



The Legislature
of the
State of New Mexico

49th Legislature, Second Session

LAWS 2010

CHAPTER 34

SENATE BILL 195, as amended

Introduced by

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PETER WIRTH



CHAPTER 3A

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

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

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

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

3 (1) the state's cash balances by account or
4 fund;

5 (2) a monthly summary of the state's
6 investment accounts under the control of the state investment
7 council;

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

10 (4) contracts that a state agency enters
11 into for the lease, sale or development of state land or if
12 they have a total value of more than twenty thousand dollars
13 (\$20,000), naming both the recipient and purpose of the
14 contract;

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

18 (6) special appropriations received outside
19 the general appropriation act by each state agency and the
20 purpose of those appropriations;

21 (7) approved budget adjustment requests by
22 state agency and affected budget category;

23 (8) reversions and cash balances by state
24 agency and fund;

25 (9) appropriations for capital projects,

1 instrumentalities;

2 E. "revenue" means money received by a state
3 agency and deposited into the general fund or another state
4 fund. "Revenue" includes money from taxes, fines, fees,
5 royalties, federal funds and other sources but does not
6 include money deposited into a state suspense fund; and

7 F. "state agency" means the New Mexico state
8 government or any department, division, institution, board,
9 bureau, commission or committee of state government and
10 includes any office or officer of any of the above.

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

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

19 B. No later than October 1, 2010, the department
20 shall create the architecture and the information exchange
21 process for the collection and electronic publication of the
22 state's financial information.

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

1 identified by project location, type of project and funding
2 source;

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

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

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

14 (13) a link to New Mexico's statutes;

15 (14) a link to the New Mexico Administrative
16 Code;

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

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

24 (17) additional information, as required by
25 rule of the department of finance and administration, that

1 will assist the public in understanding state government
2 operations and the use of taxpayer dollars.

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

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

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

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

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

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

24 Section 5. PROTECTION OF CONFIDENTIAL INFORMATION.--

25 Nothing in the Sunshine Portal Transparency Act shall require

1 disclosure of information that is confidential by state or
2 federal law. _____

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Diane D. Denish

Diane D. Denish, President
Senate

Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate

Ben Lujan

Ben Lujan, Speaker
House of Representatives

Stephen R. Arias
Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 5th day of March, 2010

Diane D. Denish

Governor Bill Richardson
State of New Mexico

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GOVERNOR

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