



Duplicates/Conflicts with/Companion to/Relates to: HB139, HB283  
Duplicates/Relates to Appropriation in the General Appropriation Act: No

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: HB497 amends the Inspection of Public Records Act by adding exemption from disclosure for:

- 1) Personal email address and telephone number;
- 2) Facility security systems records;
- 3) Records related to critical infrastructure;
- 4) Threat mitigation and response plans;
- 5) Computer security information;
- 6) Appraisals and reports of value related to property acquired under eminent domain;
- 7) Financial information from entities bidding on a public contract;
- 8) Information related to a competitive bid before awarding a contract;
- 9) Customer records for utility services;
- 10) Information related to reporting abuse;
- 11) Records regarding applications for financial assistance;
- 12) Personal information regarding the victim of a crime.

The bill further clarifies the records requesting process, increases the maximum fees an agency may charge, increases the time frame for responding to records, and amends the enforcement process for alleged violations.

HB497 adds definitions to support the above.

#### **FISCAL IMPLICATIONS**

The Office of Broadband will not be fiscally impacted by this bill.

#### **SIGNIFICANT ISSUES**

The Office of Broadband Access and Expansion is charged with achieving enterprising and affordable broadband solutions for New Mexicans that elevate the quality of life for all.

Broadband is a fundamental requirement for economic development in the State. It is necessary for the operations of everything essential to the health, safety, and security of New Mexicans, including emergency services, health care, water, fuel, educational institutions, and electricity. Broadband is critical infrastructure.

OBAE has received just under \$1 billion in state and federal funding to implement broadband infrastructure projects throughout the New Mexico, which is being distributed through several grant programs, many of which require “matching” contributions from awardees to help address the estimated \$3 billion shortfall in funding necessary to achieve complete connectivity through the State.

As part of the grant review and award process, OBAE receives and reviews detailed maps, strategic plans, and security plans for broadband infrastructure projects.

Release of these materials would expose critical vulnerabilities, not only in the broadband infrastructure itself, but also corresponding vulnerabilities in water, electricity, and fuel supplies. Bad actors could utilize this information to cripple systems, leading to prolonged or sustained interruption in emergency services, health care, education, and utilities.

The proposed critical infrastructure exemption found in HB497 is essential to protect the health and safety of New Mexicans.

Currently, state agencies have no means to protect such information from release through public records requests. This not only endangers the lives of New Mexicans, but dissuades private entities from partnering with OBAE on broadband projects, as it would expose them to significant risk.

The critical infrastructure exemption will support economic development, increase competition amongst broadband grant applicants, and protect the health and safety of individual New Mexicans.

## **PERFORMANCE IMPLICATIONS**

The State would benefit from detailed broadband maps that track all existing and planned broadband infrastructure in the state. Details would not only include precisely where the infrastructure exists, but also information about precise technology used and ownership thereof.

Such information could be used to leverage partnerships in the public and private sectors, advance economic development, support “one-dig” construction policies, and otherwise utilize existing broadband infrastructure to implement the Broadband Strategic Plan.

The critical infrastructure exemption in HB497 would enable OBAE to begin compiling this information, which cannot currently be collected due to the risk of exposing vulnerabilities in our critical systems.

## **ADMINISTRATIVE IMPLICATIONS**

HB497 would alleviate the administrative burden on OBAE by providing a clear and direct path for protecting information related to critical infrastructure.

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

HB139, HB283

## **TECHNICAL ISSUES**

None.

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

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

If the critical infrastructure exemption in HB497 does not pass, New Mexico agencies will be forced to expose vulnerabilities in emergency services, health care, water, fuel, educational institutions, and electricity through IPRA requests. Such exposures could have devastating consequences to health and safety of New Mexicans.

## **AMENDMENTS**