

**FIFTIETH LEGISLATURE
FIRST SESSION, 2011**

February 21, 2011

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred

HOUSE BILL 128

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, between lines 18 and 19, insert the following new section:

"**SECTION 1.** Section 10-16D-3 NMSA 1978 (being Laws 2010, Chapter 34, Section 3) is amended to read:

"10-16D-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;

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(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;

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(16) records of sole source and emergency procurements pursuant to Section 13-1-128 NMSA 1978;

~~[(16)]~~ (17) 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)]~~ (18) 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."".

2. Renumber the succeeding sections accordingly.

3. On page 9, line 21, strike "CONTRACT DATABASE" and insert in lieu thereof "SUNSHINE PORTAL".

4. On page 10, lines 2 and 3, strike "in the contract database pursuant to Section 13-1-97.1 NMSA 1978" and insert in lieu thereof "provide the information to the department of information technology for posting on the sunshine portal".

5. On page 10, lines 15 and 16, strike "in the contract database pursuant to Section 13-1-97.1 NMSA 1978" and insert in lieu thereof "provide the information to the department of information technology for posting on the sunshine portal".

6. On page 11, line 25, before "violates", insert "willfully".

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7. On page 12, lines 1 and 2, strike "ten thousand dollars (\$10,000) or less;" and insert in lieu thereof "one million dollars (\$1,000,000) or less; or".

8. On page 12, line 4, after "than", strike the remainder of the line, strike lines 5 through 10 in their entirety and insert in lieu thereof "one million dollars (\$1,000,000)."".

Respectfully submitted,

Al Park, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

No: 0

Excused: Cervantes, Chasey, Chavez, D., Cook, Egolf, Maestas

Absent: None

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.185709.1

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