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# **REPORT OF THE INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS OVERSIGHT COMMITTEE**

## **Introduction**

This is the 2008 interim report of the Information Technology and Telecommunications Oversight Committee. The committee was created by the New Mexico Legislative Council as the successor to the Information Technology Oversight Committee.

During the interim, the committee received extensive testimony from many departments of state government and other agencies on the a variety of topics. The committee met six times with a primary focus for each meeting as follows:

- June - organizational meeting
- July - performance standards/asures for IT systems and disaster recovery and business continuity issues
- August - higher education / public education IT initiatives and integrated strategic broadband initiative
- September - telecommunications infrastructure and interoperability
- October - connectivity issues and various state agency systems
- November - proposed legislation and PRC regulation of telecommunications.

## **Background**

Laws 1999, Chapter 16 created the Information Technology Oversight Committee as part of the Information Technology Management Act. At that time, the committee was charged with monitoring the work of the Information Technology Commission and the Office of the Chief Information Officer, including reviewing the commission's rules, policies, standards, procedures and guidelines for information architecture and development. Also, the committee was responsible for reviewing the work of the Judicial Information Systems Council and any other state-funded systems.

Laws 2007, Chapter 290 repealed the aforementioned Information Technology Management Act, including the oversight committee, and created the new DOIT. The purpose for creating the DOIT was to establish a single, unified executive branch department to administer all laws and exercise all functions formerly administered by the Office of the

Chief Information Officer, the Information Technology Commission and the Communications Division, Information Systems Division, Radio Communications Bureau and Telecommunications Bureau of the General Services Department.

### **Statutory Duties**

The committee has no mandate in statute, but the committee followed the basic precepts of Laws 1999, Chapter 16.

### **Membership**

The committee consisted of 11 voting members and 10 advisory members. The voting members appointed by the New Mexico Legislative Council for the 2008 interim included:

#### **Chair**

Sen. Richard C. Martinez

#### **Vice Chair**

Rep. Debbie A. Rodella, Chair

#### **Legislative Members**

Sen. Rod Adair

Rep. Janice E. Arnold-Jones

Sen. Vernon D. Asbill

Sen. Linda M. Lopez

Sen. Howie C. Morales

Sen. John Arthur Smith

Rep. Don L. Tripp

Rep. Luciano "Lucky" Varela

Rep. Richard D. Vigil

Rep. Peter Wirth

The advisory members appointed by the New Mexico Legislative Council for the 2008 interim included:

Rep. Elias Barela

Sen. Mark Boitano

Sen. Pete Campos

Sen. Carlos R. Cisneros

Sen. Kent L. Cravens

Sen. Phil A. Griego

Rep. Kathy A. McCoy

Sen. Gerald Ortiz y Pino

Sen. William H. Payne

Rep. Jeannette O. Wallace

The committee received staff support from the Legislative Council Service (LCS) and Legislative Finance Committee (LFC).

### **Work During the 2008 Interim**

The committee, with direction from the Legislative Council, held six meetings during the interim. Meeting locations included Santa Fe, Las Vegas and Albuquerque. During the 2008 interim, the ITTOC committee focused on the following activities:

- monitor the ongoing operations of the Department of Information Technology (DoIT) and the Information Technology Commission (ITC), with emphasis on performance and standards, disaster recovery and business continuity;

The committee heard status testimony from the DoIT cabinet secretary and the ITC chairman on several occasions and made a number of requests for further information and follow-up. The committee also heard reports on performance standards, disaster recovery and business continuity from legislative staff and from agency CIOs;

- examine telecommunications as an information technology issue;

The committee heard testimony from the telecommunications industry (including Qwest, Windstar, Rural New Mexico Exchange Carrier Group and the Public Regulation Commission) at two meetings. The committee also heard testimony from university and state agency staff regarding WireNM and other telecommunications infrastructure across the state.

- review the progress of the Homeland Security and Emergency Management Department concerning interoperability;

The committee had a demonstration of a Mobile Command Center from staff of the Homeland Security and Emergency Management Department (HSEMD). The committee also heard testimony on interoperability challenges from HSEMD and the chairman appointed a subcommittee to work out the details of a draft of interoperability legislation that the committee will sponsor during the 2009 session.

- examine the status of enterprise-wide information technology initiatives, including SHARE, E-911 and service systems in the Department of Health, the Human Services Department and the Children, Youth and Families Department;

The committee heard testimony on the SHARE Enterprise Accounting system, the Supercomputing Facility Initiative, the Student Teacher Accountability Reporting System (STARS), and Electronic Content Management of State Records.

The committee also heard status reports from:

LFC staff on status of funded IT projects;

judicial branch;

SJM 11 task force on recycling e-waste.

- examine infrastructure related to permitting, regulation and inspection; public access to governmental systems, such as the Motor Vehicle Division, Taxation and Revenue Department and the secretary of state; and connectivity issues;

The committee heard testimony on the IT infrastructure related to Permitting/Regulation/Inspection systems from the Chief Information Officer of the Regulation and Licensing Department.

The committee also heard testimony from the Taxation and Revenue Department Cabinet Secretary on issues with the ONGARD system and MVD service systems.

- explore the potential use of teleconferencing by legislative committees.

The September meeting was held in Las Vegas at Highlands University with a videoconferencing connection to New Mexico Tech in Socorro and New Mexico State University in Las Cruces. One ITTOC member, Representative Tripp, participated from Socorro and some presentations were provided from Las Cruces and Socorro.

- review the role of the Information Technology Commission with emphasis on performance standards, disaster recovery and business continuity

The committee discussed the various roles of the ITC and DoIT Status Report and requested a workgroup to review the Department of Information Technology Act. Recommendations were made and legislation with changes to the act will be introduced in the 2009 session.

- review the service systems of the Department of Health, the Human Services Department and the Children, Youth and Families Department

The committee heard testimony from the CIOs of the Human Services Department and Children, Youth and Families Department on the service systems in place at these departments.

- connectivity issues;

The committee heard testimony regarding connectivity infrastructure and needs from several areas:

Higher Education / Public Education Initiative on IDEAL-NM;

IT infrastructure needs related to distance learning and the Statewide Cyber Academy;  
Integrated Strategic Broadband Initiative.

### **Committee Sponsored Legislation**

Interoperability Act

changes to the DoIT Act

Create ITTOC as an interim committee with oversight responsibilities

### **Highlights of Recommendations and Proposed Legislative Changes**

The committee endorsed three bills (see Appendix C) as follows:

- a bill to establish the Interoperability Planning Commission with duties of the Homeland Security and Emergency Management Department and which requires compliance from state agencies and local entities;
- a bill to create the Information Technology and Telecommunications Oversight Committee; and
- a bill to modify the Department of Information Technology Act.

**Appendix A**  
**2008 Interim Work Plan**  
**WORK PLAN, MEETING SCHEDULE**  
**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS OVERSIGHT**  
**COMMITTEE**

**Members**

Sen. Richard C. Martinez Chair

Rep. Debbie A. Rodella, Vice Chair

Sen. Rod Adair

Sen. John Arthur Smith

Sen. Gerald Ortiz y Pino

Sen. William H. Payne

Sen. Vernon D. Asbill

Sen. Linda M. Lopez

Rep. Janice E. Arnold-Jones

Rep. Kathy A. McCoy

Rep. Don L. Tripp

Rep. Luciano "Lucky" Varela

Rep. Richard D. Vigil

Rep. Peter Wirth

Rep. Jeannette O. Wallace

**Advisory Members**

Sen. Mark Boitano

Sen. Pete Campos

Sen. Carlos R. Cisneros

Sen. Kent L. Cravens

Sen. Phil A. Griego

**Work Plan**

During the 2008 interim, the committee proposes to focus on the following activities:

1. monitor the ongoing operations of the Department of Information Technology and the Information Technology Commission, with emphasis on performance and standards, disaster recovery and business continuity;
2. examine telecommunications as an information technology issue;
3. review the progress of the Homeland Security and Emergency Management Department concerning interoperability;

4. examine the status of enterprise-wide information technology initiatives, including SHARE, E-911 and service systems in the Department of Health, the Human Services Department and the Children, Youth and Families Department;
5. examine infrastructure related to permitting, regulation and inspection; public access to governmental systems, such as the Motor Vehicle Division, Taxation and Revenue Department and the secretary of state; and connectivity issues; and
6. explore the potential use of teleconferencing by legislative committees.

#### **2008 APPROVED MEETING SCHEDULE**

<b><u>Date</u></b>	<b><u>Location</u></b>
June 11, 2008	Santa Fe
July 21, 2008	Santa Fe
August 26, 2008	Las Vegas
September 18-19, 2008	Rio Rancho
October 14, 2008	Santa Fe
November 10, 2008	Santa Fe

## **Appendix B**

### **Agendas and Minutes of Meetings**

**TENTATIVE AGENDA**  
**for the**  
**SECOND MEETING**  
**of the**  
**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**  
**OVERSIGHT COMMITTEE**

**July 21, 2008**

**Room 307, State Capitol**

**Santa Fe**

**Monday, July 21**

**10:00 a.m. Call to Order**

**10:10 a.m. Performance Standards/Measures for IT Systems; Review of Standards from Other States and Discussion of Direction in New Mexico**

**—Ralph Vincent, Staff, Legislative Council Service**

**11:00 a.m. Status Report from Department of Information Technology (DOIT)**

**—Roy Soto, Secretary, DOIT**

**—Coney Maki, Deputy Secretary, DOIT**

**—Elisa Storie, Deputy Secretary, DOIT**

**12:00 noon Lunch**

**1:15 p.m. Homeland Security Demonstration of Mobile Command Center**

**—John Martinez, Deputy Director, Homeland Security and Emergency Management Department**

**2:15 p.m. Information Technology Commission (ITC); Status Report and Discussion of Evaluation and Approval Process**

**—Mark Duran, Chair, ITC**

**2:45 p.m. Disaster Recovery and Business Continuity Issues 2:45 p.m.-3:10 p.m. DOIT**

**—Roy Soto, Secretary, DOIT**

**—Coney Maki, Deputy Secretary, DOIT**

**—Elisa Storie, Deputy Secretary, DOIT**

**3:10 p.m.-3:30 p.m. Taxation and Revenue Department (TRD)**

**—Marlin Mackey, Chief Information Officer, TRD**

**—Ken Ortiz, Director, Motor Vehicle Division, TRD**

**3:30 p.m.-3:50 p.m. Department of Health (DOH)**

**—Robert Mayer, Chief Information Officer, DOH**

**3:50 p.m.-4:10 p.m. Department of Environment (DOE)**

**—Lynn Harris, Chief Information Officer, DOE**

**4:30 p.m. Adjourn**

**MINUTES**  
**of the**  
**SECOND MEETING**  
**of the**  
**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**  
**OVERSIGHT COMMITTEE**

**July 21, 2008**

**State Capitol, Santa Fe, New Mexico**

**The second meeting of the Information Technology and Telecommunications Oversight Committee (ITTOC) was called to order by Senator Richard Martinez, chair, on July 21, 2008 at 10:00 a.m. at the State Capitol, Santa Fe.**

