

HOUSE BILL 388

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Debra M. Sariñana and Michael Padilla

AN ACT

RELATING TO CYBERSECURITY; CREATING THE CYBERSECURITY FUND;  
ESTABLISHING PURPOSES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] CYBERSECURITY FUND--CREATED--  
PURPOSE.--

A. The "cybersecurity fund" is created as a nonreverting fund in the state treasury and shall be administered by the department of information technology for the purposes stated in Subsection B of this section; provided that upon Senate Bill 280 of the first session of the fifty-sixth legislature becoming law, the fund shall be administered by the cybersecurity office. The fund consists of appropriations, bequests, distributions, donations, gifts, grants or money that otherwise accrues to the fund.

.223400.2

underscoring material = new  
~~[bracketed material] = delete~~

underscoring material = new  
~~[bracketed material] = delete~~

1           B. Money in the cybersecurity fund shall be used  
2 for cyber attack response and recovery services of information  
3 technology systems or databases operated or owned by any branch  
4 of state government, its political subdivisions, public schools  
5 or tribal entities.

6           C. Expenditures from the cybersecurity fund for  
7 cyber attack response and recovery services for:

8                   (1) executive state agencies, political  
9 subdivisions of the state, public schools or tribal entities  
10 shall be made on warrants drawn by the secretary of finance and  
11 administration pursuant to vouchers signed by the secretary of  
12 information technology; provided that upon Senate Bill 280 of  
13 the first session of fifty-sixth legislature becoming law, the  
14 vouchers shall be signed by the state chief information  
15 security officer;

16                   (2) legislative state agencies shall be made  
17 on warrants drawn by the secretary of finance and  
18 administration pursuant to vouchers signed by the director of  
19 the legislative council service; and

20                   (3) judicial branch state agencies shall be  
21 made on warrants drawn by the secretary of finance and  
22 administration pursuant to vouchers signed by the director of  
23 the administrative office of the courts.

24           **SECTION 2. APPROPRIATION.**--Thirty-five million dollars  
25 (\$35,000,000) is appropriated from the general fund to the  
.223400.2

underscored material = new  
[bracketed material] = delete

1     cybersecurity fund for expenditure in fiscal year 2024 and  
2     subsequent fiscal years for the purposes of the fund. Any  
3     unexpended or unencumbered balance remaining at the end of a  
4     fiscal year shall not revert to the general fund.

5                                     - 3 -

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
  
.223400.2