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SENATE BILL 30

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO STATE GOVERNMENT; EXPANDING THE DEFINITION OF  
"STATE AGENCY" IN THE SUNSHINE PORTAL TRANSPARENCY ACT TO  
INCLUDE ANY BRANCH OF STATE GOVERNMENT; REQUIRING THE DIRECTORY  
OF STATE EMPLOYEE POSITIONS IN THE SUNSHINE PORTAL TO INCLUDE  
IDENTIFICATION BY NAME; PROVIDING EXCEPTIONS.

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

**SECTION 1.** Section 10-16D-2 NMSA 1978 (being Laws 2010,  
Chapter 34, Section 2, as amended) is amended to read:

"10-16D-2. DEFINITIONS.--As used in the Sunshine Portal  
Transparency Act:

A. "contract" means an agreement with a state  
agency for:

(1) the rendition of services, including  
professional services;

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1 (2) the furnishing of any material, supplies  
2 or equipment;

3 (3) the construction, alteration or repair of  
4 any public building or public work;

5 (4) the acquisition, sale or lease of any land  
6 or building;

7 (5) a licensing arrangement;

8 (6) a loan or loan guarantee; or

9 (7) the purchase of financial securities or  
10 instruments;

11 B. "department" means the department of information  
12 technology, or its successor agency;

13 ~~[G. "exempt employee" means an employee of the  
14 state or a state agency who is in a policymaking or supervisory  
15 position and who serves at the discretion of the agency head or  
16 at the discretion of an appointee of the agency head;~~

17 ~~D.]~~ C. "expenditure" means:

18 (1) for a state agency, a disbursement of  
19 state or federal funds by the state agency, whether or not the  
20 funds have been appropriated by the legislature; or

21 (2) for a local education provider, a  
22 disbursement of federal, state or other funds by the local  
23 education provider;

24 ~~[E.]~~ D. "federal funds" means money received by a  
25 state agency from the federal government or one of its

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1 branches, departments, agencies, offices, officers or  
2 instrumentalities;

3 ~~[F.]~~ E. "local education provider" means:

4 (1) a school district, including the local  
5 school board for that school district; or

6 (2) a locally chartered or state-chartered  
7 charter school, including the governing body of that charter  
8 school;

9 ~~[G.]~~ F. "revenue" means:

10 (1) for a state agency, money received by the  
11 state agency and deposited into the general fund or another  
12 state fund. "Revenue" includes money from taxes, fines, fees,  
13 royalties, federal funds and other sources but does not include  
14 money deposited into a state suspense fund; or

15 (2) for a local education provider, all money  
16 received by the local education provider, including federal and  
17 state grants, state distributions, property tax revenues and  
18 donations; and

19 ~~[H.]~~ G. "state agency" means the New Mexico state  
20 government or any branch, department, division, institution,  
21 board, bureau, commission or committee of state government and  
22 includes any office or officer ~~[of any of the above]~~ thereof."

23 **SECTION 2.** Section 10-16D-3 NMSA 1978 (being Laws 2010,  
24 Chapter 34, Section 3, as amended) is amended to read:

25 "10-16D-3. SUNSHINE PORTAL--DEPARTMENT DUTIES.--

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1           A. The department, with the department of finance  
2 and administration, shall develop, operate and maintain a  
3 single internet web site that is free, user-friendly,  
4 searchable and accessible to the public, known as the "sunshine  
5 portal", to host the state's financial information for the  
6 purpose of governmental transparency and accountability to  
7 taxpayers.

8           B. No later than October 1, 2010, the department  
9 shall create the architecture and the information exchange  
10 process for the collection and electronic publication of the  
11 state's financial information.

12           C. No later than July 1, 2011, the sunshine portal  
13 shall be available for public access and include updated  
14 information as required by Subsection D of this section.

15           D. The sunshine portal shall provide, at a minimum,  
16 access to the following information:

17                   (1) the state's cash balances by account or  
18 fund;

19                   (2) a monthly summary of the state's  
20 investment accounts;

21                   (3) annual operating budgets for each state  
22 agency with monthly expenditures by category;

23                   (4) contracts that a state agency enters into  
24 for the lease, sale or development of state land and state  
25 contracts that have a total contract price of more than twenty

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1 thousand dollars (\$20,000), naming the recipient of the  
2 contract, the purpose of the contract and the amounts expended;

3 (5) the revenue that the state received in the  
4 preceding month by source, such as type of tax, fee, fine,  
5 administrative fee or other collection category;

6 (6) special appropriations received outside  
7 the general appropriation act by each state agency and the  
8 purpose of those appropriations;

9 (7) approved budget adjustment requests by  
10 state agency and affected budget category;

11 (8) quarterly consensus revenue estimates;

12 (9) reversions and cash balances by state  
13 agency and fund;

14 (10) appropriations for capital projects,  
15 identified by project location, type of project and funding  
16 source;

17 ~~[(11) a directory of all employee positions,~~  
18 ~~other than exempt employee positions, identified only by state~~  
19 ~~agency, position title and salary;~~

20 ~~(12)]~~ (11) a directory of all [exempt]  
21 employee positions, identified by state agency, position title,  
22 salary and the name of the individual that holds the position;  
23 provided that the following shall not be identified on the  
24 sunshine portal:

25 (a) the name and information pertaining

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1 to an undercover peace officer; and

2 (b) the name and information of an  
3 employee who has filed for an order of protection pursuant to  
4 the Family Violence Protection Act or other order of protection  
5 pursuant to state or federal law;

6 [~~(13)~~] (12) information relating to local  
7 education providers compiled and published by the public  
8 education department pursuant to Section 10-16D-6 NMSA 1978;

9 [~~(14)~~] (13) a link to an open meeting tracker  
10 web site upon which each state agency shall post open meetings  
11 scheduled for the current month and the next month, including  
12 the time and place of the meeting, the subject of the meeting  
13 and an agenda;

14 [~~(15)~~] (14) a link to the web site maintained  
15 by the regulation and licensing department for the purpose of  
16 accessing information relating to occupational licenses;

17 [~~(16)~~] (15) a link to the state auditor's web  
18 site for the purpose of accessing financial audits;

19 [~~(17)~~] (16) a link to New Mexico's statutes;

20 [~~(18)~~] (17) a link to the New Mexico  
21 Administrative Code;

22 [~~(19)~~] (18) a link to the secretary of state's  
23 web sites for lobbyist regulation;

24 [~~(20)~~] (19) an annual summary within three  
25 months after the end of the fiscal year, or as soon thereafter

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1 as the information becomes available, of the state's fiscal  
2 health, including the state budget, revenues and expenditures  
3 for the previous fiscal year and projected revenues and  
4 operating budgets for the current fiscal year; and

5 [~~(21)~~] (20) additional information, as  
6 required by rule of the department of finance and  
7 administration, that will assist the public in understanding  
8 state government operations and the use of taxpayer dollars.

9 E. State agencies shall provide updated financial  
10 information as frequently as possible but at least monthly.

11 F. The department shall update the web site as new  
12 information is received but at least monthly, include  
13 information from the previous month or year, where relevant,  
14 for comparison purposes and maintain the web site as the  
15 primary source of public information about the activity of the  
16 state government."

17 **SECTION 3. EFFECTIVE DATE.**--The effective date of the  
18 provisions of this act is July 1, 2012.