**Present**

**Sen. Richard C. Martinez, Chair**

**Rep. Debbie A. Rodella, Vice Chair**

**Sen. Rod Adair**

**Rep. Janice E. Arnold-Jones**

**Sen. Vernon D. Asbill**

**Sen. Howie Morales**

**Sen. Linda M. Lopez**

**Rep. Don L. Tripp**

**Rep. Luciano "Lucky" Varela**

**Rep. Peter Wirth**

**Absent**

**Sen. John Arthur Smith**

**Rep. Richard D. Vigil**

**Advisory Members**

**Sen. Carlos R. Cisneros**

**Rep. Kathy A. McCoy**

**Sen. William H. Payne**

**Absent**

**Sen. Mark Boitano**

**Sen. Pete Campos**

**Sen. Kent L. Cravens**

**Sen. Phil A. Griego**

**Sen. Gerald Ortiz y Pino**

**Rep. Jeannette O. Wallace**

**Staff**

**Ralph Vincent, Legislative Council Service (LCS)**

**Doug Williams, LCS**

**Guest**

**The guest list is in the meeting file.**

**Copies of all handouts and written testimony are in the meeting file.**

**Monday, July 21**

**The minutes of the June 11, 2008 meeting were approved.**

**Performance Standards/Measures for IT Systems; Review of Standards from Other States and Discussion of Direction in New Mexico**

**-Ralph Vincent, Staff, Legislative Council Service**

**Mr. Vincent made a presentation concerning information technology performance standards and measures including an overview of practices in surrounding states.**

**Representative McCoy asked about the portal concept. Mr. Vincent responded that a portal is an overarching website that allows access to all state government websites and it aggregates information from all of them. The result is that searching for information, e.g. how to obtain a business license, is greatly facilitated.**

**Representative Varela and Representative Rodella requested that Mr. Soto report at the August meeting on the number of state voice mail boxes that have not been set up including those for toll-free and support lines.**

**Representative Tripp requested of Mr. Soto that a link be added to the state web site to allow reporting of state phone numbers which do not get answered.**

**Status Report from Department of Information Technology (DOIT)**

**-Roy Soto, Secretary, DOIT**

**-Coney Maki, Deputy Secretary, DOIT**

**-Elisa Storie, Deputy Secretary, DOIT**

**Mr. Soto provided a comprehensive status report and summary of accomplishments for the DoIT since it was created just one year ago.**

**Representative McCoy asked about the recent voice mail communications outage. Mr. Soto responded that the problem has been corrected. The system that failed was scheduled for an upgrade but had been regarded as a lower priority project than other more important issues.**

**Senator Lopez expressed interest in Human Service Department communications and compatibility. Mr. Soto stated that TRD is the lead agency on the REAL ID project.**

**Representative Tripp asked about "bare metal backup." Ms. Storie responded that the term refers to a backup of all data, application and system software and system configuration. Typically, the backed up data includes the necessary operating system, applications and data components to rebuild or restore the backed up system to an entirely separate piece of hardware. In some configurations, the hardware receiving the restore needs to have an identical configuration to the hardware that was the source of the backup, although virtualization techniques and careful planning can enable a bare-metal restore to a hardware configuration different from the original.**

**Representative Wirth noted that the department has made incredible progress in one year and asked how much more needs to be accomplished. Mr. Soto responded that there is still much to be done. He highlighted web based applications as one area that needs improvement including a state government fiber optic ring.**

**Representative Wirth asked if the legislature is providing the tools needed for DoIT to complete the job. Mr. Soto responded that the technology is changing so fast that it will always be a challenge to keep up and that the department balances its budget request with the other needs of the state.**

**Representative Varela stated that it is important for DoIT to have access to an equipment replacement fund.**

**Senator Martinez asked about MVD server crashes and the extensive delays experienced by customers. Ms. Storie stated that MVD's operating has been significantly stabilized with the replacement of routers. Mr. Soto stated that his top priority for system reliability is DPS and MVD.**

**Senator Martinez asked about the addition of security guards. Mr. Soto responded that, in the past, security was provided by contract employees. This resulted in constant turnover of security guards who monitor the surveillance cameras. By hiring permanent security guards, reliability has been improved.**

#### **Homeland Security Demonstration of Mobile Command Center**

**-John Martinez, Deputy Director, Homeland Security and Emergency Management Department**

**Mr. Martinez explained the purpose of the mobile command vehicle. The mission is to provide an incident command center. The first room that the committee visited (the trailer unit) is the disaster planning room and media center. The room has live television feeds and full internet capability for up to 18 notebook**

computers. The second room visited (the tractor unit) is the communications center and video surveillance center. Radio equipment can communicate on all frequencies used in the state of New Mexico.

### **Information Technology Commission (ITC); Status Report and Discussion of Evaluation and Approval Process**

**-Mark Duran, Chair, ITC**

**Mr. Duran made a presentation describing the duties and responsibilities of the ITC.**

**Senator Martinez asked if the improvements made by DoIT during the last year were made possible by ITC approval. Mr. Duran stated that some improvements had been made prior to the commission being formed. Others have been approved by the ITC.**

**Representative Varela noted that the current Information Technology Act stipulates very broad responsibilities and suggested that the legislature was not specific enough in the creation of the ITC. He recommends that the committee review the DoIT and ITC statute and sponsor legislation as necessary to provide the department with appropriate resources and the ITC with sufficient authority.**

**Mr. Duran suggested reviewing the responsibilities of the previous ITC, specifically, project certification authority, and development of IT (architectural) standards.**

**Representative McCoy appreciates having a separate oversight commission.**

**Representative Wirth suggested that the existing IT Act does provide the necessary authority for the ITC to participate in DoIT policy formulation.**

**Representative Rodella asked staff to work with the others involved and to make recommendations for changing the IT Act for review at the September meeting with a goal of legislation that could be approved at the November meeting.**

### **Disaster Recovery and Business Continuity Issues**

**Department of Information Technology (DoIT)**

**-Roy Soto, Secretary, DoIT**

**-Coney Maki, Deputy Secretary, DoIT**

**-Elisa Storie, Deputy Secretary, DoIT**

**Mr. Soto presented the accomplishments of DoIT to date and the plan for a complete business recovery strategy to be developed during fiscal year 2009.**

**Taxation and Revenue Department (TRD)**

**-Marlin Mackey, Chief Information Officer, TRD**

**-Ken Ortiz, Director, Motor Vehicle Division, TRD**

**Mr. Mackey presented an overview of TRD's critical systems and the disaster recovery plan.**

**Representative Rodella requested a presentation on the status of REAL ID from DMV.**

**Department of Health (DOH)**

**-Robert Mayer, Chief Information Officer, DOH**

**Mr. Mayer presented an overview of the DOH disaster recovery plan.**

**Department of Environment (DOE)**

**-Lynn Harris, Chief Information Officer, DOE**

**Ms. Harris described the DOE disaster recovery plan**

**The committee adjourned at 5:15 p.m.**

**TENTATIVE AGENDA**

**for the**

**THIRD MEETING**

**of the**

**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

**OVERSIGHT COMMITTEE**

**August 26, 2008**

**New Mexico Highlands University - Kennedy Lounge**

**Las Vegas**

**Tuesday, August 26**

**10:00 a.m. Call to Order**

**10:10 a.m. Welcome**

**10:20 a.m. IDEAL-NM - Higher Education / Public Education IT Initiative**

**Veronica Chavez Neuman, CIO, Higher Education Department**

**Dr. Tim Snyder, Executive Director of the IDEAL-NM program**

**11:20 a.m. IT infrastructure related to distance learning and Statewide Cyber Academy**

**Moira Gerety, Director, Computing Services, UNM**

**Veronica Chavez Neuman, CIO, Higher Education Department**

**12:15 p.m. Lunch**

**1:00 p.m. Integrated Strategic Broadband Initiative**

**Richard Lowenburg, 1<sup>st</sup>-Mile Institute**

**1:30 p.m. Student Teacher Accountability Reporting System (STARS)**

**Robert Piro, CIO, Public Education Department**

**2:15 p.m. IT Infrastructure for Public Schools**

**Andrew Rendon, Public Education Department**

**Dr. Ken Cole, Director of Technology Client Services, APS**

**3:00 p.m. Telecommunications infrastructure issues related to education and demonstration of videoconferencing**

**Jim Morgan, CHECS**

**Max Baca, Director of Information Technology Services, NMHU**

**4:00 p.m. Adjourn**

**MINUTES**

**of the**

**THIRD MEETING**

**of the**

**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS  
OVERSIGHT COMMITTEE**

**August 26, 2008**

**New Mexico Highlands University, Las Vegas, New Mexico**

The third meeting of the Information Technology and Telecommunications Oversight Committee (ITTOC) was called to order by Senator Richard C. Martinez, chair, on August 26, 2008 at 10:15 a.m. at New Mexico Highlands University, Las Vegas, New Mexico.

**Present**

Sen. Richard C. Martinez, Chair  
Rep. Debbie A. Rodella, Vice Chair  
Sen. Rod Adair  
Rep. Don L. Tripp (Video Conference from Socorro)  
Rep. Luciano "Lucky" Varela  
Rep. Peter Wirth

**Advisory Members**

Rep. Kathy A. McCoy  
Sen. William H. Payne  
Rep. Jeannette O. Wallace

**Absent**

Rep. Janice E. Arnold-Jones  
Sen. Vernon D. Asbill  
Sen. Howie C. Morales  
Sen. Linda M. Lopez  
Sen. John Arthur Smith  
Rep. Richard D. Vigil

Sen. Mark Boitano  
Sen. Pete Campos  
Sen. Carlos R. Cisneros  
Sen. Kent L. Cravens  
Sen. Phil A. Griego  
Sen. Gerald Ortiz y Pino

**Staff**

Ralph Vincent, Legislative Council Service (LCS) Doug  
Williams, LCS

**Guest**

Rep. Thomas A. Anderson

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

**Tuesday, August 26**

The minutes of the July 21, 2008 meeting were approved.

President James Fries of New Mexico Highlands University welcomed the committee.

**IDEAL-NM — Higher Education / Public Education IT Initiative**

—Veronica Chavez Neuman, CIO, Higher Education Department

—Dr. Tim Snyder, Executive Director of the IDEAL-NM Program

Ms. Neuman and Dr. Snyder made a presentation concerning the Innovative Digital Education and Learning Project and its goals and features. The project:

reduces geographic and capacity barriers;

expands tour offerings to address the opportunity gap in smaller districts:  
dual credit languages, math, science, technology and career tech, financial literacy, A test prep, etc.;

resolves conflicts in student schedules;

provides enrichment, credit-recovery, summer school, online tutoring,  
alternative high school completion and home-bound options;

keeps per-student, per-class costs below average SEA rates;

increases access to highly qualified teachers;

reduces teacher-pupil ratio; aids districts with teacher resources and teacher employment;

expands educational opportunities, closes achievement gaps, supports college and career goals, increases educational attainment and prepares students for college, work force and global competition;

reduces the cost of technology access to P42 schools, colleges and universities and state agencies;

increases technology skills of youth and adult learners; and

reduces the travel and personnel costs of state agency trainings and P-12 teacher professional development via online courses.

