



**STATE OF NEW MEXICO
FUND 13300 LEGISLATURE**

FINANCIAL STATEMENTS
FOR THE FISCAL YEAR ENDED
JUNE 30, 2019

MORTON
ACCOUNTING, LLC

certified public accountants | consultants

**STATE OF NEW MEXICO
FUND 13300 LEGISLATURE
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June 30, 2019

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**STATE OF NEW MEXICO
FUND 13300 LEGISLATURE
Official Roster**

June 30, 2019

FIFTY-FOURTH LEGISLATURE, FIRST SESSION

LEGISLATIVE COUNCIL MEMBERS

Speaker Brian Egolf	Co-Chair
President Pro Tempore Mary Kay Papen	Co-Chair
Sen. Carlos R. Cisneros	Member
Rep. Candy Spence Ezzell	Member
Rep. Doreen Y. Gallegos	Member
Rep. Roberto "Bobby" J. Gonzales	Member
Sen. Stuart Ingle	Member
Rep. Patricia A. Lundstrom	Member
Rep. Rod Montoya	Member
Sen. William H. Payne	Member
Sen. Clemente Sanchez	Member
Sen. John Arthur Smith	Member
Rep. Sheryl Williams Stapleton	Member
Rep. James G. Townsend	Member
Sen. James P. White	Member
Sen. Peter Wirth	Member

ADMINISTRATIVE OFFICIALS

Raúl Burciaga	Director
Jon Boller	Senior Staff Attorney
Amy Chavez-Romero	Assistant Director for Drafting Services
Anesa Serna-Espinoza	Administrative Services Manager / CFO



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INDEPENDENT AUDITOR'S REPORT

State of New Mexico, Legislative Council
Fund 13300 Legislature
Mr. Brian S. Colón, New Mexico State Auditor
Santa Fe, New Mexico

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the major fund (general fund), and the budgetary comparison for the general fund of the State of New Mexico, Fund 13300 Legislature, as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the State of New Mexico, Fund 13300 Legislature's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's

State of New Mexico, Legislative Council
Fund 13300 Legislature
Mr. Brian S. Colón, New Mexico State Auditor

preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the major fund (general fund), and the budgetary comparison for the general fund of the State of New Mexico, Fund 13300 Legislature, as of June 30, 2019, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note A, the financial statements of the State of New Mexico, Fund 13300 Legislature are intended to present the financial position and changes in financial position of only that portion of the governmental activities and the major fund that is attributable to the transactions of the Fund. They do not purport to, and do not, present fairly the financial position of the State of New Mexico as of June 30, 2019, and the changes in its financial position, for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated October 31, 2019 on our consideration of the State of New Mexico, Fund 13300 Legislature's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing,

State of New Mexico, Legislative Council
Fund 13300 Legislature
Mr. Brian S. Colón, New Mexico State Auditor

and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the State of New Mexico, Fund 13300 Legislature's internal control over financial reporting and compliance.

A handwritten signature in cursive script that reads "Morton Accounting Services, LLC".

Morton Accounting Services, LLC

Santa Fe, New Mexico
October 31, 2018

**STATE OF NEW MEXICO
FUND 13300 LEGISLATURE
Statement of Net Position**

June 30, 2019

Assets:

Interest in the State General Fund Investment Pool, Note B	\$ 7,398,738
Other Receivables, Note C	20,000
Capital assets, net, Note E	<u>-</u>
Total assets	<u>\$ 7,418,738</u>

Liabilities:

Accounts payable	<u>249,406</u>
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Net Position:

Restricted, Note D	3,461,332
Unrestricted	<u>3,708,000</u>
Total net position	<u>7,169,332</u>
Total liabilities and net position	<u>\$ 7,418,738</u>

The Accompanying Notes Are An Integral Part Of These Financial Statements.

