

<b>LFC Requester:</b>	<b>Emily Hilla</b>
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**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:** 2/5/2025 *Check all that apply:*  
**Bill Number:** SB 254 Original  Correction   
 Amendment  Substitute

**Sponsor:** Michael Padilla **Agency Name and Code** AOC 218  
**Short Title:** Cybersecurity Act **Number:** \_\_\_\_\_  
**Person Writing Analysis:** Cassandra Hayne  
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**SECTION II: FISCAL IMPACT**

No 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)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<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**

**BILL SUMMARY**

Synopsis:

This bill amends the Cybersecurity Act to change the name and duties of the Cybersecurity Office. It also changes the membership and duties of the Cybersecurity Advisory Committee.

The bill will become effective 90 days after the adjournment of the Legislature.

**FISCAL IMPLICATIONS**

None

**SIGNIFICANT ISSUES**

SB254 modifies the membership of the Cybersecurity Advisory Committee to reduce the number of members appointed by the New Mexico Association of Counties and the New Mexico Municipal League. It further removes the appointment of members from state agencies other than the Department of Information Technology (DoIT) and increases the number of members appointed by the Governor. This may have the unintended consequence of limiting key expertise and perspective that is essential to the committee. To ensure the success of the committee, state agencies should be well represented, including the Department of Public Safety, which is the state's Criminal Justice Information Services (CJIS) point of contact for the FBI. The Department of Public Safety, the Department of Health, the Secretary of State and others are essential agencies involved in cybersecurity planning and remediation and are not represented in this bill.

The bill describes four professional domains from which the Governor must select one appointee. This is likely to leave critical sectors without representation on the committee. Section 2.B.7 should include at least two members from the listed areas.

Section 2.B.7.d states the Governor may select a member who is from "a private sector cybersecurity expert or employed by a business offering cybersecurity services." It is important to add a provision that this member cannot be employed by a business providing services to the state. Such a conflict of interest would be detrimental to the state and the success of the committee.

SB254 changes the duties of the security officer to be both chair of the Cybersecurity Advisory Committee and a voting member. Since the chair is not elected from among the members, it is unusual for the chair to also be a voting member. It is essential for the chair to remain impartial and this position should not also have voting rights.

**PERFORMANCE IMPLICATIONS -**

**ADMINISTRATIVE IMPLICATIONS-**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP-** Unknown

**TECHNICAL ISSUES -**

**OTHER SUBSTANTIVE ISSUES-**

**ALTERNATIVES**

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

None

**AMENDMENTS**

Section 2 paragraph B number 7(d) should be amended to read:

(7) four members appointed by the governor who are experienced with cybersecurity issues; provided that at least ~~one~~ **two** 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, **provided the business is not performing services for the state or otherwise engaged in business with the state**