AN ACT

RELATING TO GOVERNMENT TRANSPARENCY; AMENDING THE SUNSHINE
PORTAL TRANSPARENCY ACT TO REQUIRE THAT CERTAIN PUBLIC SCHOOL
INFORMATION BE AVAILABLE ON THE SUNSHINE PORTAL, TO CLARIFY
CERTAIN PROVISIONS AND TO ALLOW ACCESS TO ADDITIONAL
INFORMATION.

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

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

"10-16D-1. SHORT TITLE.--Chapter 10, Article 16D NMSA
1978 may be cited as the "Sunshine Portal Transparency Act"."

SECTION 2. Section 10-16D-2 NMSA 1978 (being Laws 2010,
Chapter 34, Section 2) 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;

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

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

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

(5) a licensing arrangement;

(6) a loan or loan guarantee; or

(7) the purchase of financial securities or instruments;

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

C. "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;

D. "expenditure" means:

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

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

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

F. "local education provider" means:

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

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

G. "revenue" means:

(1) for a state agency, money received by
the 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;
or

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

H. "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. 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;

(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 and state contracts that have a total contract price of more than twenty thousand dollars ($20,000), naming the recipient of the contract, the purpose of the contract and the amounts expended;
(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) quarterly consensus revenue estimates;

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

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

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

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

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

(14) 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;

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

(16) a link to the state auditor's web site
for the purpose of accessing financial audits;

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

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

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

(20) an annual summary within three months
after the end of the fiscal year, or as soon thereafter as
the information becomes available, 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

(21) 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. A new section of the Sunshine Portal Transparency Act, Section 10-16D-6 NMSA 1978, is enacted to read:

"10-16D-6. LOCAL EDUCATION PROVIDERS--REQUIRED INFORMATION--PUBLICATION BY PUBLIC EDUCATION DEPARTMENT ON THE SUNSHINE PORTAL.--

A. Commencing no later than July 1, 2012, and on a continuing basis thereafter, each local education provider shall provide the following information to the public education department for online publication on the sunshine portal, in a downloadable format, for free public access:

(1) the annual operating budget, commencing with the budget for fiscal year 2012;
(2) salary schedules and policies;
(3) a directory of the local education provider's employee positions by school name, title and salary;
(4) monthly expenditures by category;
(5) monthly revenue by source; and
(6) an inventory of all real property owned
by the local education provider, including the location of
the property, the size of the property, a description of the
improvements on the property and a description of the use of
the property.

B. As soon as practicable after July 1, 2011, the
public education department shall begin working with the
department of information technology to create a monthly data
extract from applicable computer database systems. As
information is received pursuant to Subsection A of this
section, the public education department, working with the
department of information technology, shall publish the
information on the sunshine portal.

C. The public education department and each local
education provider that maintains a web site shall have a
link to the sunshine portal on its web site."

SECTION 5. TEMPORARY PROVISION--IMPLEMENTATION.--

A. The information required by Paragraph (13) of
Subsection D of Section 10-16D-3 NMSA 1978 shall be available
on the sunshine portal as soon as possible, but no later than
October 1, 2012.

B. The information required by Paragraphs (15) and
(16) of Subsection D of Section 10-16D-3 NMSA 1978 shall be
available on the sunshine portal as soon as possible, but no
later than January 1, 2012.
SECTION 6. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2011.