

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 1/23/24

Bill No: SB 129

Sponsor: Michael Padilla & Debra M. Sarinana
Short Title: Cybersecurity Act Changes

Agency Name and Code DHSEM-795
Number: _____
Person Writing Matthew Stackpole
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0	\$0	\$0	NA	NA

(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	\$0	\$0	\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: SB 129 amends the Cybersecurity Act to allow the Cybersecurity Office to adopt and implement rules establishing “minimum security standards and policies,” that would be newly applicable to any entities receiving general fund appropriations as well as persons or entities transacting business with the State of New Mexico. The amendment also requires that entities receiving general fund appropriations, “shall report to the cybersecurity office all information technology and cybersecurity expenditures in a form and manner established by the cybersecurity office,” while removing language in the original Act that made compliance voluntary. SB 129 also newly requires the Cybersecurity Office to conduct information technology and security audits.

SB 129 also requires the Cybersecurity Office to approve agency information technology (IT) requests for proposals and other agency requests that are subject to the Procurement Code; approve cybersecurity and information security contracts and amendments to those contracts; and, “review and approve all agency, public school, higher education institution, county and municipality legislative appropriation requests of twenty-five million dollars (\$25,000,000) or more related to cybersecurity and information security prior to submission of such appropriation requests to the legislature.”

Under the existing Cybersecurity Act, the Cybersecurity Office is managed by the Security Officer. SB 129 states that Security Officer is empowered to issue directives to agencies mandating their compliance with the cybersecurity rules, policies, standards, or controls established by the cybersecurity office, as well as following the guidance or recommendations of the cybersecurity advisory committee. It is specified that for county, municipal, or tribal governments, adherence to these orders and guidelines is not obligatory but is instead voluntary. However, SB 129 mandates that public entities which are not under the Security Officer's authority are required to develop and enforce their own cybersecurity, information security, and privacy policies and procedures. These must be in alignment with the frameworks and minimum standards set by the National Institute of Standards and Technology (NIST).

SB 129 also adds the Secretary of the New Mexico Department of Homeland Security and Emergency Management (or the Secretary’s designee) to sit on the Cybersecurity Advisory Committee, adds one member, “appointed by the security officer who has experience with cybersecurity issues for public education institutions,” and adds one member, “appointed by the security officer who has experience with cybersecurity issues for public health

institutions.” As a result, the New Mexico Association of Counties board of directors appoints two, rather than three members, as does the New Mexico Municipal League.

FISCAL IMPLICATIONS

The New Mexico Department of Homeland Security and Emergency Management is not aware of the financial implications of enacting SB 129. That said, it is anticipated that the passage of this bill would facilitate enhanced supervisory protocols and promote the adoption of standardized best practices in information technology throughout state agencies in New Mexico.

SIGNIFICANT ISSUES

The New Mexico Department of Homeland Security and Emergency Management does not know of any significant issues with SB 129.

PERFORMANCE IMPLICATIONS

The Department of Homeland Security and Emergency Management anticipates that the ratification of SB 129 will enhance regulatory frameworks and foster the harmonization of superior information technology protocols throughout New Mexico’s state agencies.

ADMINISTRATIVE IMPLICATIONS

Please see above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

NA

TECHNICAL ISSUES

No technical issues.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The enactment of SB 129 is anticipated to be a substantial improvement over the status quo as it promises to introduce robust governance structures and unify information technology practices across New Mexico’s state agencies. This standardization is likely to bring about increased efficiency, reduce redundancy, and enhance security protocols.

AMENDMENTS