The continued build-out of IDEAL-NM courses for grades 6 through 12, agency training and teacher professional development is dependent upon operational funding, including full-time equivalent positions for student services, business services, help desk technicians, course development and design and web portal development.

Regional education cooperatives can fulfill a strong role with member districts in facilitating distance learning courses. This role needs discussion and possible state support.

Continued maintenance fees and migration to state-hosted environment within three years is dependent upon state planning and capital funding.

Representative Varela noted that a distance learning initiative began in 1989 and it has come a long way; however, there is a lot more work to do. He also asked about student-teacher ratios and whether these ratios are actually declining as promised.

Representative Wirth asked about IDEAL privacy and confidentiality provisions. Ms. Neuman responded that IDEAL has a secure log-in environment aimed at identity management.

Senator Martinez asked about availability of adult basic education (ABE). Ms. Neuman stated that ABE is currently being developed.

Representative Tripp asked if courses are available to home-schooled students. Dr. Snyder stated that courses are available either through a local school district or directly from IDEAL. Representative Tripp also asked if there is a fee. Dr. Snyder responded that the fee for a single course for a home-schooled student is \$250; however, if a student enrolls in three or more courses, the student becomes eligible for public funding and there is no cost.

### **IT Infrastructure Related to Distance Learning and Statewide Cyber Academy**

—Moira Gerety, Director, Computing Services, UNM —Veronica Chavez Neuman, CIO, Higher Education Department

Ms. Neuman and Ms. Gerety presented the current state of technology as it relates to higher education distance learning.

Representative Varela noted that the legislature is seeking to create a technology replacement fund and associated fee schedule. He suggested that the committee sponsor legislation jointly with the Legislative Finance Committee (LFC).

Representative McCoy asked for a list of tasks that needs to be accomplished in order to implement IDEAL. Ms. Gerety responded that the first thing that needs to happen is for programmatic issues to be resolved before infrastructure is addressed. Representative McCoy asked about identity management. Ms. Gerety responded that it is important to prevent students from seeing other people's grades or special needs as well as for universities to be able to share background information about students such that a student's qualifications and enrollment status can be verified.

### **Integrated Strategic Broadband Initiative**

—Richard Lowenburg, First Mile Institute

Mr. Lowenburg made a presentation outlining a proposal to deploy integrated broadband service throughout New Mexico. The proposed New Mexico Integrated Strategic Broadband Initiative would coordinate a number of critical tasks.

It would coordinate existing and pending network deployments.

It would address technical, economic, security and strategic decision-making in a more coordinated and inclusive way.

It would help to substantiate planning, investment, cost-savings and ultimate economic benefits for statewide broadband improvements.

It would strategically coordinate and leverage support for separate state networking initiatives, which would otherwise be unproductively competing for limited state funds.

It would offer a guiding, comprehensive, dynamic vision for New Mexico's networked broadband future.

With support from the Governor's Office, state agencies and the legislature, this initiative should be undertaken with inclusive, multisector, state and local representation to provide the foundation for advocacy, research and education, partnership development, policymaking, economic investment, seed funding, pilot projects, leadership training and constituency building.

This initiative can help to more fully realize state programs for economic development, job creation, lifelong education, health care, supercomputing applications, film and media production, telework, energy conservation and rural community revitalization, while shining a spotlight on New Mexico as a much-needed example for national broadband policies and strategies.

For this proposed initiative to be successful, time is of the essence. Partnership negotiations, mapping and true-cost economic analysis and projections must begin immediately, particularly in preparation for upcoming LFC reviews and the next legislative session.

Representative Varela asked about First Mile Institute. Mr. Lowenburg responded that he is employed by a national planning firm and that First Mile Institute is a nonprofit that does economic planning. Mr. Lowenburg noted that the key to deploying broadband is an economic partnership among the companies that have proprietary infrastructure in place such that they come together and share their networks.

Representative Rodella suggested that the undertaking being proposed should be managed by the Department of Information Technology rather than First Mile Institute. Representative Rodella requested an update on the status of fiber optic infrastructure for the rural exchange carriers and Qwest.

### **Student Teacher Accountability Reporting System (STARS)**

—Robert Piro, CIO, Public Education Department

Mr. Piro provided an update of the status of STARS deployment.

### **IT Infrastructure for Public Schools**

—Andrew Rendon, Public Education Department

—Dr. Ken Cole, Director of Technology Client Services, Albuquerque Public Schools (APS)

Mr. Rendon and Dr. Cole provided an overview of information technology infrastructure among the 89 school districts.

Representative Varela asked about APS capability to replace technology. Dr. Cole responded that APS has identified \$26 million that may be used for technology purchases.

Senator Payne asked how he can assure his constituents that they will receive the necessary technology. Dr. Cole stated that APS strives to provide every school in the district with the same level of service. Much depends upon the age of the school and the capability of Qwest to provide the necessary infrastructure.

### **Telecommunications Infrastructure Issues Related to Education**

—Max Baca, Director of Information Technology, New Mexico Highlands University

Mr. Baca made a presentation concerning the status of CHECS.

The committee adjourned at 4:00 p.m.

**TENTATIVE AGENDA**  
**for the**  
**FOURTH MEETING**  
**of the**  
**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**  
**OVERSIGHT COMMITTEE**

**September 18 and 19, 2008**

**Rio Rancho**

**Thursday, September 18**

- 10:00 a.m. Call to Order
- 10:10 a.m. Welcome
- 10:20 a.m. Status report from workgroup on DoIT Act  
Mark Duran, Chairman, Information Technology Commission  
Marlin Mackey, Acting Cabinet Secretary, DoIT  
Dr. Stephen Easley, Chief Information Officer, DPS
- 10:30 a.m. Report from DoIT  
Marlin Mackey, Acting Cabinet Secretary, DoIT
- 12:00 p.m. Lunch
- 1:00 p.m. SHARE enterprise accounting  
Anthony Armijo, Director Financial Control Division, DFA, State  
Controller
- 1:45 p.m. Telecommunications infrastructure  
WireNM - Elisa Storie, Deputy Cabinet Secretary, DoIT  
Leo Baca, Director Government Affairs, QWEST  
Dennis Pappas, Director Network Operations, QWEST  
Charles Ferrell

Michael Ripperger, Telecommunications Bureau Chief, New  
Mexico Public Regulation Commission

3:30 p.m. Homeland Security - Interoperable Communication  
John Martinez, DHSEM

4:00 p.m. Adjourn

**Friday, September 19**

10:00 a.m. Call to Order

10:10 a.m. Supercomputing facility initiative  
Dr. Thomas Bowles, Science Advisor, Office of the Governor

12:00 p.m. Lunch

1:00 p.m. Electronic content management of state records  
Sandra Jaramillo, State Records Administrator, SRCA  
Angela Lucero, Director, Records Management Division, SRCA

1:45 p.m. IT infrastructure related to Permitting / regulation / inspection systems  
Dana Tidwell, Chief Information Officer, Regulation and  
Licensing Department

2:45 p.m. HSD and CYFD service systems  
Terri Gomez, Chief Information Officer, Human Services  
Department  
Crawford Spooner, Chief Information Officer, Children, Youth and  
Families Department

3:15 p.m. Legislation to draft

3:45 p.m. Adjourn

**MINUTES**  
**of the**  
**FOURTH MEETING**  
**of the**  
**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**  
**OVERSIGHT COMMITTEE**

**September 18-19, 2008**  
**Rio Rancho, New Mexico**

The fourth meeting of the Information Technology and Telecommunications Oversight Committee (ITTOC) was called to order by Senator Richard Martinez, chair, on September 18, 2008 at 10:30 a.m. at Intel, Rio Rancho, New Mexico.

**Present**

Sen. Richard C. Martinez, Chair  
Rep. Debbie A. Rodella, Vice Chair  
Rep. Janice E. Arnold-Jones  
Sen. Vernon D. Asbill  
Sen. Linda M. Lopez  
Rep. Luciano "Lucky" Varela

**Absent**

Sen. Rod Adair  
Sen. Howie Morales  
Sen. John Arthur Smith  
Rep. Don L. Tripp  
Rep. Richard D. Vigil  
Rep. Peter Wirth

**Advisory Members**

Rep. Jeannette O. Wallace

**Absent**

Sen. Mark Boitano

Sen. Pete Campos

Sen. Carlos R. Cisneros

Sen. Kent L. Cravens

Rep. Kathy A. McCoy

Sen. Phil A. Griego

Sen. Gerald Ortiz y Pino

Sen. William H. Payne

**Staff**

Ralph Vincent, Legislative Council Service (LCS)

Doug Williams, LCS

**Guest**

Rep. Thomas A. Anderson

Rep. Jane Powdrell-Culbert

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

**Thursday, September 18**

Mr. Jami Grindatto welcomed the committee on behalf of Intel Corporation. He noted that 20% of New Mexico's exports are due to Intel selling micro chips worldwide.

Status report from workgroup on DoIT Act

—Mark Duran, Chairman, Information Technology Commission

—Marlin Mackey, Acting Cabinet Secretary, DoIT

—Dr. Stephen Easley, Chief Information Officer, DPS

Mr. Duran, Mr. Mackey and Dr. Easley presented an overview of the progress that DoIT has made with implementation of the Information Technology Act.

Senator Lopez congratulated Mr. Mackey on his appointment as Secretary of DoIT.

Report from DoIT

—Marlin Mackey, Acting Cabinet Secretary, DoIT

Mr. Mackey, Ms. Conny Macki and Ms. Elisa Storie reported on the accomplishments of DoIT during the past year and the goals for 2008 and 2009 year.

Representative Varela asked about the performance of SHARE. Mr. Mackey responded that DoIT is in the process of installing equipment that will allow identification of the source of SHARE performance problems. Also, additional modules are being added the SHARE by PeopleSoft.

Representative Varela asked for a report on the number of interfaces with SHARE. The Taxation and Revenue Department and the Public Employees Retirement Association interface with SHARE.

Senator Asbill asked if DoIT has a plan for disposal of old equipment. Mr. Mackey responded the department has a contract with a firm that wipes hard drives clean of all information. The equipment is then disposed of in an environmentally appropriate fashion.

Representative Varela asked if DoIT has any authority over local government. Mr. Mackey stated that DoIT only deals with state government information technology plans.

Representative Rodella asked about virtual private network (VPN) access. Ms. Maki responded that any state agency may have VPN access if they contract with DoIT for the service.

SHARE enterprise accounting

—Anthony Armijo, Director Financial Control Division, DFA, State Controller

Mr. Armijo presented a status report on SHARE.

Representative Varela asked about implementation of the procurement module. Mr. Armijo responded that procurement is still being accomplished on a manual basis. The procurement module will first be implemented for the Department of Transportation.

Senator Asbill asked how many agencies utilize SHARE. Mr. Armijo responded that 114 agencies participate. Senator Asbill also asked how many agency chief financial officers are not qualified. Mr. Armijo estimated that 60% are not qualified and suggested that the accounting function for small agencies should be consolidated into a super agency.

Representative Varela noted that New Mexico has many small boards and commissions that would benefit from consolidation.

