

HOUSE BILL 138

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

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AN ACT

RELATING TO GOVERNMENT TRANSPARENCY; AMENDING AND ENHANCING  
SECTIONS OF THE SUNSHINE PORTAL TRANSPARENCY ACT TO INCLUDE  
INFORMATION FROM THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT.

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

**SECTION 1.** Section 10-16D-2 NMSA 1978 (being Laws 2010,  
Chapter 34, Section 2, as amended) 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;

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1 (3) the construction, alteration or repair of  
2 any public building or public work;

3 (4) the acquisition, sale or lease of any land  
4 or building;

5 (5) a licensing arrangement;

6 (6) a loan or loan guarantee; or

7 (7) the purchase of financial securities or  
8 instruments;

9 B. "department" means the department of information  
10 technology, or its successor agency;

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

15 D. "expenditure" means:

16 (1) for a state agency, a disbursement of  
17 state or federal funds by the state agency, whether or not the  
18 funds have been appropriated by the legislature; ~~[or]~~

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

22 (3) for the middle Rio Grande conservancy  
23 district, any disbursement of money, no matter what the source,  
24 by the district for any purpose;

25 E. "federal funds" means money received by a state

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1 agency from the federal government or one of its branches,  
2 departments, agencies, offices, officers or instrumentalities;

3 F. "local education provider" means:

4 (1) a school district, including the local  
5 school board for that school district; or

6 (2) a locally chartered or state-chartered  
7 charter school, including the governing body of that charter  
8 school;

9 G. "revenue" means:

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

15 (2) for a local education provider, all money  
16 received by the local education provider, including federal and  
17 state grants, state distributions, property tax revenues and  
18 donations; or

19 (3) for the middle Rio Grande conservancy  
20 district, all money received by the district, no matter what  
21 the source; and

22 H. "state agency" means the New Mexico state  
23 government or any department, division, institution, board,  
24 bureau, commission or committee of state government and  
25 includes any office or officer ~~[of any of the above]~~ thereof."

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1           SECTION 2. Section 10-16D-3 NMSA 1978 (being Laws 2010,  
2 Chapter 34, Section 3, as amended) is amended to read:

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

4           A. The department, with the department of finance  
5 and administration, shall develop, operate and maintain a  
6 single internet web site that is free, user-friendly,  
7 searchable and accessible to the public, known as the "sunshine  
8 portal", to host the state's financial information for the  
9 purpose of governmental transparency and accountability to  
10 taxpayers.

11           B. No later than October 1, 2010, the department  
12 shall create the architecture and the information exchange  
13 process for the collection and electronic publication of the  
14 state's financial information.

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

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

20                   (1) the state's cash balances by account or  
21 fund;

22                   (2) a monthly summary of the state's  
23 investment accounts;

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

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

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

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

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

14 (8) quarterly consensus revenue estimates;

15 (9) reversions and cash balances by state  
16 agency and fund;

17 (10) appropriations for capital projects,  
18 identified by project location, type of project and funding  
19 source;

20 (11) a directory of all employee positions,  
21 other than exempt employee positions, identified only by state  
22 agency, position title and salary;

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

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1                    (13) information relating to the middle Rio  
2 Grande conservancy district compiled and published by the  
3 district pursuant to Section 3 of this 2013 act;

4                    [~~(13)~~] (14) information relating to local  
5 education providers compiled and published by the public  
6 education department pursuant to Section 10-16D-6 NMSA 1978;

7                    [~~(14)~~] (15) a link to an open meeting tracker  
8 web site upon which each state agency shall post open meetings  
9 scheduled for the current month and the next month, including  
10 the time and place of the meeting, the subject of the meeting  
11 and an agenda;

12                    [~~(15)~~] (16) a link to the web site maintained  
13 by the regulation and licensing department for the purpose of  
14 accessing information relating to occupational licenses;

15                    [~~(16)~~] (17) a link to the state auditor's web  
16 site for the purpose of accessing financial audits;

17                    [~~(17)~~] (18) a link to New Mexico's statutes;

18                    [~~(18)~~] (19) a link to the New Mexico  
19 Administrative Code;

20                    [~~(19)~~] (20) a link to the secretary of state's  
21 web sites for lobbyist regulation;

22                    [~~(20)~~] (21) an annual summary within three  
23 months after the end of the fiscal year, or as soon thereafter  
24 as the information becomes available, of the state's fiscal  
25 health, including the state budget, revenues and expenditures

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1 for the previous fiscal year and projected revenues and  
2 operating budgets for the current fiscal year; and  
3 [~~(21)~~] (22) additional information, as  
4 required by rule of the department of finance and  
5 administration, that will assist the public in understanding  
6 state government operations and the use of taxpayer dollars.

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

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

15 SECTION 3. A new section of the Sunshine Portal  
16 Transparency Act is enacted to read:

17 "[NEW MATERIAL] MIDDLE RIO GRANDE CONSERVANCY  
18 DISTRICT--REQUIRED INFORMATION--PUBLICATION ON THE SUNSHINE  
19 PORTAL.--

20 A. Commencing no later than January 1, 2014, and on  
21 a continuing basis thereafter, the middle Rio Grande  
22 conservancy district shall cause the following information to  
23 be published on the sunshine portal, in a downloadable format,  
24 for free public access:

25 (1) the annual operating budget, commencing

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- 1 with the budget for fiscal year 2014;
- 2 (2) salary schedules and policies;
- 3 (3) a directory of the district employees by
- 4 name, title and salary;
- 5 (4) monthly expenditures by category;
- 6 (5) monthly revenue by source;
- 7 (6) a list of all outstanding contracts with a
- 8 total maximum expenditure of more than twenty thousand dollars
- 9 (\$20,000), showing the date of the contract, the purpose of the
- 10 contract, the name and address of the contractor and the
- 11 expenditures to date; and
- 12 (7) an inventory of all real property owned by
- 13 the district, including the location of the property, the size
- 14 of the property, a description of the improvements on the
- 15 property and a description of the use of the property.

16 B. As soon as practicable after July 1, 2013, the  
17 middle Rio Grande conservancy district shall begin working with  
18 the department to create a monthly data extract from applicable  
19 computer database systems. As information is received pursuant  
20 to Subsection A of this section, the district, working with the  
21 department, shall publish the information on the sunshine  
22 portal.

23 C. The middle Rio Grande conservancy district shall  
24 have a link to the sunshine portal on its web site."