

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 286

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
ENACTING THE LOCAL GOVERNMENT TRANSPARENCY ACT; PROVIDING FOR
THE DEVELOPMENT, OPERATION AND MAINTENANCE OF WEB SITES THAT
PROVIDE PUBLIC ACCESS TO LOCAL GOVERNMENT 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
"Local Government Transparency Act".

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

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

B. "expenditure" means a disbursement of federal,
state or local government funds by a local government;

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

4 D. "local government" means a county or an
5 incorporated municipality;

6 E. "revenue" means all money received by a local
7 government. "Revenue" includes money from taxes, fines, fees,
8 federal funds, state funds and other sources but does not
9 include money deposited into a suspense fund; and

10 F. "state funds" means money received by a local
11 government from the state or one of its branches, departments,
12 agencies, offices, officers or instrumentalities.

13 Section 3. LOCAL GOVERNMENT PORTAL--DEPARTMENT DUTIES.--

14 A. The department, with the local government
15 division of the department of finance and administration, shall
16 develop, operate and maintain a single internet web site that
17 is free, user-friendly, searchable and accessible to the
18 public, known as the "local government portal", to host
19 financial information for each local government for the purpose
20 of governmental transparency and accountability to taxpayers.

21 B. No later than October 1, 2011, the department
22 shall create the architecture and the information exchange
23 process for the collection and electronic publication of the
24 financial information for each local government.

25 C. No later than July 1, 2012, the local government

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1 portal shall be available for public access and shall include
2 updated information as required by Subsection D of this
3 section.

4 D. Except as provided in Subsection D of Section 4
5 of the Local Government Transparency Act, the local government
6 portal shall provide, at a minimum, access to the following
7 information for each local government:

8 (1) the local government's cash balances by
9 account or fund;

10 (2) the annual operating budget with monthly
11 expenditures by category;

12 (3) contracts that a local government enters
13 into that have a total value of more than twenty thousand
14 dollars (\$20,000), naming both the recipient and purpose of the
15 contract;

16 (4) the revenue that the local government
17 received in each month by source, such as type of tax, fee,
18 fine, administrative fee or other collection category;

19 (5) expenditures for capital projects,
20 identified by project location, type of project and funding
21 source;

22 (6) a directory of all employee positions,
23 showing each position's title and salary;

24 (7) a link to an open meeting tracker web site
25 upon which each local government shall post open meetings

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1 scheduled for the current month and the next month, including
2 the time and place of the meeting, the subject of the meeting
3 and an agenda;

4 (8) a link to the local government's
5 ordinances and, if applicable, charter;

6 (9) an annual summary within three months
7 after the end of the fiscal year of the local government's
8 fiscal health, including the budget, revenues and expenditures
9 for the previous fiscal year and projected revenues and
10 operating budgets for the current fiscal year; and

11 (10) additional information, as required by
12 rule of the local government division, that will assist the
13 public in understanding local government operations and the use
14 of taxpayer dollars.

15 E. For a local government that maintains its own
16 web site pursuant to Subsection D of Section 4 of the Local
17 Government Transparency Act, the local government portal shall
18 contain a link to that web site.

19 F. Local governments shall provide updated
20 financial information as frequently as possible but at least
21 quarterly.

22 G. The department shall update the web site as new
23 information is received but at least monthly; include
24 information from the previous month or year, where relevant,
25 for comparison purposes; and maintain the web site as the

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1 primary source of public information about the activity of New
2 Mexico's local governments.

3 Section 4. RULES PROMULGATION--COMPLIANCE REQUIRED--
4 EXEMPTIONS.--

5 A. Pursuant to the State Rules Act, the department
6 shall promulgate rules necessary to implement the architecture,
7 information exchange process and maintenance of the local
8 government portal pursuant to the Local Government Transparency
9 Act.

10 B. Pursuant to the State Rules Act, the local
11 government division of the department of finance and
12 administration shall promulgate rules to carry out the
13 provisions of the Local Government Transparency Act.

14 C. Unless exempted pursuant to Subsection D of this
15 section, all local governments, including home rule
16 municipalities, shall comply with the provisions of the Local
17 Government Transparency Act and rules promulgated by the
18 department and the local government division pursuant to that
19 act.

20 D. A local government is not required to submit
21 information required by the Local Government Transparency Act
22 and shall not be included in the local government portal if:

23 (1) the local government maintains its own web
24 site with substantially the same information as required of the
25 local government portal; and

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1 (2) information on the web site is updated at
2 least quarterly.

3 Section 5. PROTECTION OF CONFIDENTIAL INFORMATION.--
4 Nothing in the Local Government Transparency Act shall require
5 disclosure of information that is confidential by state or
6 federal law.

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