#### Telecommunications infrastructure

—WireNM - Elisa Storie, Deputy Cabinet Secretary, DoIT

—Leo Baca, Director Government Affairs, QWEST

—Dennis Pappas, Director Network Operations, QWEST

—Charles Ferrell, New Mexico Exchange Carrier Group

—Michael Ripperger, Telecommunications Bureau Chief, New Mexico

#### Public Regulation Commission

Ms. Storie provided an update on the status of Wire New Mexico.

Representative Arnold-Jones asked why Farmington is not on a digital network. Mr. Mackey responded that DoIT is negotiating with a local carrier in Farmington for use of their facilities.

Representative Anderson asked if there is any prohibition on the use of voice over internet protocol (VOIP) by state government. Mr. Mackey responded that there is no prohibition.

Mr. Baca presented an overview of competition as it is impacting Qwest.

Mr. Pappas provided an update on the second amended settlement agreement.

Mr. Ferrell presented an update on the improvements that have been made by New Mexico Exchange Carrier Group.

Mr. Ripperger provided an overview of the PRC role in regulating the telecommunications carriers.

#### Homeland Security; Interoperable Communication

—John Martinez, Department of Homeland Security and Emergency Management (DHSEM)

—Mike Scales, Northrop Grumman

—Don Cooper, Northrop Grumman

Mr. Martinez made a presentation concerning public safety interoperable communications. The challenge of achieving interoperability is not technology, but rather, policy.

NMDHSEM will be seeking legislation requiring local jurisdictions to adhere to a statewide interoperability policy.

Representative Powdrell-Culbert asked about making the use of Motorola radios mandatory. Mr. Martinez stated that NMDHSEM does not endorse any one vendor. He also noted that Motorola is offering digital radios while most first responders are using analog equipment.

Representative Arnold-Jones stated that we need to achieve interoperability this year. We need to mandate counties and municipalities purchase the right equipment on a phased basis because we don't have enough money to do it all at once. Representative Arnold-Jones also stated that we need to pursue digital microwave technology.

Mr. Martinez observed that microwave is point to point while two-way radios function by saturating a local area. Also, the cost of constructing a microwave network is much greater than installing two-way radio repeaters.

Representative Arnold-Jones made a motion that the committee review draft legislation at the October meeting pertaining to a statewide interoperability plan. Also Representative Arnold-Jones moved that the committee hold public hearings in conjunction with NMDHSEM. Representative Rodella questioned if the committee has the authority to conduct public hearings. Representative Varela suggested that NMDHSEM hold public hearings and then present the committee with draft legislation. Mr. Vincent observed that the LCS can assign a staff attorney to work with NMDHSEM to develop legislation. Mr. Martinez stated that NMDHSEM

needs to work with the governor's office when preparing legislation. Senator Martinez appointed Representative Rodella, Varela and Representative Arnold-Jones to work with NMDHSEM.

### **Friday, September 19**

#### Supercomputing facility initiative

—Dr. Thomas Bowles, Science Advisor, Office of the Governor

Dr. Bowles provided an overview of the New Mexico Computing Applications Center. The center's super computer is the seventh fastest in the world and has enough random access memory to store the entire library of congress, in memory, three times over.

Representative Varela asked if there is a budget hearing scheduled with the LFC. Dr. Bowles responded that the project is prepared to meet with the LFC; however, nothing is scheduled at present. He also noted that Intel is providing \$1.3 million in support to the center.

Representative Varela urged the center to work with the Information Technology Commission.

Representative Arnold-Jones believes that the state needs to financially support the center with a dedicated revenue stream.

Representative Anderson asked how a legislator would get to use a location to video conference. Dr. Bowles responded that a legislator would travel to a site after submitting a request.

#### Electronic content management of state records

—Sandra Jaramillo, State Records Administrator, SRCA

—Angela Lucero, Director, Records Management Division, SRCA

Ms. Jaramillo discussed the challenges confronting the management of state records. The state does not have an electronic records management system. It is necessary to be able to store, search and retrieve documents and emails.

Representative Varela asked about conversion of paper records to microfilm. Ms. Jaramillo responded that the state records office does not microfilm paper

documents. Most state agencies are digitizing records. Also, there is no statutory requirement for state agencies to digitize records.

#### HSD and CYFD service systems

—Terri Gomez, Chief Information Officer, Human Services Department

—Crawford Spooner, Chief Information Officer, Children, Youth and

#### Families Department

Ms. Gomez and Mr. Crawford provided an overview of the state automated child welfare information system.

The committee adjourned at 4:00 p.m.

**TENTATIVE AGENDA**  
**for the**  
**FIFTH MEETING**  
**of the**  
**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**  
**OVERSIGHT COMMITTEE**

**October 14, 2008**  
**Room 307, State Capitol**  
**Santa Fe**

**Tuesday, October 14**

**10:00 a.m. Call to Order**

**10:10 a.m. Follow-up on connectivity issues**

**Marlin Mackey, Cabinet Secretary Designee, DoIT**

**Moira Gerety, Director, Computing Services, UNM**

**Richard Lowenburg, 1<sup>st</sup>-Mile Institute**

**Dr. Thomas Bowles, Science Advisor, Office of the Governor**

**11:30 a.m. Status Report from Workgroup on Department of Information  
Technology Act**

**Marlin Mackey, Acting Cabinet Secretary, DoIT**

**Dr. Stephen Easley, Chief Information Officer, DPS**

**Mark Duran, Chairman, Information Technology Commission**

**12:00 p.m. Lunch**

**1:00 p.m. LFC Staff Report on Status of Funded IT Projects**

**Aurora Sanchez, LFC Performance Auditor**

- 2:30 p.m. Request from Varela - presentation by ONGARD and MVD  
(Including a report on network security done by NMTech)**
- 3:15 p.m. IT infrastructure Related to Permitting/Regulation/Inspection  
systems  
Dana Tidwell, Chief Information Officer, Regulation and  
Licensing Department**
- 3:45 p.m. Regional Economic Development Initiative (Los Alamos, Rio  
Arriba, Santa Fe, Taos) ([bdeaux@ncnmedd.com](mailto:bdeaux@ncnmedd.com))**
- 4:15 p.m. Adjourn**

**MINUTES**  
**of the**  
**FIFTH MEETING**  
**of the**  
**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**  
**OVERSIGHT COMMITTEE**

**October 14, 2008**  
**State Capitol, New Mexico**

The fifth meeting of the Information Technology and Telecommunications Oversight Committee (ITTOC) was called to order by Senator Richard Martinez, chair, on October 14, 2008 at 10:10 a.m. at the State Capitol, Santa Fe, New Mexico.

**Present**

Sen. Richard C. Martinez, Chair  
Rep. Debbie A. Rodella, Vice Chair  
Rep. Janice E. Arnold-Jones  
Rep. Don L. Tripp  
Rep. Luciano "Lucky" Varela  
Rep. Richard D. Vigil  
Rep. Peter Wirth

**Absent**

Sen. Rod Adair  
Sen. Vernon D. Asbill  
Sen. Linda M. Lopez  
Sen. Howie Morales  
Sen. John Arthur Smith

**Advisory Members**

Rep. Kathy A. McCoy

Rep. Jeannette O. Wallace

**Absent**

Sen. Mark Boitano

Sen. Pete Campos

Sen. Carlos R. Cisneros

Sen. Kent L. Cravens

Sen. Phil A. Griego

Sen. Gerald Ortiz y Pino

Sen. William H. Payne

**Staff**

Ralph Vincent, Legislative Council Service (LCS)

Doug Williams, LCS

**Guest**

Rep. Ben Lujan, Speaker of the House

Rep. Jane Powdrell-Culbert

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

**Tuesday, October 14**

**Follow-up on connectivity issues**

- Marlin Mackey, Secretary Designee, DoIT
- Moirá Gerety, Director, Computing Services, UNM
- Dr. Thomas Bowles, Science Advisor, Office of the Governor

Mr. Mackey provided an update on the integrated broadband network. He also noted that "seed" money is needed for the equipment replacement fund.

Ms. Gerety provided an update on the University of New Mexico (UNM) connectivity capabilities. She noted that the United States ranks fifteenth amongst nations with respect to download speed.

Dr. Bowles provided an update on the integrated broadband initiative and the public-private partnership between the state and the telecommunications companies.

Mr. Leo Baca, lobbyist for Qwest, stated that his client has volunteered to provide service in areas that lack infrastructure; however, to date the state has not provided a list of infrastructure deficiencies.

Representative Vigil encouraged the governor's office and DoIT to meet more frequently with the telecommunications companies.

Representative Vigil asked about the connectivity of New Mexico Highlands University (NMHU). Mr. Anthony Parra, NMHU, stated that there is a need for one small segment to be installed in order to complete the connection with Santa Fe. NMHU is exploring the cost of construction.

Representative Varela asked about efforts to improve the broadband capability nationwide. Ms. Gerety stated that the Federal Communications Commission (FCC) is engaging in rule making designed to improve network speed. In addition, there are state and university initiatives in progress.

Representative Varela suggested that the state might explore the use of general obligation bonds in order to provide financing for the equipment replacement fund.

Representative Arnold-Jones stated that connectivity is needed in order to improve education for the children.

Mr. Baca responded that NMHU has a fiber connection contrary to what has been stated. NMHU needs to purchase the necessary on premise equipment to upgrade from OC-3 to OC-12 or OC-48, at the discretion of the university. There is no problem with the fiber or Qwest central office equipment.

Representative Arnold-Jones asked about the cost of the equipment for NMHU. Ms. Gerety stated that in the case of UNM the cost was approximately \$5million.

Mr. Sam Ray, lobbyist for the independent telecommunications companies, stated that his clients are regulated and cannot deviate from the Public Regulation Commissions rates.

Representative Wallace noted that in her district there is no one to appeal to when citizens want broadband services from Qwest or an independent telecommunications company. The PRC only hears complaints related to telephone service not broadband service.

#### **Status Report from Workgroup on Department of Information Technology Act**

- Marlin Mackey, Secretary Designee, DoIT
- Dr. Stephen Easley, Chief Information Officer, DPS
- Mark Duran, Chairman, Information Technology Commission
- Dr. Thomas Bowles, Science Advisor, Office of the Governor

Mr. Mackey stated that DoIT has been meeting with the Information Technology Commission (ITC) and the LCS with respect to draft legislation and DoIT rates that are charged to state agencies.

Mr. Duran stated that, at present, the ITC has no recommended changes to the Information Technology Act. He also stated that the ITC has explored the possibility of hiring staff and an executive director. The ITC concluded that the commission is not structured to hire staff and suggests that an additional information technology position might be added to the LFC.

Dr. Easley stated that the chief information officer council recommends that the IT Act be amended to allow state agencies to conduct background checks on employees.

Representative Powdrell-Culbert asked if a law should be passed requiring county government to comply with ITC rules and procedures because Sandoval County is not delivering services and cannot account for its money. Dr. Easley responded that such expanded responsibility would require the ITC to have permanent staff.

Representative Arnold-Jones stated that we need interoperability.

Representative Varela stated that we have not made any progress since DoIT was created.

