

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

**[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** \_\_\_\_\_ *Check all that apply:*  
**Bill Number:** HB203Amended Original \_\_\_\_\_ Correction \_\_\_\_\_  
 Amendment x Substitute \_\_\_\_\_

**Sponsor:** Rep. Dixon  
Use of State Devices for CYFD Business

**Agency Name and Code** HCA 630  
**Number:** \_\_\_\_\_

**Person Writing Analysis:** Sean Curry and Tim Thackaberry

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0	-	-

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0	-	-

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$0	\$0	\$0	\$0	-	-

(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:

Requires employees of the Children, Youth and Families Department to only use electronic devices issues by CYFD for communication related to the performance of official duties.

By January 1, 2026, CYFD will implement a system, approved by the Department of Information Technology (DoIT), that will back up on an hourly basis all electronic records generated or received by employees of the department related to the performance of their duties within the scope of their employment by the department.

Requires CYFD to implement an hourly backup system of all electronic records and to retain such records for at least ~~24~~ **seven** years after an employee's termination. **The department shall back up the retained electronic records daily, monthly and annually.**

"back up" means to electronically copy in a recoverable format to a searchable database maintained by the department all electronic records generated by or contained within an electronic device.

"electronic device" means a telephone, tablet, computer, watch or similar device used to generate, store or transfer information.

"electronic records" means information generated by, transmitted by or stored on an electronic device, including electronic mail, voicemail, text and instant messages, documents and photographs, regardless of the platform being used, including interagency communications."

#### **FISCAL IMPLICATIONS**

None

#### **SIGNIFICANT ISSUES**

HB203 was heard in the House Government, Elections and Indian Affairs Committee (HGEIC) on 2/14/2025. The primary focus of the discussion was CYFD's data retention and recovery processes and that data on CYFD devices, such as on cell phones, was deleted with no way to recover historical information. One of the legislators asked how this bill would apply to other agencies, and the reply was "at this point the bill solely addresses CYFD." The question remains, however, how this would affect other agencies if the scope was expanded beyond CYFD.

**HB203 was heard in the House Judiciary Committee (HJC) on 3/1/2025. The CYFD CIO, the NM State Personnel Office (SPO) and the Department of Information Technology (DoIT) spoke in opposition to the Bill. The CYFD CIO outlined steps that are already being taken that address some of the provisions in the bill. DoIT expressed interest in doing a study on how to backup voicemails, and other cell phone activity, to the cloud and how this might impact other agencies.**

There is no appropriation in the bill, and implementing a compliant solution will be costly. SPO expressed concern about possible employee exposure to disciplinary action and termination without following the progressive discipline process. The amendment passed.

**PERFORMANCE IMPLICATIONS**

None for the HCA

**ADMINISTRATIVE IMPLICATIONS**

HCA would need to review data retention requirements of all programs.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None

**TECHNICAL ISSUES**

None

**OTHER SUBSTANTIVE ISSUES**

None

**ALTERNATIVES**

None

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**