



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 13

SENATE BILL 327, as amended

Introduced by

SENATORS SANDER RUE, SUE WILSON BEFFORT, WILLIAM F. BURT,
KENT L. CRAVENS, DEDE FELDMAN, STEPHEN H. FISCHMANN,
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CLINTON D. HARDEN, JR.,
TIMOTHY M. KELLER, GAY G. KERNAN,
LINDA M. LOPEZ, LYNDIA M. LOVEJOY,
GEORGE K. MUÑOZ, STEVEN P. NEVILLE,
GERALD ORTIZ y PINO,
WILLIAM H. PAYNE,
BERNADETTE M. SANCHEZ,
WILLIAM E. SHARER, DAVID ULIBARRI
AND PETER WIRTH



Chapter 13

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

1 land or building;

2 (5) a licensing arrangement;

3 (6) a loan or loan guarantee; or

4 (7) the purchase of financial securities or
5 instruments;

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

8 C. "exempt employee" means an employee of the
9 state or a state agency who is in a policymaking or
10 supervisory position and who serves at the discretion of the
11 agency head or at the discretion of an appointee of the
12 agency head;

13 D. "expenditure" means:

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

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

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

24 F. "local education provider" means:

25 (1) a school district, including the local

1 school board for that school district; or

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

5 G. "revenue" means:

6 (1) for a state agency, money received by
7 the state agency and deposited into the general fund or
8 another state fund. "Revenue" includes money from taxes,
9 fines, fees, royalties, federal funds and other sources but
10 does not include money deposited into a state suspense fund;
11 or

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

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

20 SECTION 3. Section 10-16D-3 NMSA 1978 (being Laws 2010,
21 Chapter 34, Section 3) is amended to read:

22 "10-16D-3. SUNSHINE PORTAL--DEPARTMENT DUTIES.--

23 A. The department, with the department of finance
24 and administration, shall develop, operate and maintain a
25 single internet web site that is free, user-friendly,

1 searchable and accessible to the public, known as the
2 "sunshine portal", to host the state's financial information
3 for the purpose of governmental transparency and
4 accountability to taxpayers.

5 B. No later than October 1, 2010, the department
6 shall create the architecture and the information exchange
7 process for the collection and electronic publication of the
8 state's financial information.

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

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

14 (1) the state's cash balances by account or
15 fund;

16 (2) a monthly summary of the state's
17 investment accounts;

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

20 (4) contracts that a state agency enters
21 into for the lease, sale or development of state land and
22 state contracts that have a total contract price of more than
23 twenty thousand dollars (\$20,000), naming the recipient of
24 the contract, the purpose of the contract and the amounts
25 expended;

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

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

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

9 (8) quarterly consensus revenue estimates;

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

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

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

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

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

24 (14) a link to an open meeting tracker web
25 site upon which each state agency shall post open meetings

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

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

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

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

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

14 (20) an annual summary within three months
15 after the end of the fiscal year, or as soon thereafter as
16 the information becomes available, of the state's fiscal
17 health, including the state budget, revenues and expenditures
18 for the previous fiscal year and projected revenues and
19 operating budgets for the current fiscal year; and

20 (21) additional information, as required by
21 rule of the department of finance and administration, that
22 will assist the public in understanding state government
23 operations and the use of taxpayer dollars.

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

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

7 SECTION 4. A new section of the Sunshine Portal
8 Transparency Act, Section 10-16D-6 NMSA 1978, is enacted to
9 read:

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

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

18 (1) the annual operating budget, commencing
19 with the budget for fiscal year 2012;

20 (2) salary schedules and policies;

21 (3) a directory of the local education
22 provider's employee positions by school name, title and
23 salary;

24 (4) monthly expenditures by category;

25 (5) monthly revenue by source; and

1 (6) an inventory of all real property owned
2 by the local education provider, including the location of
3 the property, the size of the property, a description of the
4 improvements on the property and a description of the use of
5 the property.

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

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

17 SECTION 5. TEMPORARY PROVISION--IMPLEMENTATION.--

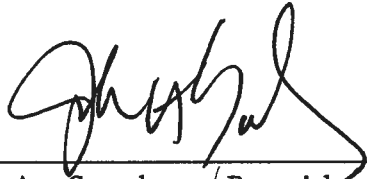
18 A. The information required by Paragraph (13) of
19 Subsection D of Section 10-16D-3 NMSA 1978 shall be available
20 on the sunshine portal as soon as possible, but no later than
21 October 1, 2012.

22 B. The information required by Paragraphs (15) and
23 (16) of Subsection D of Section 10-16D-3 NMSA 1978 shall be
24 available on the sunshine portal as soon as possible, but no
25 later than January 1, 2012.

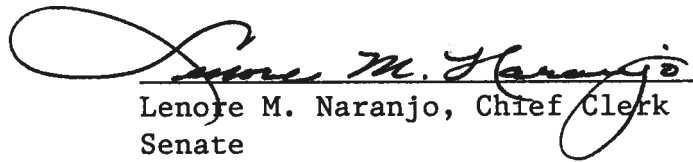
1 SECTION 6. EFFECTIVE DATE.--The effective date of the
2 provisions of this act is July 1, 2011. _____
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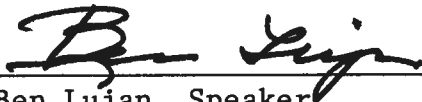
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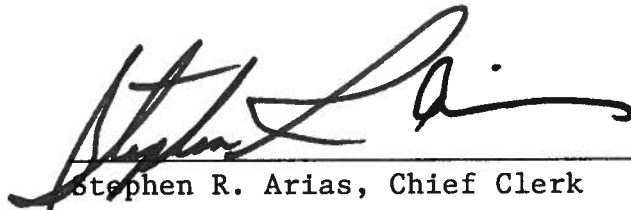
John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate



Ben Lujan, Speaker
House of Representatives



Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 30th day of March, 2011



Governor Susana Martinez
State of New Mexico

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