

**MINUTES
of the
FIRST MEETING
of the
SCIENCE, TECHNOLOGY AND TELECOMMUNICATIONS COMMITTEE**

**June 7, 2013
State Capitol, Room 307
Santa Fe**

The first meeting of the Science, Technology and Telecommunications Committee (STTC) was called to order by Representative Carl Trujillo, chair, on June 7, 2013 at 10:10 a.m. in Room 307 of the State Capitol.

Present

Rep. Carl Trujillo, Chair
Sen. Michael Padilla, Vice Chair
Sen. William F. Burt
Rep. Kelly K. Fajardo
Rep. Roberto "Bobby" J. Gonzales
Rep. Jason C. Harper
Sen. Linda M. Lopez
Sen. Bill B. O'Neill
Rep. Debbie A. Rodella
Rep. James E. Smith
Rep. Luciano "Lucky" Varela
Rep. Monica Youngblood

Absent

Sen. John C. Ryan

Advisory Members

Sen. Carlos R. Cisneros
Rep. Stephen Easley
Rep. Stephanie Garcia Richard
Sen. Ron Griggs
Sen. Timothy M. Keller
Sen. Richard C. Martinez
Rep. Bill McCamley
Rep. Jane E. Powdrell-Culbert
Rep. Nick L. Salazar

Sen. Steven P. Neville
Sen. William H. Payne
Rep. Don L. Tripp
Sen. Peter Wirth

Guest Legislator

Sen. Nancy Rodriguez

Staff

Gordon Meeks
Ralph Vincent
Cassandra Jones

Guests

The guest list is in the meeting file.

Handouts

Handouts and written testimony are in the meeting file.

Friday, June 7

Members of the committee introduced themselves.

Interim Committee Procedures

Raúl E. Burciaga, director of the Legislative Council Service (LCS), provided the committee with an overview of interim committee protocols. He referred the committee to a tentative interim committee calendar created by the LCS.

Mr. Burciaga told the committee that:

- the committee is bound by a "blocking provision", which states that no action shall be taken by the committee if a majority of the total membership from either house rejects the action;
- advisory members are nonvoting members of the committee;
- some action can be done by consensus, but formal action, such as endorsing legislation or issuing a letter reflecting the committee's opinion, should be done upon a motion and a vote of the voting members with a quorum present;
- votes can be done by voice, by a show of hands or by the chair asking whether there is any objection to the motion;
- a quorum consists of a majority of the voting members of the committee;
- a committee can meet under certain conditions without a quorum present and take testimony, but it cannot take any formal action; and
- committees must meet in the State Capitol after September 30, unless specifically approved to do otherwise by the New Mexico Legislative Council.

Telecommunications Regulation

Patrick H. Lyons, commissioner, Public Regulation Commission (PRC), gave a presentation to the committee regarding regulation of telecommunications systems. He told the committee that the mission of the PRC is affordability, reliability and protecting the public interest. The PRC strives for universal service at affordable rates. Mr. Lyons explained to the committee that the PRC does not have the authority to regulate television or internet services. The commissioner also reminded the committee that the PRC has jurisdiction over phone service but not internet service, even if both services are provided through the same line. He stated that in the past, the legislature has supported the relaxation of regulation when competition can be shown, particularly regarding local exchange carriers. Mr. Lyons referred the committee to a handout that compared the varying regulations of telecommunications carriers in the state. Telecommunications carriers are divided into three different classifications: (1) those that have

fewer than 50,000 lines in a state; (2) those that have 50,000 to 375,000 lines in a state; and (3) those that have more than 375,000 lines. Mr. Lyons told the committee that CenturyLink is the only carrier with more than 375,000 lines in New Mexico.

Mr. Lyons noted that CenturyLink has filed a case with the PRC. The PRC is in the process of determining whether or not sufficient competition exists to loosen CenturyLink regulations. The commissioner told the committee that the case is ongoing and that he cannot discuss it in any detail.

The commissioner also noted that the PRC is in the process of implementing House Bill 58, which becomes effective July 1, 2013 and affects the statutory duties of the PRC.

Members of the committee requested that the PRC be put on a future agenda to update the committee.

Members of the committee asked questions and discussed:

- disparities in regulation;
- reasonable price caps;
- competition between local exchange carriers;
- competition with local exchange carriers that are not under PRC purview;
- internet phone service; and
- instances where state law is superseded by federal law.

2013 Interim Work Plan and Meeting Schedule

Representative Trujillo referred the committee to the proposed work plan and asked for input regarding work plan topics and potential meeting dates. Members of the committee emphasized that the work plan should include certain statewide information technology systems. Members of the committee expressed concern about the failure of the Information Technology Commission to meet and suggested that the committee continue to be aware of the commission's progress. Committee members reviewed the work plan and discussed meeting dates. The committee decided to move forward with the proposed work plan, which was amended to include a few additional items, as well as the proposed meeting dates.

Department of Information Technology (DOIT) Update

Darryl Ackley, secretary of information technology, provided the committee with an overview of the DOIT and a status report on its current activities. Secretary Ackley told the committee that the DOIT provides email, mainframe, radio, telephone, wireless, security and hosting services, as well as a number of other services, to state agencies. The department provides oversight, compliance and strategic information technology planning guidance to executive agencies and is 99% revenue funded. The DOIT operates a primary data center and more than 100 radio tower sites throughout the state. Secretary Ackley discussed recent accomplishments of the DOIT, including an overhaul of billing systems, oversight of projects, complying with narrowbanding, an unfunded Federal Communications Commission mandate,

modernization of the mainframe and numerous infrastructure improvements throughout the state. Secretary Ackley told the committee that the DOIT is currently in the process of upgrading the Statewide Human Resources Accounting and Management Reporting System (SHARE), implementing various pieces of legislation and preparing for meetings of the Information Technology Commission. Secretary Ackley highlighted a program that the DOIT is undertaking to test a public safety broadband system. The DOIT is expecting to receive \$1.9 million in July from the federal State and Local Implementation Grant Program for the project.

Members of the committee asked questions and discussed:

- land-mobile radio;
- indefeasible right of use for an argon fiber managed by the DOIT, the University of New Mexico and the New Mexico Institute of Mining and Technology;
- public safety broadband;
- the Information Technology Commission, including a potential June 17 meeting date with appointed members;
- the management of DOIT projects;
- specific projects, including the Automated System Program and Eligibility Network (ASPEN); SHARE; the Oil and Natural Gas Administration and Revenue Database (ONGARD); and the Unemployment Insurance Tax & Claims System (uFacts);
- DOIT appropriations, including appropriations for 26 new projects that are being managed and implemented by the department;
- security concerns, including off-site management, the location of site backup in the Tiwa Building in Albuquerque and a memorandum of understanding with the Property Control Division of the General Services Department to evaluate the space;
- disaster recovery requirements for various state agencies; and
- DOIT personnel and vacancies.

Members requested that the DOIT be put on the agenda for a future meeting to address some concerns expressed by committee members. Committee members also requested that the DOIT provide them with a matrix of all current projects that includes pertinent information. Secretary Ackley referred the committee to a link on the DOIT web site with some project information, and he assured the committee members that he would provide them with more detailed information.

Adjournment

There being no further business before the committee, the first meeting of the STTC for the 2013 interim adjourned at 3:17 p.m.