Representative Rodella is disappointed that the ITC has no recommendations for legislation.

The committee adopted a motion to prepare draft legislation that would make the ITTOC a permanent interim committee.

### **LFC Staff Report on Status of Funded IT Projects**

-Aurora Sanchez, LFC Performance Auditor

Ms. Sanchez presented a report of funded IT projects.

Representative Arnold-Jones asked about agencies that did not respond to the LFC request for information. Ms. Sanchez responded that some state agencies are impenetrable and it is like a gauntlet trying to reach the appropriate person.

Representative Rodella suggested that the committee send a letter to those agencies, e.g., the Secretary of State again asking again

### **ONGARD, MVD and Network Security**

-Rick Homans, Secretary, Taxation and Revenue Department (TRD)

Mr. Homans presented the findings of a survey by New Mexico Tech regarding network security at TRD.

Representative Varela noted that the state has not made much progress regarding security issues. He suggests that we need a statewide security plan.

Dr. Srinivas Mukkamala of New Mexico Tech, who led the review team, responded that TRD has been very pro-active in response to the review and has implemented 90% of the recommendations with complete implementation anticipated by the end of the year. He also noted that New Mexico Tech has conducted nineteen such reviews in the past twenty-four months. Unfortunately, in most cases state agencies do not take action on the recommendations for improved security.

The committee adjourned at 4:30 p.m.

**TENTATIVE AGENDA**  
**for the**  
**SIXTH MEETING**  
**of the**  
**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**  
**OVERSIGHT COMMITTEE**

**November 10, 2008**  
**Room 307, State Capitol**  
**Santa Fe**

**Monday, November 10**

**10:00 a.m. Call to Order**

**10:10 a.m. Status Report from Department of Information Technology  
(DOIT)**

**—Marlin Mackey, Secretary Designee, DOIT**

**Security Update**

**Equipment replacement fund status and funding requests**

**10:50 a.m. Status Report from Judicial Branch**

**—Steve Prisoc, Chief Information Officer**

**11:10 a.m. Report on SJM 11 task force on recycling e-waste**

**—E. Gifford Stack, New Mexico Environment Department**

**—Connie Pasteris, New Mexico Environment Department**

**11:30 a.m. Discussion of committee legislation - Interoperability**

—Representative Debbie Rodella, ITTOC Subcommittee on Interoperability  
—Doris Faust, LCS Staff Attorney

**12:00 noon**    **Lunch**

**1:00 p.m.**    **Discussion of committee legislation**  
                  **DoIT Act**  
                  **ITTOC as a permanent interim committee**  
                  **Joint Memorial to Study E911 Services and Funding**  
—Raul Burciaga, LCS Assistant Director

**2:00 p.m.**    **Medical Records Act**  
—Randy McDonald, Lovelace Clinic Foundation

**2:30 p.m.**    **E-rate issues**

**3:00 p.m.**    **PRC regulation in the area of telecommunication industry**  
—Commissioner Sandy Jones, Vice Chairman, New Mexico  
**Public Regulation Commission**  
—Michael Ripperger, Telecommunications Bureau Chief, New  
**Mexico Public Regulation Commission**

**5:00 p.m.**    **Adjourn**

**MINUTES**  
**of the**  
**SIXTH MEETING**  
**of the**  
**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**  
**OVERSIGHT COMMITTEE**

**November 10, 2008**  
**Room 307, State Capitol**  
**Santa Fe**

The sixth meeting of the Information Technology and Telecommunications Oversight Committee (ITTOC) was called to order by Sen. Richard C. Martinez, chair, at approximately 10:25 a.m. on Monday, November 10, 2008, in Room 307 of the State Capitol in Santa Fe.

**Present**

**Sen. Richard C. Martinez, Chair**  
**Rep. Debbie A. Rodella, Co-Chair**  
**Rep. Janice E. Arnold-Jones**  
**Sen. Linda M. Lopez**  
**Sen. Howie C. Morales**  
**Rep. Don L. Tripp**  
**Rep. Luciano “Lucky” Varela**  
**Rep. Richard D. Vigil**  
**Rep. Peter Wirth**

**Absent**

**Sen. Rod Adair**  
**Sen. Vernon D. Asbill**  
**Sen. John Arthur Smith**

**Advisory**

**Rep. Jeanette O. Wallace**

**Sen. Mark Boitano**

**Sen. Pete Campos**

**Sen. Carlos R. Cisneros**

**Sen. Kent L. Cravens**  
**Sen. Phil A. Griego**  
**Rep. Kathy A. McCoy**  
**Sen. Gerald Ortiz y Pino**  
**Sen. William H. Payne**

**Staff**

**Aldis Philipbar**  
**Ralph Vincent**

**Guests**

**The guest list is in the original meeting file.**

**Monday, November 10**

**Status Report from Department of Information Technology (DOIT)**

**Security Update**

**Equipment Replacement Fund Status and Funding Requests**

**Marlin Mackey, secretary designee, DOIT, said that the Security Steering Committee (SSC) met and began its mission to evaluate, oversee, enhance and improve statewide IT security. He said that SSC is reviewing the new NM Security Policy as proposed, reviewed the proposed “Standard Security Assessment” and reviewed and agreed to the security survey document which was then sent to all agencies. In addition, he said a pilot project is being scheduled to review a product that records access sessions and then plays back the session upon request. He noted some additional security items under consideration including standards for new projects, staff background checks, security breach emergency response, standards for implementing assessment findings and security staff classifications and certifications.**

**Secretary-Designee Mackey said that they have a request of \$6 million in the 2009 budget request to put into the equipment replacement fund. He said that the fund was \$16 million short in 2008 because no money was put into it but they have a three year plan to get caught up.**

**Secretary Mackey-Designee answered questions from the committee related to:**

- updating equipment inventory;**
- the fate of obsolete equipment;**
- cost of hardware versus software; and**
- donating old computers.**

#### **Status Report from Judicial Branch**

**Michael Bustamante, Court of Appeals Judge, discussed the composition and active subcommittee of the Judicial Information Systems Council and said that the council's purpose is stakeholder governance of all significant Judicial Branch IT initiatives and purchases, strategic plans, IT plans and project plans. Steve Prisoc, chief information officer, said that FY 2010 IT requests total \$2,884,000. Mr. Prisoc said that the judicial branch strategic plan IT initiatives include maintaining adequate data for effective court performance management, maintaining adequate data privacy and security and implementng e-filing among others.**

**Judge Bustamante and Mr. Prisoc addressed questions from the committee related to:**

- new requests are for new systems only;**
- interoperability between branches of government;**
- interoperability including COQ with the Department of Public Safety;**
- whether interoperability extends to courts outside of the state; and**
- constituent issues with the national warrant system.**

## **Report on SJM 11 Task Force on Recycling E-Waste**

**Connie Pasteris, New Mexico Environment Department (NMED), said that SJM 11 was passed during the 2008 Legislative Session which requested the Secretary of the Environment to convene a task force to develop guidelines for environmentally friendly electronic procurement recycling by state agencies and make recommendations for recycling and disposal. Ms. Pasteris said the task force reviewed the current procurement procedures for the executive and judicial branch, existing green computer procurement and recycling program initiatives, green electronic equipment procurement and use tools, environmentally sound end-of-life management and other end-of-life management guidance information. She said that recommendations included requiring DoIT to adopt a policy for procurement, use and recycling of electronics for all state agencies, modeled after the FEC and SEC, and evaluating compliance after two years.**

**E. Gifford Stack, NMED, said that they were concerned with how the state e-waste was disposed. He said that NMED did not want the waste to be sent to a third world country so they established eight easy steps for recycling. Mr. Stack said they found that there are quite a few aggressive recycling programs including local events and manufacturers that take equipment back. However, he said that tracking the waste is very difficult because they just do not have the resources.**

**Ms. Pasteris and Mr. Stack then answered questions related to:**

- expiration dates on equipment; and**
- whether 501C-3s can legally give donated equipment to an individual.**

**Lunch**

## **Discussion of Committee Legislation**

### **DoIT Act**

### **ITTOC as a Permanent Interim Committee**

### **Joint Memorial to Study E911 Services and Funding**

**Raul Burciaga, Legislative Council Service (LCS) assistant director, discussed the history of the E911 JM and said that the joint memorial requests that the local level E911 advisory committee and the state E911 coordinating committee created by executive order present their findings and recommendations by October 31, 2009 to the appropriate legislative committees.**

**Raul said that committees have been meeting to discuss the E911 issue and will present their findings to ITTOC and the Legislative Finance Committee (LFC) in six to eight months.**

**On a motion made by Rep. Varela and seconded by Rep. Arnold-Jones, the committee voted to adopt the joint memorial with Rep. Rodella as the sponsor.**

**Mr. Burciaga then discussed a bill that would create ITTOC as a joint permanent interim committee in statute. He said the committee would have proportional representation with four house members and four senate members and would monitor the work of DoIT.**

**Rep. Arnold-Jones suggested making interoperability a top priority in the bill which led to discussion about problems associated with establishing expectations in statute. Mr. Burciaga suggested adding a temporary provision related to interoperability.**

## **Discussion of Committee Legislation - Interoperability**

**Doris Faust, LCS staff attorney, discussed legislation which establishes an interoperability planning commission and assigns duties to the commission, the Department of Homeland Security (DHS) and emergency management services.**

**She said that the bill requires all state and local agencies to acquire infrastructure to meet interoperability standards. She added that the executive agrees on the intent of section five, but may be looking at some clarification in the language.**

**Rep. Rodella, ITTOC Subcommittee on Interoperability, thanked everyone involved in the committee and said that ITTOC can take action now and add an amendment to clarify language. On a motion made by Sen. Lopez and seconded by Rep. Arnold-Jones, the committee voted to adopt the amendment. On a motion made by Rep. Varela and seconded by Rep. Arnold-Jones the committee voted to adopt the bill.**

**The committee returned to the discussion about legislation that would make ITTOC a permanent interim committee. Mr. Burciaga said that the committee is struggling with how ITTOC can have a stronger role in making sure agencies follow guidelines. He suggested new language and Rep. Rodella suggested including tribal governments. On a motion made by Rep. Arnold-Jones and seconded by Rep. Tripp the committee voted to adopt the bill in concept with Sen. Martinez as the sponsor.**

**Mr. Burciaga added that they met with Secretary-Designee Mackey to discuss changes to the DoIT Act, but not much came out of the discussion. He then suggested a few tweaks to the bill. On a motion made by Rep. Arnold-Jones and seconded by Rep. Varela, the committee voted to adopt the DoIT changes in concept with Rep. Varela as the sponsor.**

#### **Medical Records Act**

**Randy McDonald, Lovelace Clinic Foundation, said that the country is rapidly moving toward electronic medical records. He said that the hope is to make care more efficient especially in emergencies. He said that the Electronic Medical Records**

Act was introduced in the 2008 legislative session and again in the 2008 special session and each time the proposed legislation failed to pass during the final hours of the session. He said NM laws on medical records are outdated and most were enacted prior to the computer age. Mr. McDonald said that the act has two purposes: to provide legal authorization for the creation and retention of medical records in electronic form and to establish a uniform standard for the disclosure of electronic health information. He said that the act was amended to revert to the HIPAA standards.

