

**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 Poudrell-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

-Moira 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.