

**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 implementing 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.