Sen. Martinez said that there was a misunderstanding in the Senate and that this bill is not a mandate, it merely allows facilities to have electronic records.

#### **PRC Regulation in the Area of Telecommunication Industry**

Roy Stevenson, director, Utilities Division, PRC, said that the legislature has deemed telecommunications as essential. He discussed the evolution of state regulation of Regional Bell Operating Co. and the history of the company in NM. He added that the PRC is in the middle of settlement agreement. In response to a question from a committee member, he said that they view cells and land lines as complimentary not interchangeable because there are some areas that still do not have cell phone service. In response to another question, Mr. Stevenson said that the FCC recently announced that it would be looking at the cable industry.

Loretta A. Armenta, president, Qwest, said that Qwest is losing 5,000 land lines per month to unregulated competitors and she said that they expect to lose 60,000 customers by the end of 2008. She said that Qwest must go to the PRC to obtain permission to offer a special promotion or tariff to customers who want to come back to Qwest. She added that competitors of Qwest can manipulate the regulatory process to their benefit and prevent Qwest from competing. She also added that Qwest has invested over \$1 billion in NM.

**Leo Baca, government affairs, Qwest, said that Qwest offers 27 percent of the voice service in NM and is the most heavily regulated. Mr. Baca said that the current statute requires the company to determine if “effective competition” exists. He said that this statute is outdated and flawed and that Qwest is regulated while its competitors are not. Dennis Pappas, Qwest, updated the committee on the settlement agreement. Michael Horcasitas, Qwest, pointed out an article in the Albuquerque Journal that outlined 100 tips to save money during hard economic times; tip 19 said to cut the land line and only use a cell phone. Secretary-Designee Mackey noted that the technology seems to have gone beyond regulation and that we need to reevaluate why and what is being regulated.**

**On a motion made by Rep. Varela and seconded by Rep. Vigil the minutes of the August, September and October meetings were approved.**

#### **Green Grid Initiative**

**Tom Bowles, science advisor to the governor, discussed the Green Grid Initiative. He said that this initiative would make NM a national leader in developing and demonstrating the next-generation “green grid,” a smart energy grid with variable and intermittent renewable energy. He said it would also be the first effort in the U.S. to provide a fully integrated approach to solving electric grid infrastructure issues. Mr. Bowles said that it would require only a modest investment by the state over several years but would attract multi-millions in federal investment.**

**There being no further business, the committee adjourned at 5:30 p.m.**

## **Appendix C**

### **Draft Legislation Endorsed by the Committee**

1 SENATE BILL 65  
2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY  
4 Richard C. Martinez

5  
6  
7 FOR THE INFORMATION TECHNOLOGY AND  
8 TELECOMMUNICATIONS OVERSIGHT COMMITTEE

9  
10 AN ACT  
11 RELATING TO THE LEGISLATURE; CREATING THE INFORMATION  
12 TECHNOLOGY AND TELECOMMUNICATIONS OVERSIGHT COMMITTEE.

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW  
15 MEXICO:

16 Section 1. INFORMATION TECHNOLOGY AND  
17 TELECOMMUNICATIONS OVERSIGHT COMMITTEE CREATED--  
18 MEMBERSHIP--STAFF.--

19 A. The "information technology and  
20 telecommunications oversight committee" is created as a  
21 joint interim legislative committee.

22 B. The committee is composed of eight members.  
23 The New Mexico legislative council shall appoint four  
24 members from the house of representatives and four members  
25 from the senate. At the time of making the appointments,

1 the legislative council shall designate the chair and the  
2 vice chair.

3 C. Members shall be appointed from each house  
4 so as to give the two major political parties in each  
5 house the same proportionate representation on the  
6 committee as prevails in each house; however, in no event  
7 shall either party have less than one member from each  
8 house on the committee. At the request of the committee  
9 chair, a member may be removed from the committee by the  
10 legislative council for nonattendance according to  
11 legislative council policy. Vacancies on the committee,  
12 however caused, may be filled by the legislative council,  
13 or the legislative council may reduce the size of the  
14 committee by not making replacement appointments and, in  
15 such case, need not readjust party representation.

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

19 E. Staff for the committee shall be furnished  
20 by the legislative council service. The legislative  
21 council service may request the assistance of the  
22 legislative finance committee as staffing and resources  
23 permit.

24 Section 2. INFORMATION TECHNOLOGY AND  
25 TELECOMMUNICATIONS OVERSIGHT COMMITTEE--DUTIES--POWERS.--

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1                   A. The information technology and  
2 telecommunications oversight committee shall hold one  
3 organizational meeting each year to develop a work plan  
4 and budget for the ensuing interim. The work plan and  
5 budget shall be submitted to the New Mexico legislative  
6 council for approval.

7                   B. The committee shall:

8                   (1) monitor the work of the department of  
9 information technology, including reviewing the  
10 department's proposed rules, before publication, that set  
11 out the policies, standards, procedures and guidelines for  
12 the department and its architecture and development  
13 projects;

14                   (2) review the department of information  
15 technology's proposed state information technology  
16 strategic plan and its updates, including information  
17 about individual state agency plans as the committee deems  
18 appropriate;

19                   (3) review the department of information  
20 technology's programs and systems specific to public  
21 safety, interoperability, risk management, disaster  
22 recovery, business continuity, inventory management and  
23 other issues related to the security and integrity of the  
24 department's information technology systems;  
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1 (4) review information from, and provide  
2 input to, state and federal agencies, tribal governments  
3 and political subdivisions to ensure the development of  
4 expectations and guidelines to further interoperability  
5 communication, as well as to ensure the adoption of  
6 standard or industry-accepted communication protocols;

7 (5) review the department of information  
8 technology's cost recovery mechanisms and information  
9 systems rate and fee structures for services provided;

10 (6) receive periodic updates from the  
11 secretary of information technology and the chair of the  
12 information technology commission;

13 (7) receive periodic updates from  
14 representatives of the legislative information services  
15 unit of the legislative council service and from  
16 representatives of the judicial information systems  
17 council and judicial information division;

18 (8) perform duties as assigned by the  
19 legislative council; and

20 (9) make a report of its findings and  
21 recommendations for the consideration of each session of  
22 the legislature.

23 C. The committee may:

24 (1) create a subcommittee only by majority  
25 vote of all members appointed to the committee and with

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1 the prior approval of the legislative council, which  
2 subcommittee shall be composed of at least one member from  
3 the senate and one member from the house of  
4 representatives, and at least one member of the minority  
5 party shall be a member of the subcommittee. All meetings  
6 and expenditures of a subcommittee shall be approved by  
7 the full committee in advance of such meeting or  
8 expenditure, and the approval shall be shown in the  
9 minutes of the committee; and

10 (2) conduct a continuing study of programs,  
11 agencies, policies, issues and needs related to  
12 information technology and telecommunications, including  
13 review and study of the statutes, constitutional  
14 provisions, rules and court decisions governing such  
15 programs, agencies, policies and issues.  
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SENATE BILL 173

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Linda M. Lopez

FOR THE INFORMATION TECHNOLOGY AND  
TELECOMMUNICATIONS OVERSIGHT COMMITTEE

AN ACT

RELATING TO EMERGENCY RESPONSE; ENACTING THE EMERGENCY  
COMMUNICATIONS INTEROPERABILITY ACT; ESTABLISHING THE  
INTEROPERABILITY PLANNING COMMISSION; ASSIGNING DUTIES TO  
THE HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT;  
REQUIRING STATE AND LOCAL AGENCY COMPLIANCE.

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

Section 1. A new section of Chapter 12 NMSA 1978 is  
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as  
the "Emergency Communications Interoperability Act"."

Section 2. A new section of Chapter 12 NMSA 1978 is  
enacted to read:

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"[NEW MATERIAL] DEFINITIONS.--As used in the Emergency Communications Interoperability Act:

A. "department" means the homeland security and emergency management department;

B. "first responder" means a public safety employee or volunteer whose duties include responding rapidly to an emergency, including but not limited to:

(1) a law enforcement officer;

(2) a firefighter or certified volunteer firefighter; and

(3) an emergency medical services provider;

C. "infrastructure equipment" means the underlying fixed equipment required to establish interoperable communications between radio systems used by local, state, tribal and federal agencies and first responders; and

D. "interoperability" means coordination of critical information communication systems or networks, including radio and emergency coordination information equipment, that are consistently operable with all relevant local, state, tribal and federal agencies and first responders."

Section 3. A new section of Chapter 12 NMSA 1978 is enacted to read:

1           "NEW MATERIAL] INTEROPERABILITY PLANNING COMMISSION--  
2           CREATED.--

3                   A. The "interoperability planning commission"  
4           is created and administratively attached to the  
5           department.

6                   B. The interoperability planning commission is  
7           a permanent advisory commission created to advise and  
8           support the department on emergency response and homeland  
9           security activities relating to interoperability, the  
10          obtaining of funding and the use of available funding.

11                   C. The commission consists of twelve members,  
12          including:

13                           (1) the lieutenant governor;

14                           (2) the homeland security advisor;

15                           (3) the secretary of information technology  
16          or the secretary's designee;

17                           (4) the adjutant general or a representative  
18          from the department of military affairs;

19                           (5) the secretary of energy, minerals and  
20          natural resources or the secretary's designee;

21                           (6) the state fire marshal or the fire  
22          marshal's designee;

23                           (7) the secretary of Indian affairs or the  
24          secretary's designee;  
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- 1                   (8) the secretary of transportation or the  
2 secretary's designee;
- 3                   (9) the secretary of health or the  
4 secretary's designee;
- 5                   (10) the secretary of public safety or the  
6 secretary's designee;
- 7                   (11) the executive director of the New  
8 Mexico municipal league or the executive director's  
9 designee; and
- 10                   (12) the executive director of the New  
11 Mexico association of counties or the executive director's  
12 designee.
- 13                   D. The commission shall appoint a chair and  
14 vice chair from among its members. The commission shall  
15 meet at the call of the chair but no less than two times  
16 each year.
- 17                   E. Members of the commission, or their  
18 designees, who are not supported by public money may be  
19 reimbursed for per diem and mileage pursuant to the Per  
20 Diem and Mileage Act, but shall not receive any other  
21 compensation, perquisite or allowance."
- 22                   Section 4. A new section of Chapter 12 NMSA 1978 is  
23 enacted to read:  
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1            "[NEW MATERIAL] INTEROPERABILITY PLANNING COMMISSION--  
2 DUTIES.--The interoperability planning commission shall  
3 advise the department on:  
4            A. the development and coordination of a  
5 statewide interoperable emergency communications plan in  
6 compliance with national incident management system  
7 guidelines, including an integrated public safety radio  
8 communications system and other coordinated critical  
9 information systems, to achieve interoperability within  
10 and between local, state, tribal and federal agencies and  
11 first responders;  
12            B. implementation of the interoperable  
13 emergency communications plan by state and local agencies  
14 and shall provide specific directions for methods by which  
15 agencies shall implement those strategies;  
16            C. priorities relating to the interoperable  
17 emergency communications plan; and  
18            D. other matters relating to planning,  
19 development, coordination, promotion and implementation of  
20 the interoperable emergency communications plan."  
21            Section 5. A new section of Chapter 12 NMSA 1978 is  
22 enacted to read:  
23            "[NEW MATERIAL] INTEROPERABILITY--DEPARTMENT.--The  
24 department shall:  
25

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1           A. establish, implement and administer a  
2 statewide interoperable emergency communications plan and  
3 standards for  
4 a statewide integrated public safety radio communications  
5 system;

6           B. train representatives of entities in the  
7 state that are involved in emergency response and homeland  
8 security activities with respect to interoperability;

9           C. require that all radio communications at  
10 emergency incidents adhere to the national incident  
11 management system guidelines established by the federal  
12 department of homeland security and statewide integrated  
13 public safety radio communications standards;

14           D. use appropriated money, including money  
15 from relevant federal homeland security grants, for the  
16 purposes of designing and promulgating systems compliant  
17 with the standards established under Subsection A of this  
18 section and to enable the implementation and maintenance  
19 of a statewide interoperable public safety radio  
20 communications system; and

21           E. report annually to the appropriate interim  
22 legislative committee."

23           Section 6. A new section of Chapter 12 NMSA 1978 is  
24 enacted to read:  
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"[NEW MATERIAL] INTEROPERABILITY--AGENCY COMPLIANCE.--  
All state and local agency budgets and plans to purchase  
infrastructure equipment shall conform to the  
interoperability standards developed by the department."

