

LFC Requester:

Emily Hilla

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](https://www.legis.nm.gov/AgencyAnalysis) and email to billanalysis@dfa.nm.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}*Date Prepared: 1.23.26

Check all that apply:

Bill Number: SB68Original Correction Amendment Substitute Sponsor: Heather Berghmans
Artificial Intelligence
Government Use ActAgency Name
and CodeOffice of Broadband Access and
Expansion - 36100

Number:

Person Writing

Cass Brulotte

Short

Title:

Email cassandra.brulotte@coPhone: 505-699-5260 :nnect.nm.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
N/A	N/A	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB28
Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: The Artificial Intelligence Government Use Act (“the Act”) the bill requires every public body to establish a policy, which must be publicly available, on the permitted uses of artificial intelligence and automated decision tools and technological resources that:

- 1) Addresses security procedures, including protection of confidential information;
- 2) Clearly states what the agency may use AI for;
- 3) Requires a human employee to make any final consequent decisions, regardless of recommendations from AI;
- 4) Prohibits using AI to override or avoid cybersecurity procedures.

FISCAL IMPLICATIONS

The Office of Broadband Access and Expansion (OBAE) does not currently utilize AI in agency operations, so this bill would not fiscally impact the agency

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

OBAE does not currently utilize AI or automated decision tools in agency operations, so this bill would not impact performance.

ADMINISTRATIVE IMPLICATIONS

The bill would require each executive agency to create a distinct AI policy, which could lead to conflicts between agency AI policies.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB28

TECHNICAL ISSUES

The Department of Information Technology (DoIT) provides information technology support and services for state agencies. The Office of Cybersecurity (OCS) provides cybersecurity support and services for state agencies.

Conflict between individualized agency policies on AI policies may interfere with services provided by DoIT and OCS.

OTHER SUBSTANTIVE ISSUES

On December 11, 2025, President Trump issued Executive Order 14365, “Ensuring a National Policy Framework for Artificial Intelligence,” (AI EO) which can be found online at: <https://www.whitehouse.gov/presidential-actions/2025/12/eliminating-state-law-obstruction-of-national-artificial-intelligence-policy/>. The AI EO mandates that States receiving discretionary grants from any federal executive agencies may not enforce any identified AI laws during the performance period of the grants.

The AI EO also specifically calls on the Department of Commerce to withhold Broadband Equity Access and Deployment (BEAD) non-deployment funding from states with onerous AI laws, as determined by the federal government. Out of New Mexico’s total BEAD award of \$675 million, the state is expecting to have at least \$243 million allocated for non-deployment projects.

ALTERNATIVES

N/A.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None. Not passing the bill will maintain the status quo.

AMENDMENTS

N/A.