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SENATE BILL 195

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Sander Rue

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

1 position and who serves at the discretion of the agency head or
2 at the discretion of an appointee of the agency head;

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

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

9 E. "revenue" means money received by a state agency
10 and deposited into the general fund or another state fund.

11 "Revenue" includes money from taxes, fines, fees, royalties,
12 federal funds and other sources but does not include money
13 deposited into a state suspense fund; and

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

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

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

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

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

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

10 (1) the state's cash balances by account or
11 fund;

12 (2) a monthly summary of the state's
13 investment accounts under the control of the state investment
14 council;

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

17 (4) contracts that a state agency enters into
18 that have a total value of more than twenty thousand dollars
19 (\$20,000), naming both the recipient and purpose of the
20 contract;

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

24 (6) special appropriations received outside
25 the general appropriation act by each state agency and the

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1 purpose of those appropriations;

2 (7) approved budget adjustment requests by
3 state agency and affected budget category;

4 (8) reversions and cash balances by state
5 agency and fund;

6 (9) appropriations for capital projects,
7 identified by project location, type of project and funding
8 source;

9 (10) a directory of all employee positions,
10 including exempt employee positions, by state agency, showing
11 each position's title and salary;

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

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

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

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

22 (15) an annual summary within three months
23 after the end of the fiscal year of the state's fiscal health,
24 including the state budget, revenues and expenditures for the
25 previous fiscal year and projected revenues and operating

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1 budgets for the current fiscal year; and

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

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

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

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

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

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

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

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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.