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HOUSE BILL 729

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Luciano "Lucky" Varela

FOR THE INFORMATION TECHNOLOGY AND  
TELECOMMUNICATIONS OVERSIGHT COMMITTEE

AN ACT

RELATING TO INFORMATION TECHNOLOGY; DELETING REFERENCE TO  
THE NON-EXISTENT INFORMATION SYSTEMS COUNCIL; AMENDING THE  
DUTIES OF THE SECRETARY OF INFORMATION TECHNOLOGY;  
REQUIRING COMPLIANCE WITH FEDERAL GUIDELINES FOR RATE-  
SETTING; REVISING THE MEMBERSHIP OF THE INFORMATION  
TECHNOLOGY COMMISSION; PROHIBITING LOBBYISTS FROM SERVING  
ON THE INFORMATION TECHNOLOGY COMMISSION; ADDING AN  
INFORMATION TECHNOLOGY COMMISSION MEMBER TO THE PROJECT  
CERTIFICATION PROCESS; PROVIDING FOR PAYMENT BY AGENCIES  
TO THE DEPARTMENT OF INFORMATION TECHNOLOGY; CHANGING THE  
DUE DATE FOR THE EQUIPMENT REPLACEMENT PLANS; CLARIFYING  
TELECOMMUNICATIONS DUTIES OF THE DEPARTMENT OF INFORMATION  
TECHNOLOGY; RECOMPILING SECTIONS RELATING TO THE  
COMMUNICATIONS DIVISION AND THE TELECOMMUNICATIONS BUREAU  
AS PART OF THE DEPARTMENT OF INFORMATION TECHNOLOGY ACT.

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1  
2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW  
3 MEXICO:

4 Section 1. Section 9-17-6 NMSA 1978 (being Laws 1983,  
5 Chapter 301, Section 6, as amended) is amended to read:

6 "9-17-6. GENERAL SERVICES DEPARTMENT--ADMINISTRATIVELY  
7 ATTACHED [~~AGENCIES~~] AGENCY.--~~[A.]~~ The personnel board and  
8 office are administratively attached to the general  
9 services department, as provided in Section 10-9-11 NMSA  
10 1978.

11 [~~B. The information systems council is~~  
12 ~~administratively attached to the general services~~  
13 ~~department as provided in Section 15-1-5 NMSA 1978.]"~~

14 Section 2. Section 9-27-6 NMSA 1978 (being Laws 2007,  
15 Chapter 290, Section 6) is amended to read:

16 "9-27-6. SECRETARY--DUTIES AND GENERAL POWERS.--

17 A. The secretary is responsible to the  
18 governor for the operation of the department. It is the  
19 secretary's duty to manage all operations of the  
20 department and to administer and enforce the laws with  
21 which the secretary or the department is charged.

22 B. To perform the secretary's duties, the  
23 secretary has every power expressly enumerated in the  
24 laws, whether granted to the secretary or the department  
25 or any division of the department, except where authority

underscored material = new  
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1 conferred upon any division is explicitly exempted from  
2 the secretary's authority by statute. In accordance with  
3 these provisions, the secretary shall:

4 (1) exercise general supervisory and  
5 appointing authority over all department employees,  
6 subject to any applicable personnel laws and regulations;

7 (2) delegate authority to subordinates as  
8 the secretary deems necessary and appropriate, clearly  
9 delineating such delegated authority and the limitations  
10 thereto;

11 (3) organize the department into those  
12 organizational units the secretary deems will enable it to  
13 function most efficiently, subject to provisions of law  
14 requiring or establishing specific organizational units;

15 (4) within the limitations of available  
16 appropriations and applicable laws, employ and fix the  
17 compensation of those persons necessary to discharge the  
18 secretary's duties;

19 (5) take administrative action by issuing  
20 orders and instructions, not inconsistent with the law, to  
21 ensure implementation of and compliance with the  
22 provisions of law for whose administration or execution  
23 the secretary is responsible and to enforce those orders  
24 and instructions by appropriate administrative action in  
25 the courts;

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1                   (6) conduct research and studies that will  
2 improve the operations of the department and the provision  
3 of services to [~~executive~~] state agencies and the  
4 residents of the state;

5                   (7) provide courses of instruction and  
6 practical training for employees of the department and  
7 other persons involved in the administration of programs  
8 with the objective of improving the operations and  
9 efficiency of administration;

10                   (8) prepare an annual budget of the  
11 department;

12                   (9) provide cooperation, at the request of  
13 heads of administratively attached agencies, in order to:

14                               (a) minimize or eliminate duplication of  
15 services and jurisdictional conflicts;

16                               (b) coordinate activities and resolve  
17 problems of mutual concern; and

18                               (c) resolve by agreement the manner and  
19 extent to which the department shall provide budgeting,  
20 record-keeping and related clerical assistance to  
21 administratively attached agencies; and

22                   (10) appoint for each division a "director".  
23 These appointed positions are exempt from the provisions  
24 of the Personnel Act. Persons appointed to these  
25 positions shall serve at the pleasure of the secretary.

1 C. As the chief information officer, the  
2 secretary shall:

3 (1) review executive agency plans regarding  
4 prudent allocation of information technology resources;  
5 reduction of duplicate or redundant data, hardware and  
6 software [~~redundancy~~]; and improvement of system  
7 interoperability and data accessibility among agencies;

8 (2) approve executive agency information  
9 technology requests for proposals and [~~contract vendor~~]  
10 other requests that are subject to the Procurement Code,  
11 prior to final approval;

12 (3) promulgate rules for oversight of  
13 information technology procurement;

14 (4) approve executive agency information  
15 technology contracts and amendments to those contracts,  
16 including emergency procurements, sole source contracts  
17 and price agreements, prior to approval by the department  
18 of finance and administration; provided, however, that  
19 this does not apply to maintenance contracts or agreements  
20 that were in place or approved before July 1, 2009;

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

24 (6) verify compliance with state information  
25 architecture and the state information technology

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1 strategic plan before approving documents referred to in  
2 Paragraphs (2) and (4) of this subsection;

3 (7) monitor executive agency compliance with  
4 its agency plan, the state information technology  
5 strategic plan and state information architecture and  
6 report to the governor, executive agency management and  
7 the legislative finance committee on noncompliance;

8 (8) develop information technology cost  
9 recovery mechanisms and information systems rate and fee  
10 structures of [~~executive~~] state agencies and other public  
11 or private sector providers and make recommendations to  
12 the information technology rate committee;

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

15 (10) ensure the use of existing public or  
16 private information technology or telecommunications  
17 resources when the use is practical, efficient, effective  
18 and financially prudent and is in compliance with the  
19 Procurement Code;

20 (11) review appropriation requests related  
21 to executive agency information technology requests to  
22 ensure compliance with agency plans and the state  
23 information technology strategic plan and make written  
24 recommendations by November 14 of each year to the  
25 department of finance and administration and by November

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1       21 of each year to the legislative finance committee, the  
2       appropriate interim legislative committee and the  
3       information technology commission; provided, however, that  
4       the recommendations to the legislative committees and the  
5       commission have been agreed to by the departments;

6                   (12) [~~establish~~] promulgate rules to ensure  
7       that information technology projects satisfy criteria  
8       established by the secretary and are phased in with  
9       funding released in phases contingent upon successful  
10      completion of the prior phase;

11                   (13) provide oversight of information  
12      technology projects, including ensuring adequate risk  
13      management, disaster recovery and business continuity  
14      practices and monitoring compliance with strategies  
15      recommended by the information technology commission for  
16      information technology projects that [~~impact~~] affect  
17      multiple agencies; [~~and~~]

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

22                   (15) conduct background checks on department  
23      employees and prospective department employees that have  
24      or will have administrative access or authority to  
25      sensitive, confidential or private information or the

1 ability to alter systems, networks or other information  
2 technology hardware or software;

3 \_\_\_\_\_ (16) report to the information technology  
4 commission projects that have been certified and are in  
5 compliance with contingencies; and

6 [~~(14)~~] (17) perform any other information  
7 technology function assigned by the governor.

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

16 E. A state agency that receives an invoice  
17 from the department for services rendered to the agency  
18 shall have thirty days from receipt of the invoice to pay  
19 the department or to notify the department if the amount  
20 of the invoice is in dispute. The agency shall have  
21 fifteen days from its notification of dispute to the  
22 department to present its reasons in writing and request  
23 an adjustment. The department shall have fifteen days  
24 from its receipt of the reasons for dispute to notify the  
25 agency of its decision. If the department and the agency

1 do not agree on a resolution, the secretary of finance and  
2 administration shall make a determination on the amount  
3 owed by the agency to the department. If the agency has  
4 not paid the department or notified the department of a  
5 dispute within thirty days of receipt of the invoice, the  
6 department shall notify the department of finance and  
7 administration and request that the department of finance  
8 and administration transfer funds from the agency to the  
9 department of information technology to satisfy the  
10 agency's obligation.

11 [~~E.~~] F. The secretary, as chief information  
12 officer, shall prepare a state information technology  
13 strategic plan for the executive branch and update it at  
14 least once every three years, which plan shall be  
15 available to agencies by July 31 of each year. The plan  
16 shall comply with the provisions of the Department of  
17 Information Technology Act and provide for the:

- 18 (1) interchange of information related to  
19 information technology among executive agencies;  
20 (2) coordination among executive agencies in  
21 the development and maintenance of information technology  
22 systems; and  
23 (3) protection of the privacy and security  
24 of individual information as well as of individuals using  
25 the state's information technology systems.

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1                    [~~F.~~] G. The secretary may apply for and  
2 receive, with the governor's approval, in the name of the  
3 department, any public or private funds, including United  
4 States government funds, available to the department to  
5 carry out its programs, duties or services.

