

LFC Requester:

Emily Hilla

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

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

**Date Prepared:** February 4, 2025

*Check all that apply:*

**Bill Number:** SB 254

Original  Correction   
Amendment  Substitute

**Sponsor:** Sen. Michael Padilla

**Agency Name and Code Number:** 305 – New Mexico Department of Justice

**Short Title:** Cybersecurity Act & Office Changes

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#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

##### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(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>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis: The bill proposes to change the (1) name and duties of the cybersecurity office and (2) the membership of the cybersecurity advisory committee.

Section 1 amends Section 9-27A-3 to change the name of the existing cybersecurity office to the “office of cybersecurity.” It also changes the entities that are managed and protected under the Act from “an agency-operated or -owned” to “a state-operated or state-owned” telecommunications network.

Section 2 amends Section 9-27A-5 to reflect the same name change and to revise the security officer or their designee’s role as chair of the cybersecurity advisory committee from a nonvoting to voting member. Section 2 would also revise the composition and number of members of the cybersecurity advisory committee to replace the principle information technology staff person for the administrative office of the courts or the director’s designee to a member appointed by the Supreme Court chief justice, and to replace the director of the legislative council service or the director’s designee with a member of the legislature who is appointed by the legislative council.

Section 2 also changes “three” to “two” in each of Subsection (B)(5) and (6) when referring to members appointed by the chair of the board of directors of the relevant association of counties and members appointed by the board of directors of the N.M. municipal league, respectively. It also changes “three” to “four” regarding members appointed by the Governor, removes the phrase “may represent separate agencies other than the department of information technology and,” and adds the requirement that at least one of the Governor’s appointees be in education, health care, homeland security and emergency management, and private sector cybersecurity.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

None

## **PERFORMANCE IMPLICATIONS**

None

## **ADMINISTRATIVE IMPLICATIONS**

None

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None

## **TECHNICAL ISSUES**

The revision in Subsection (B)(2) in Section 2 states that the member shall be “one member appointed by the chief justice of the supreme court who is experienced with cybersecurity issues.” Although logic indicates that the *member* is the individual who is experienced with cybersecurity issues, the sentence as written implies that the justice should be experienced with cybersecurity issues. Likewise with the replacement in Subsection (B)(3) A simple rearrangement of each of these subsections should fix this potential confusion.

The revision in Subsection (B)(7) in Section 2 requires that at least one of the Governor’s 4 appointees “shall be: (a) an educator or employed by an education institution; (b) a health care provider or employed by a health care provider; (c) employed by the homeland security and emergency management department; *and* (d) a private sector cybersecurity expert or employed by a business offering cybersecurity services.” (Emphasis added.) While it may be possible for all four categories to exist in one person, it is exceedingly unlikely. It seems more likely that the bill intends that at least one appointee is *one* of the four identified persons. Replacing the emphasized “and” with “or” would address this.

## **OTHER SUBSTANTIVE ISSUES**

None

## **ALTERNATIVES**

See Technical Issues, above, for suggested revisions.

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

Status quo

## **AMENDMENTS**

None yet