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HOUSE BILL 509

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Randall T. Pettigrew

AN ACT

RELATING TO GOVERNMENT TRANSPARENCY; ENACTING THE TRANSPARENCY
IN GOVERNMENT CONTRACTING ACT; REQUIRING CERTAIN PROCEDURES FOR
PROVIDING THE PUBLIC WITH INFORMATION ON GOVERNMENT CONTRACTS;
PROVIDING FOR THE ENFORCEMENT OF THE TRANSPARENCY IN GOVERNMENT
CONTRACTING ACT; PROVIDING FOR A DIRECTORY OF INFORMATION
WITHIN THE SUNSHINE PORTAL.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
through 4 of this act may be cited as the "Transparency in
Government Contracting Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Transparency in Government Contracting Act:

A. "contract" means an agreement with a government
agency for:

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1 (1) the procurement of items of tangible
2 personal property, services or construction pursuant to the
3 Procurement Code; and

4 (2) the disbursement of federal, state or
5 other funds in which the government agency grants or awards the
6 disbursement of those funds based upon a competitive grant or
7 applications received from individuals or entities other than
8 government agencies;

9 B. "government agency" means:

10 (1) the New Mexico state government or a
11 department, division, institution, board, bureau, commission or
12 committee of state government; and

13 (2) every political subdivision of the state
14 and the agencies, instrumentalities and institutions thereof,
15 including post-secondary educational institutions, school
16 districts and local school boards and municipalities;

17 C. "make available" means to provide access to the
18 public through a searchable online database or web page and
19 includes providing direct email notifications of contracts to
20 an individual, corporation, partnership, firm, association or
21 entity that has made such request in writing to the custodian
22 of records for that government agency; and

23 D. "protected information" means information that
24 is a trade secret, confidential, sealed or otherwise protected
25 by law from public disclosure.

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1 SECTION 3. ~~[NEW MATERIAL]~~ GOVERNMENT AGENCY--SOLICITATION
2 TO CONTRACT--PUBLIC DISCLOSURE--REQUIREMENTS.--

3 A. A government agency shall:

4 (1) make available the invitations for bids,
5 requests for proposals, requests for information or other
6 solicitations relating to a contract of that government agency
7 no later than one week after soliciting interested parties for
8 a contract;

9 (2) update the web pages associated with the
10 Transparency in Government Contracting Act as new information
11 is provided or received but at least monthly, including
12 information from the previous month or year, where relevant,
13 for comparison purposes and maintain the web page as the
14 primary source of public information about the contractual
15 activity of the government agency that is related to that act;

16 (3) include the name and contact information
17 of the custodian of records of the government agency on the web
18 page associated with the Transparency in Government Contracting
19 Act;

20 (4) provide the department of information
21 technology with a uniform resource locator or working link to
22 the web page required by the Transparency in Government
23 Contracting Act. At any time that the uniform resource locator
24 or link is altered or changed, the government agency shall
25 update the department of information technology; and

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1 (5) make available any information relating to
2 emergency or sole source contract of the government agency.

3 B. Nothing in this section shall be construed to
4 require the government agency to make available any protected
5 information."

6 SECTION 4. [NEW MATERIAL] ENFORCEMENT--INVALID ACTIONS.--

7 A. If the provisions of the Transparency in
8 Government Contracting Act are knowingly and willfully
9 violated, the contract at issue shall be presumed invalid.

10 B. All provisions of the Transparency in Government
11 Contracting Act shall be enforced by the attorney general or by
12 the district attorney in the county of jurisdiction. However,
13 nothing in that act shall prevent an individual from
14 independently applying for enforcement through the district
15 court.

16 C. The district court has jurisdiction, upon the
17 application of any person to enforce the purpose of the
18 Transparency in Government Contracting Act, by injunction,
19 mandamus or other appropriate order.

20 SECTION 5. Section 10-16D-3 NMSA 1978 (being Laws 2010,
21 Chapter 34, Section 3, as amended) 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~~] website that is free, user-friendly,

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1 searchable and accessible to the public, known as the "sunshine
2 portal", to host the state's financial information for the
3 purpose of governmental transparency and accountability to
4 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 minimum,
13 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 into
21 for the lease, sale or development of state land and state
22 contracts that have a total contract price of more than twenty
23 thousand dollars (\$20,000), naming the recipient of the
24 contract, the purpose of the contract and the amounts expended.

25 No later than January 1, 2017, the information provided shall

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1 also include:

2 (a) the name of the recipient of the
3 contract;

4 (b) the purpose of the contract;

5 (c) the amounts expended on the
6 contract;

7 (d) a copy of or an internet web site
8 link to a copy of the contract document, including amendments;
9 and

10 (e) a copy of or an internet [~~web site~~
11 website link to a copy of a resident certificate issued
12 pursuant to Section 13-1-22 NMSA 1978 and used in the award of
13 a contract;

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

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

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

22 (8) quarterly consensus revenue estimates;

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

25 (10) appropriations for capital projects,

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

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

6 (12) 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 (13) information relating to local education
10 providers compiled and published by the public education
11 department pursuant to Section 10-16D-6 NMSA 1978;

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

17 (15) a link to the [~~web site~~] website
18 maintained by the regulation and licensing department for the
19 purpose of accessing information relating to occupational
20 licenses;

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

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

24 (18) a link to the New Mexico Administrative
25 Code;

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

3 (20) an annual summary within three months
4 after the end of the fiscal year, or as soon thereafter as the
5 information becomes available, of the state's fiscal health,
6 including the state budget, revenues and expenditures for the
7 previous fiscal year and projected revenues and operating
8 budgets for the current fiscal year;

9 (21) a directory of the uniform resource
10 locators or links corresponding to each government agency
11 provided to the department as required by the Transparency in
12 Government Contracting Act; and

13 [~~(21)~~] (22) additional information, as
14 required by rule of the department of finance and
15 administration, that will assist the public in understanding
16 state government operations and the use of taxpayer dollars.

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

19 F. The department shall update the [~~web site~~]
20 website as new information is received but at least monthly,
21 include information from the previous month or year, where
22 relevant, for comparison purposes and maintain the [~~web site~~]
23 website as the primary source of public information about the
24 activity of the state government."

25 SECTION 6. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2025.

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