

1 HOUSE BILL 574

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Miguel P. Garcia

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10 AN ACT

11 RELATING TO GOVERNMENT TRANSPARENCY; AMENDING THE SUNSHINE
12 PORTAL TRANSPARENCY ACT TO INCLUDE INFORMATION FROM THE MIDDLE
13 RIO GRANDE CONSERVANCY DISTRICT.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

18 "10-16D-1. SHORT TITLE.--~~[This act]~~ Chapter 10, Article
19 16D NMSA 1978 may be cited as the "Sunshine Portal Transparency
20 Act"."

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

23 "10-16D-2. DEFINITIONS.--As used in the Sunshine Portal
24 Transparency Act:

25 A. "department" means the department of information

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1 technology;

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

6 C. "expenditure" means:

7 (1) for a state agency, a disbursement of
8 state or federal funds by [~~a~~] the state agency, whether or not
9 the funds have been appropriated by the legislature; or

10 (2) for the middle Rio Grande conservancy
11 district, any disbursement of money, no matter what the source,
12 by the district for any purpose;

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

16 E. "revenue" means:

17 (1) for a state agency, money received by [~~a~~]
18 the state agency and deposited into the general fund or another
19 state fund. "Revenue" includes money from taxes, fines, fees,
20 royalties, federal funds and other sources but does not include
21 money deposited into a state suspense fund; [~~and~~] or

22 (2) for the middle Rio Grande conservancy
23 district, all money received by the district, no matter what
24 the source; and

25 F. "state agency" means the New Mexico state

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1 government or any department, division, institution, board,
2 bureau, commission or committee of state government and
3 includes any office or officer of any of the above."

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

6 "10-16D-3. SUNSHINE PORTAL--DEPARTMENT DUTIES.--

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

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

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

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

23 (1) the state's cash balances by account or
24 fund;

25 (2) a monthly summary of the state's

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1 investment accounts under the control of the state investment
2 council;

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

5 (4) contracts that a state agency enters into
6 for the lease, sale or development of state land or if they
7 have a total value of more than twenty thousand dollars
8 (\$20,000), naming both the recipient and purpose of the
9 contract;

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

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

16 (7) approved budget adjustment requests by
17 state agency and affected budget category;

18 (8) reversions and cash balances by state
19 agency and fund;

20 (9) appropriations for capital projects,
21 identified by project location, type of project and funding
22 source;

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

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

4 (12) information relating to the middle Rio
5 Grande conservancy district compiled and published by the
6 district pursuant to Section 10-16D-6 NMSA 1978;

7 [~~(12)~~] (13) a link to an open meeting tracker
8 web site upon which each state agency shall post open meetings
9 scheduled for the current month and the next month, including
10 the time and place of the meeting, the subject of the meeting
11 and an agenda;

12 [~~(13)~~] (14) a link to New Mexico's statutes;

13 [~~(14)~~] (15) a link to the New Mexico
14 Administrative Code;

15 [~~(15)~~] (16) a link to the secretary of state's
16 web sites for lobbyist regulation;

17 [~~(16)~~] (17) an annual summary within three
18 months after the end of the fiscal year of the state's fiscal
19 health, including the state budget, revenues and expenditures
20 for the previous fiscal year and projected revenues and
21 operating budgets for the current fiscal year; and

22 [~~(17)~~] (18) additional information, as
23 required by rule of the department of finance and
24 administration, that will assist the public in understanding
25 state government operations and the use of taxpayer dollars.

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

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

9 SECTION 4. A new section of the Sunshine Portal
10 Transparency Act, Section 10-16D-6 NMSA 1978, is enacted to
11 read:

12 "10-16D-6. [NEW MATERIAL] MIDDLE RIO GRANDE CONSERVANCY
13 DISTRICT--REQUIRED INFORMATION--PUBLICATION ON THE SUNSHINE
14 PORTAL.--

15 A. Commencing no later than January 1, 2012, and on
16 a continuing basis thereafter, the middle Rio Grande
17 conservancy district shall cause the following information to
18 be published on the sunshine portal, in a downloadable format,
19 for free public access:

20 (1) the annual operating budget, commencing
21 with the budget for fiscal year 2012;

22 (2) salary schedules and policies;

23 (3) a directory of the district employees by
24 name, title and salary;

25 (4) monthly expenditures by category;

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1 (5) monthly revenue by source;

2 (6) a list of all outstanding contracts with a
3 total maximum expenditure of more than twenty thousand dollars
4 (\$20,000), showing the date of the contract, the purpose of the
5 contract, the name and address of the contractor and the
6 expenditures to date; and

7 (7) an inventory of all real property owned by
8 the district, including the location of the property, the size
9 of the property, a description of the improvements on the
10 property and a description of the use of the property.

11 B. As soon as practicable after July 1, 2011, the
12 middle Rio Grande conservancy district shall begin working with
13 the department to create a monthly data extract from applicable
14 computer database systems. As information is received pursuant
15 to Subsection A of this section, the district, working with the
16 department, shall publish the information on the sunshine
17 portal.

18 C. The middle Rio Grande conservancy district shall
19 have a link to the sunshine portal on its web site."