AN ACT

RELATING TO STATE GOVERNMENT; ENACTING THE SUNSHINE PORTAL TRANSPARENCY ACT; PROVIDING FOR THE DEVELOPMENT, OPERATION AND MAINTENANCE OF A WEB-BASED INFORMATION PORTAL THAT PROVIDES PUBLIC ACCESS TO STATE GOVERNMENT BUDGETS, EXPENDITURES, REVENUE AND OTHER INFORMATION.

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

Section 1. SHORT TITLE.--This act may be cited as the "Sunshine Portal Transparency Act".

Section 2. DEFINITIONS.--As used in the Sunshine Portal Transparency Act:

A. "department" means the department of information technology;

B. "exempt employee" means an employee of the state or a state agency who is in a policymaking or supervisory position and who serves at the discretion of the agency head or at the discretion of an appointee of the agency head;

C. "expenditure" means a disbursement of state or federal funds by a state agency, whether or not the funds have been appropriated by the legislature;

D. "federal funds" means money received by a state agency from the federal government or one of its branches, departments, agencies, offices, officers or...
instrumentalities;

E. "revenue" means money received by a state agency and deposited into the general fund or another state fund. "Revenue" includes money from taxes, fines, fees, royalties, federal funds and other sources but does not include money deposited into a state suspense fund; and

F. "state agency" means the New Mexico state government or any department, division, institution, board, bureau, commission or committee of state government and includes any office or officer of any of the above.

Section 3. SUNSHINE PORTAL--DEPARTMENT DUTIES.--

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

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

C. No later than July 1, 2011, the sunshine portal shall be available for public access and include updated information as required by Subsection D of this section.
D. The sunshine portal shall provide, at a minimum, access to the following information:

1. the state's cash balances by account or fund;
2. a monthly summary of the state's investment accounts under the control of the state investment council;
3. annual operating budgets for each state agency with monthly expenditures by category;
4. contracts that a state agency enters into for the lease, sale or development of state land or if they have a total value of more than twenty thousand dollars ($20,000), naming both the recipient and purpose of the contract;
5. the revenue that the state received in the preceding month by source, such as type of tax, fee, fine, administrative fee or other collection category;
6. special appropriations received outside the general appropriation act by each state agency and the purpose of those appropriations;
7. approved budget adjustment requests by state agency and affected budget category;
8. reversions and cash balances by state agency and fund;
9. appropriations for capital projects,
identified by project location, type of project and funding source;

(10) a directory of all employee positions, other than exempt employee positions, identified only by state agency, position title and salary;

(11) a directory of all exempt employee positions, identified by state agency, position title, salary and the name of the individual that holds the position;

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

(13) a link to New Mexico's statutes;

(14) a link to the New Mexico Administrative Code;

(15) a link to the secretary of state's web sites for lobbyist regulation;

(16) an annual summary within three months after the end of the fiscal year of the state's fiscal health, including the state budget, revenues and expenditures for the previous fiscal year and projected revenues and operating budgets for the current fiscal year; and

(17) additional information, as required by rule of the department of finance and administration, that
will assist the public in understanding state government
operations and the use of taxpayer dollars.

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

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

Section 4. RULES PROMULGATION--COMPLIANCE REQUIRED.--

   A. Pursuant to the State Rules Act, the department
shall promulgate rules necessary to implement the
architecture, information exchange process and maintenance of
the sunshine portal pursuant to the Sunshine Portal
Transparency Act.

   B. Pursuant to the State Rules Act, the department
of finance and administration shall promulgate rules to carry
out the provisions of the Sunshine Portal Transparency Act.

   C. All state agencies shall comply with the
provisions of the Sunshine Portal Transparency Act and rules
promulgated by the department and the department of finance
and administration pursuant to that act.

Section 5. PROTECTION OF CONFIDENTIAL INFORMATION.--

Nothing in the Sunshine Portal Transparency Act shall require
disclosure of information that is confidential by state or
federal law.