6                    [~~G.~~] H. Where information technology functions  
7 of executive agencies overlap or a function assigned to  
8 one agency could better be performed by another agency,  
9 the secretary may recommend appropriate legislation to the  
10 next session of the legislature for its approval.

11                    [~~H.~~] I. The secretary may make and adopt such  
12 reasonable procedural rules as may be necessary to carry  
13 out the duties of the department and its divisions and  
14 requirements and standards for the executive branch's  
15 information technology needs, functions, systems and  
16 resources, including:

- 17                                    (1) information technology security;  
18                                    (2) approval for procurement of information  
19 technology that exceeds an amount set by rule;  
20                                    (3) detail and format for the agency  
21 information technology plan;  
22                                    (4) acquisition, licensing and sale of  
23 information technology; and  
24  
25

1 (5) requirements for agency information  
2 technology projects and related plan, analysis, oversight,  
3 assessment and specifications.

4 [~~I.~~] J. Unless otherwise provided by statute,  
5 no rule affecting any person or agency outside the  
6 department shall be adopted, amended or repealed without a  
7 public hearing on the proposed action before the secretary  
8 or a hearing officer designated by the secretary. The  
9 public hearing shall be held in Santa Fe unless otherwise  
10 permitted by statute. Notice of the subject matter of the  
11 rule, the action proposed to be taken, the time and place  
12 of the hearing, the manner in which interested persons may  
13 present their views and the method by which copies of the  
14 proposed rule, proposed amendment or repeal of an existing  
15 rule may be obtained shall be published once at least  
16 thirty days prior to the hearing date in a newspaper of  
17 general circulation and mailed at least thirty days prior  
18 to the hearing date to all persons who have made a written  
19 request for an advance notice of hearing. Rules shall be  
20 filed in accordance with the State Rules Act."

21 Section 3. Section 9-27-7 NMSA 1978 (being Laws 2007,  
22 Chapter 290, Section 7) is amended to read:

23 "9-27-7. INFORMATION TECHNOLOGY RATE COMMITTEE--  
24 MEMBERSHIP--DUTIES.--  
25

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1                   A. The "information technology rate committee"  
2 is created. The committee consists of seven members as  
3 follows:

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

7                   (2) the secretary of finance and  
8 administration, who shall serve as chair of the committee;  
9 and

10                   (3) the secretary of information technology.

11                   B. The information technology rate committee  
12 shall:

13                   (1) review the rate and fee schedule  
14 proposed by the secretary;

15                   (2) ensure that the rate and fee schedule  
16 complies with the federal office of management and budget  
17 circular A-87 or its successor directive;

18                   [~~(2)~~] (3) propose an equitable rate and fee  
19 schedule based on cost recovery for [~~executive~~] state  
20 agencies that use information technology services and pay  
21 rates to an internal service fund, with priority service  
22 to public safety agencies;

23                   [~~(3)~~] (4) present the committee's proposed  
24 rate and fee schedule by June 1 of each year to the office  
25

underscored material = new  
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1 of the governor, the department of finance and  
2 administration and the legislative finance committee; and  
3 [~~(4)~~] (5) by July 15 of each year, implement  
4 a rate and fee schedule based on the committee's  
5 recommendations [~~and input from the office of the~~  
6 ~~governor, the department of finance and administration and~~  
7 ~~the legislative finance committee~~]; provided, however,  
8 that a reduction in rates or fees by the department shall  
9 not require the committee's approval if the reduction is  
10 based on cost recovery and if the committee is notified  
11 timely."

12 Section 4. Section 9-27-9 NMSA 1978 (being Laws 2007,  
13 Chapter 290, Section 9) is amended to read:

14 "9-27-9. INFORMATION TECHNOLOGY COMMISSION--CREATION--  
15 POWERS AND DUTIES.--

16 A. The "information technology commission" is  
17 created. The commission consists of [~~seventeen~~] nineteen  
18 voting members as follows:

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

22 (2) one member from the house of  
23 representatives appointed by the speaker of the house of  
24 representatives;  
25

1                    (3) one member from the senate appointed by  
2                    the senate committees' committee, or if the appointments  
3                    are made in the interim, by the president pro tempore  
4                    after consultation with and agreement of a majority of the  
5                    members of the committees' committee;

6                    [~~(2)~~] (4) one staff member with  
7                    telecommunications regulatory experience appointed by the  
8                    chair of the public regulation commission;

9                    [~~(3)~~] (5) two members representing  
10                    education, one appointed by the secretary of higher  
11                    education and one appointed by the secretary of public  
12                    education;

13                    [~~(4)~~] (6) two members appointed by the  
14                    governor to represent local government, one appointment to  
15                    be selected by the governor from a list of three names  
16                    provided by the New Mexico association of counties and one  
17                    appointment to be selected by the governor from a list of  
18                    three names provided by the New Mexico municipal league;

19                    [~~(5)~~] (7) two members appointed by the  
20                    governor to represent local telecommunications service  
21                    providers;

22                    [~~(6)~~] (8) two members from the national  
23                    laboratories appointed by the respective laboratory  
24                    director; and  
25

1                    [~~(7)~~] (9) three members, one from each  
2 congressional district, appointed by the governor to  
3 represent the public, [~~with~~] who have information  
4 technology and management experience, but who are not  
5 employees of the state or a political subdivision of the  
6 state and who do not have any financial interest in the  
7 state information systems or state contracts. The public  
8 members shall serve for staggered three-year terms.

9                    B. Additionally, the following nonvoting  
10 members may serve on the commission:

11                    (1) two members from the judicial  
12 information systems council appointed by the chair of that  
13 council;

14                    (2) one member representing the office of  
15 the attorney general appointed by the attorney general;  
16 and

17                    [~~(3)~~] ~~two members representing local~~  
18 ~~government, one appointed by the New Mexico association of~~  
19 ~~counties and one appointed by the New Mexico municipal~~  
20 ~~league, provided that the members are not from the same or~~  
21 ~~adjacent counties;~~

22                    ~~(4) one staff member from the legislative~~  
23 ~~council service and one staff member from the legislative~~  
24 ~~finance committee, appointed by their respective~~  
25 ~~directors; and~~

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1                   ~~(5)~~] (3) the secretary as chief information  
2 officer.

3                   C. Members of the commission, except the three  
4 public members appointed by the governor, may select  
5 designees to represent them and vote on their behalf.

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

11                   E. The commission shall appoint a voting  
12 member to represent the commission on the department's  
13 committee or other body that certifies information  
14 technology projects.

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

20                   ~~[E.]~~ G. The commission  
21 shall elect a chair and vice chair from the active voting  
22 membership of the commission for two-year terms.

23                   ~~[F.]~~ H. The department shall provide staff to  
24 the commission.

25                   ~~[G.]~~ I. The commission shall meet at least  
quarterly to review and approve:

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- 1 (1) the development and implementation of  
2 the state information technology strategic plan;  
3 (2) critical information technology  
4 initiatives for the state;  
5 (3) identification of information technology  
6 needs of state agencies;  
7 (4) strategies for identifying information  
8 technology projects that [~~impact~~] affect multiple  
9 agencies;  
10 (5) the state information architecture and  
11 the state information technology strategic plan for  
12 updates and compliance by executive agencies;  
13 (6) proposed rules by the secretary; and  
14 (7) guidelines for mediation of disputes  
15 between an executive agency and the secretary as chief  
16 information officer."

17 Section 5. Section 9-27-11 NMSA 1978 (being Laws 2008,  
18 Chapter 84, Section 2) is amended to read:

19 "9-27-11. EQUIPMENT REPLACEMENT PLANS--EQUIPMENT  
20 REPLACEMENT REVOLVING FUNDS.--

21 A. In order to plan for the expenditure of  
22 capital  
23 investments necessary to provide goods and services to the  
24 state and its agencies and to local public bodies and  
25 other enterprise customers, the department shall establish

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

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

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

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

15           Section 6. A new section of the Department of  
16 Information Technology Act is enacted to read:

17           "[NEW MATERIAL] HUMAN RESOURCES--ACCOUNTING AND  
18 MANAGEMENT REPORTING.--The department shall:

19           A. enter into a joint powers agreement for the  
20 joint design, development, acquisition and implementation  
21 of the statewide human resources, accounting and  
22 management reporting system or its successor system;

23           B. include a per employee assessment per  
24 agency that is sufficient to provide for the support,  
25 operation, maintenance, software upgrade or equipment

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1 replacement of the statewide human resources, accounting  
2 and management reporting system or its successor system;  
3 and

4 C. ensure that at least thirty percent of the  
5 funds collected pursuant to this section are deposited in  
6 a separately identifiable account for software upgrades  
7 and equipment replacement."

8 Section 7. Section 15-5-2 NMSA 1978 (being Laws 1978,  
9 Chapter 124, Section 12, as amended) is recompiled in  
10 Chapter 9, Article 27 NMSA 1978 and is amended to read:

11 "15-5-2. CENTRAL TELEPHONE SERVICES--STAFF--BUDGET.--  
12 The telecommunications bureau of the enterprise services  
13 division of the department shall provide the staff and  
14 material necessary to properly and adequately operate the  
15 central telephone system. The budget for the central  
16 telephone system shall be approved as part of the total  
17 operating budget of the [~~general services~~] department."

18 Section 8. Section 15-5-5 NMSA 1978 (being Laws 1963,  
19 Chapter 181, Section 5, as amended) is recompiled in  
20 Chapter 9, Article 27 NMSA 1978 and is amended to read:

21 "15-5-5. APPROPRIATION.--All income to the central  
22 telephone services fund is appropriated to carry out the  
23 purposes of Sections 15-5-1 through 15-5-6 NMSA 1978 or  
24 their successor recompiled sections. Payments from the  
25 central telephone services fund shall be made on vouchers

1 signed by the secretary [~~of general services~~] or [~~his~~] the  
2 secretary's designee."

3 Section 9. Section 15-5-6 NMSA 1978 (being Laws 1963,  
4 Chapter 181, Section 6, as amended) is recompiled in  
5 Chapter 9, Article 27 NMSA 1978 and is amended to read:

6 "15-5-6. PARTICIPATION OR EXCLUSION OF AGENCY,  
7 DEPARTMENT OR INSTITUTION.--All departments, institutions  
8 and agencies of the state government to the extent that it  
9 is practical and feasible shall participate in the central  
10 telephone system. No agreement for any leased or  
11 purchased telephone service or for purchase of any  
12 telephone equipment shall be entered into by any  
13 department, institution or agency of the state  
14 participating in the central telephone system, except  
15 those institutions enumerated in Article 12, Section 11 of  
16 the [~~New Mexico~~] constitution of New Mexico, except upon  
17 prior written approval of the secretary [~~of general~~  
18 ~~services~~] or [~~the director of the communications division,~~  
19 ~~acting as his~~] the secretary's designee. If, on the basis  
20 of a technical survey, it is found to be infeasible or  
21 impractical to include particular agencies, departments or  
22 institutions in the central telephone system, the  
23 [~~director of the communications division~~] secretary or the  
24 secretary's designee may exclude them. In the event of  
25 exclusion of any agency, department or institution, the

