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| LFC Requester: | Emily Hilla |
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 01/23/2024

Bill No: SB129

Sponsor: Sen. Padilla and Sen. Sariñana
Short Title: Cybersecurity Act

Agency Name and Code 361-OBAE
Number: _____
Person Writing Drew Lovelace
Phone: 5057951672 **Email** Drew.lovelace@conne

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY24 | FY25 | | |
| 0 | 0 | N/A | N/A |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY24 | FY25 | FY26 | | |
| 0 | 0 | 0 | N/A | N/A |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY24 | FY25 | FY26 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | UNK | UNK | UNK | UNK | UNK | UNK |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act N/A

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

- 1) SB129 amends the Cybersecurity Act to provide for rulemaking.
- 2) SB129 amends the Cybersecurity Act to establish reporting requirements for public entities receiving state appropriations in certain situations.
- 3) SB129 amends the Cybersecurity Act to provide for changing the membership of the cybersecurity advisory committee.
- 4) Amends Section 2B1 of the Act to allow for the Cybersecurity Office to extend rulemaking to applicable entities receiving general fund appropriations and persons or entities transacting business with the state as well as adding requirements for entities receiving general fund appropriations from the legislature to report all information technology and cybersecurity expenditures to the Cybersecurity Office.
- 5) Amends Section 2B2 of the Act to allow the Cybersecurity Office to adopt and implement minimum cybersecurity controls instead of only developing them.
- 6) Amends Section 2B3 of the Act and adds the ability to the Cybersecurity Office to conduct information and security audits.
- 7) Amends Sections 2B10, 2B11, and 2B12 of the Act and adds the ability to the Cybersecurity Office to adopt and implement rules to establish minimum data classification policies, compliance controls, exception reporting, to develop cybersecurity awareness policies, training standards, cybersecurity training, and to establish a cybersecurity and data breach reporting process.
- 8) Creates a new section of the Act, Section 2B13, requiring agencies to gain the approval of the Cybersecurity Office for information technology requests for proposals and other requests that are subject to the Procurement Code prior to final approval.
- 9) Creates a new section of the Act, Section 2B14, requiring agencies to gain the approval of the Cybersecurity Office for cybersecurity contracts and amendments prior to final approval.
- 10) Creates a new section of the Act, Section 2B15, requiring entities to have the Cybersecurity Office review and approve legislative appropriation requests of twenty-five million dollars or more related to cybersecurity and information security prior to submission of request.
- 11) Creates a new section of the Act, Section 2C, that allows the security officer to issue orders to agencies regarding compliance with rules, policies, standards or controls issued by the Cybersecurity Office.
- 12) Creates a new section of the Act, Section 2D, which requires public bodies not under the

jurisdiction of the security officer to adopt and implement the National Institute of Standards and Technology policies, standards and procedures relating to cybersecurity, information security and privacy.

13) Amends Section 3 of the Act and changes the cybersecurity advisory committee chair, the security officer, from a nonvoting advisor to a voting member, changes committee membership structure including adding two members appointed by the security officer.

14) Removes Section 3E of the ACT that removes voluntary compliance of non-executive agencies, counties, municipalities and tribal governments.

FISCAL IMPLICATIONS

Unknown

SIGNIFICANT ISSUES

None for OBAE

PERFORMANCE IMPLICATIONS

None for OBAE

ADMINISTRATIVE IMPLICATIONS

Unknown administrative and fiscal implications at this time due to proposed additional reporting and contract approval requirements.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

None to OBAE

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

None