

HOUSE GOVERNMENT, ELECTIONS AND INDIAN AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 388

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO CYBERSECURITY; CREATING THE CYBERSECURITY FUND;
ESTABLISHING PURPOSES.

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

SECTION 1. [NEW MATERIAL] CYBERSECURITY FUND--CREATED--
PURPOSE.--

A. The "cybersecurity fund" is created as a nonreverting fund in the state treasury and shall be administered by the department of information technology for the purposes stated in Subsection B of this section; provided that upon Senate Bill 280 of the first session of the fifty-sixth legislature becoming law, the fund shall be administered by the cybersecurity office in accordance with the rules adopted pursuant to Subsection C of this section. The fund consists of appropriations, bequests, distributions, donations,

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1 gifts, grants or money that otherwise accrues to the fund.

2 B. Money in the cybersecurity fund shall be used
3 for cyber attack response and recovery services of information
4 technology systems or databases operated or owned by any branch
5 of state government, its political subdivisions, public schools
6 or tribal entities.

7 C. Pursuant to the State Rules Act, the department
8 of information technology, or upon Senate Bill 280 of the first
9 session of the fifty-sixth legislature becoming law, the
10 cybersecurity office, as applicable, shall promulgate rules to
11 govern administration of the cybersecurity fund. The rules
12 shall specify the:

13 (1) application process for a disbursements
14 from the fund;

15 (2) criteria for disbursements from the fund;

16 (3) review process for disbursement
17 applications;

18 (4) oversight process and requirements for how
19 disbursements are used; and

20 (5) requirements for reversions to the fund.

21 D. Expenditures from the cybersecurity fund for
22 cyber attack response and recovery services for:

23 (1) executive state agencies, political
24 subdivisions of the state, public schools or tribal entities
25 shall be made on warrants drawn by the secretary of finance and

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1 administration pursuant to vouchers signed by the secretary of
2 information technology; provided that upon Senate Bill 280 of
3 the first session of fifty-sixth legislature becoming law, the
4 vouchers shall be signed by the state chief information
5 security officer;

6 (2) legislative state agencies shall be made
7 on warrants drawn by the secretary of finance and
8 administration pursuant to vouchers signed by the director of
9 the legislative council service; and

10 (3) judicial branch state agencies shall be
11 made on warrants drawn by the secretary of finance and
12 administration pursuant to vouchers signed by the director of
13 the administrative office of the courts.

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