AN ACT

RELATING TO STATE GOVERNMENT; ENACTING THE TRANSPARENCY IN
GOVERNMENT ACT; PROVIDING FOR THE DEVELOPMENT, OPERATION AND
MAINTENANCE OF AN INTERNET WEB SITE THAT PROVIDES PUBLIC ACCESS
TO STATE GOVERNMENT BUDGETS, EXPENDITURES AND OTHER FINANCIAL
INFORMATION.

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

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

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

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

          B. "expenditure" means a disbursement of state or
federal funds by a state agency, whether or not the funds have

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been appropriated by the legislature; provided that "expenditure" does not include a transfer from one state agency to another state agency;

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

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

(1) received by a state agency as a result of a transfer from another state agency; or

(2) deposited into a state suspense fund; and

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

Section 3. ADDITIONAL DEPARTMENT DUTIES--DEVELOPMENT, OPERATION AND MAINTENANCE OF INTERNET WEB SITE--CONTENTS.--

A. The department shall develop, operate and maintain an internet web site that is free, user-friendly, searchable and accessible to the public so that taxpayers and other interested parties may view, understand and track the source and use of taxpayer dollars.

B. No later than January 1, 2011, the web site

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1   shall be available for public access. The department shall

2   update the web site each state business day and maintain the

3   web site as the primary source of information about the

4   activity of New Mexico's state government.

5   C.   The web site shall provide access to the

6   following information:

7   (1)   monthly expenditure reports that detail

8   expenditures from each fund in the state treasury for the

9   preceding month and that identify each expenditure by:

10   (a)   category;

11   (b)   state agency;

12   (c)   source of funding; and

13   (d)   recipient;

14   (2)   contracts that a state agency enters into

15   that have a total value of twenty thousand dollars ($20,000) or

16   more;

17   (3)   monthly revenue reports that detail:

18   (a)   the revenue the state received in

19   the preceding month by source, such as type of tax, fee, fine

20   or other collection category;

21   (b)   each fund, account or subaccount in

22   the state treasury in which the money was deposited; and

23   (c)   disbursements in the preceding month

24   to local governments, government instrumentalities, the general

25   fund and other state funds from revenue collections;

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1   (4)   a list of current state employees and

2   their salaries;

3   (5)   operating budgets for each state agency;

4   (6)   special appropriations received outside

5   the general appropriation act by each state agency and the

6   purpose of those appropriations;

7   (7)   monthly budget adjustment requests,

8   pending and approved, by state agency and affected line-item

9   and budget category;

10   (8)   reversions and cash balances by state

11   agency and fund;

12   (9)   appropriations for capital projects,

13   identified by funding source, amount, project location and type

14   of project;

15   (10) the monthly department of finance and

16   administration capital outlay monitoring report, including the

17   amounts paid and remaining from severance tax bond proceeds,

18   general obligation bond proceeds, the general fund and other

19   state funds;

20   (11) state board of finance loans to other

21   agencies or political subdivisions and the purpose of those

22   loans; and

23   (12) any additional information, as required

24   by rule of the department, that will assist the public in

25   understanding state government revenues and expenditures.

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1   D.   The web site shall also:

2   (1)   allow users to search by fiscal year,

3   expenditure category, revenue source, state agency, payee,

4   date, amount and contractor; and

5   (2)   provide links to other web sites with

6   information relating to state government operations, including

7   but not limited to:

8   (a)   state agency financial audits and

9   program evaluations;

10   (b)   lists of delinquent taxpayers;

11   (c)   lists of individuals who have failed

12   to make required child support payments; and

13   (d)   lists of persons who have had a

14   license or permit revoked or suspended by a state agency.

15   Section 4.   DEPARTMENT TO PROMULGATE RULES--COMPLIANCE

16   REQUIRED.--

17   A.   Pursuant to the State Rules Act, the department

18   shall promulgate such rules as are necessary to carry out the

19   provisions of the Transparency in Government Act.

20   B.   All state agencies shall comply with the

21   provisions of the Transparency in Government Act and rules

22   promulgated by the department pursuant to that act.

23   Section 5.   PROTECTION OF CONFIDENTIAL INFORMATION.--

24   Nothing in the Transparency in Government Act shall require

25   disclosure of information that is confidential by state or

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1   federal law.

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