

LFC Requester:	
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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(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 X
Correction Substitute

Date Prepared: 2025-03-02
Bill No: HB203

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: Sarah Silva

Agency Name CYFD 69000
and Code
Number:

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Short USE OF STATE DEVICES
Title: FOR CYFD BUSINESS

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

ESTIMATED ADDITIONAL OPERATION BUDGET (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

HB 203 would create a new section of the Children's Code which would mandate that all CYFD employees only use electronic devices issued by the Department for work communications. HB203 would further mandate that any noncompliance with this policy be considered grounds for immediate termination of the noncompliant employee.

HB203 would also mandate that by January 1, 2026, that CYFD implement a system that will back up on an hourly basis any and all electronics records generated or received by employees of the department within their scope of employment.

Finally, HB203 would mandate that CYFD retain all electronic records stored on electronic devices used by CYFD employees for the term of the employee's employment and for at least twenty-four years after the termination of said employment

FISCAL IMPLICATIONS

Selection of a system by the Department of Information Technology would require a lengthy and costly analysis to determine amount of traffic, security controls necessary to protect data, multiple environments to use for development, testing and a production infrastructure and network connectivity to relay data in the manner consistent with this bill.

CYFD Information Technology Division would need 9 additional positions and funding estimated at \$1.9 million in order to support such a large, robust and dynamic environment. This environment will need a dedicated team that must be able to calculate rate of growth, keep compliant with security standards and regulations, maintain certification and continued education on change in said best practices, statutes and regulations. Data will also need to be analyzed,

categorized and indexed in order to search for records.

Additional fiscal concerns relate the amount of data identified to be saved for a twenty-five-year period. Hourly backups may overload IT systems and consume excessive storage. Growth analysis based on number of documents, type of documents, size of documents, use cases based upon different roles, existing positions, turnover, new positions, and changes via state of federal legislation would not be a simple mathematical equation and cost estimate for saving data cannot be quantified as there would be no limit and rate would change. The estimated fiscal impact for data storage, implementation and maintenance is an additional \$2.1 million per year, with an initial planning and equipment estimate of non-recurring costs estimated at \$1.0 million.

SIGNIFICANT ISSUES

CYFD employees currently are assigned and required to use devices assigned to them by CYFD IT. Access to the data on these devices, or through the applications used by employees, is secured from access by unauthorized persons through the use of user IDs, two-factor authentication, and individual account restrictions. CYFD must also adhere to governance issues related to PII, HIPAA and other NIST 800-53 (National Institute of Standards and Technology) standards related to sensitive data. Software and data are currently controlled and regulated as per FISMA/NIST 800-53. The bill enforces strict compliance without requiring employee training. There is no process for progressive discipline which may violate Union and State Personnel Offices regulations, employment laws, and employee due process rights. It also does not address issues if employees respond to work emergencies on personal phone. Identification of items, time frames and other related items would need to be added to NMAC 1.21.1 Retention and Disposition of Public Records, Electronic Records under 1.13.4 Records Management Requirement for Electronic Records. and 1.13.30 Disposition of Records and Non-Records as additions, deletions and amendments will be needed.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

If all data is backed up continuously, any compromised file or malware could spread quickly to backups. The bill does not specify how the backup system integrates with a disaster recovery strategy. Most data retention laws (including HIPAA, CJIS, FERPA, etc.) do not require 24 years. A long retention period increases cybersecurity risks and storage costs. Prolonged retention increases exposure to data breaches and legal discovery risks.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

This amendment does not alleviate the burden on CYFD related to data retention and the outdated hardware required to retrieve this data. While it removes the requirement for compliance with tribal and local laws, CYFD is already in compliance with all relevant federal and state retention laws. Current state laws are clearly defined in other statutes, specifying document types and retention periods ranging from 3 to 25 years.

The amendment also reduces the retention period from 24 years to 7 years, but this change does not lessen the need for additional resources or increased digital capacity. It will still require an analysis of growth rates and associated demands. Additionally, the amendment does not include any budget for the additional costs of storage and retention, which CYFD will need to pay to DoIT and other FedRAMP-compliant storage and retention providers. DoIT will still be responsible for developing the necessary environment and parameters to meet these requirements, passing any increased expenditures onto CYFD.

The requirement for daily, monthly, and annual electronic record backups does not align with our current best practices, which involve incremental daily,

weekly, and monthly backups. Furthermore, this amendment fails to address the handling of text and voice messages, which are governed by DoIT, as they hold the SWPA for the State for all digital carriers. Compliance with this provision will require negotiations with carriers, who will need to amend their mandated retention policies to accommodate CYFD's requirements.

There is also no language preventing the retention policy from extending to other entities or executive agencies with which CYFD collaborates to fulfill its mission. All entities or executive agencies that communicate with CYFD will be required to retain their communications for the same duration. This lack of exemptions or clarifications could result in subjective interpretations and potential litigation regarding the enforcement of this bill if it becomes law, which could impede collaboration with other agencies.

Finally, the department is currently operating with a deficit and is unable to hire additional staff to meet the requirements of this bill.