**STATE OF NEW MEXICO
FUND 13300 LEGISLATURE
Statement of Activities**

For The Year Ended June 30, 2019

Expenses:

Legislative: Program	\$ 4,729,380
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General Revenues and Transfers:

State general fund appropriations, Note F	3,446,500
Transfers:	
Transfers in, Note G	1,487,399
Transfers out, Note G	(116,289)
Legal settlements	900,000
Miscellaneous revenue	7,789
	<u>5,725,399</u>

Change in Net Position

996,019

Net Position:

Beginning of year	<u>6,173,313</u>
End of year	<u>\$ 7,169,332</u>

The Accompanying Notes Are An Integral Part Of These Financial Statements.

STATE OF NEW MEXICO
 FUND 13300 LEGISLATURE
 Balance Sheet - Governmental Funds

June 30, 2019

Assets:

Investment in State General Fund Investment Pool, Note B	\$ 7,398,738
Other Receivables, Note C	<u>20,000</u>

Total Assets

\$ 7,418,738

Liabilities:

Accounts payable	\$ <u>249,406</u>
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Fund Balance:

Restricted, Note D	3,461,332
Unassigned	<u>3,708,000</u>

Total Fund balances

7,169,332

Total Liabilities and Fund Balance

\$ 7,418,738

Amounts reported for governmental activities in Statement of Net Position are different because:

Fund Balance - Governmental Funds	\$ 7,169,332
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There are no reconciling items between the governmental funds balance sheet and the statement of net position.

-

Net Position Governmental Activities

\$ 7,169,332

The Accompanying Notes Are An Integral Part Of These Financial Statements.

STATE OF NEW MEXICO
 FUND 13300 LEGISLATURE
 Statement of Revenues, Expenditures, and Changes in Fund Balance - Governmental Funds

For The Year Ended June 30, 2019

Revenues:

Legal Settlements, Note C	\$ 900,000
Miscellaneous	7,789
	<u>907,789</u>

Current Expenditures - Legislative:

Personal services/employee benefits	541,035
Contractual services	1,590,792
Other	2,597,553
Capital outlay/equipment transfer, Note E	116,289
	<u>4,845,669</u>

Revenues Over Expenditures

(3,937,880)

Other Financing Sources (Uses):

State general fund appropriations, Note F	3,446,500
Transfers in, Note G	1,487,399
	<u>4,933,899</u>

Net Change in Fund Balance

996,019

Fund Balance:

Beginning of year	<u>6,173,313</u>
End of year	<u>\$ 7,169,332</u>

The Accompanying Notes Are An Integral Part Of These Financial Statements.

STATE OF NEW MEXICO
 FUND 13300 LEGISLATURE
 Reconciliation of Statement of Revenues, Expenditures, and Changes in Fund Balance to
 Statement of Activities

For The Year Ended June 30, 2019

Amounts reported for governmental activities in the Statement of Net
 Position are different because:

Net Change in Fund Balance - Total Governmental Funds	\$	996,019
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There are no reconciling items between the net change in fund balance and change in
 net position.

Change in Net Position - Governmental Activities	\$	<u>996,019</u>
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The Accompanying Notes Are An Integral Part Of These Financial Statements.

STATE OF NEW MEXICO
 FUND 13300 LEGISLATURE
 Statement of Revenues and Expenditures - Budgeted and Actual (Budget Basis)

For The Year Ended June 30, 2019

	Budgeted Amounts		Actual	Variance with
	Original	Final	(Budget Basis)	Final Budget Favorable (Unfavorable)
Revenues and Other Financing Sources:				
State general fund appropriations	\$ 3,446,500	\$ 3,446,500	\$ 3,446,500	\$ -
Other financing sources	-	-	1,487,399	1,487,399
Legal settlements	-	-	900,000	900,000
Miscellaneous revenue	-	-	7,789	7,789
Total revenues	<u>3,446,500</u>	<u>3,446,500</u>	<u>5,841,688</u>	<u>2,395,188</u>
Restricted Fund Balances:				
52nd Legislature, 2nd Session				
Laws 2016, Chapter 1, Section 10	220,682	220,682		
53rd Legislature, 2nd Session				
Laws 2018, Chapter 2, Section 4. D.	320,606	320,606		
Laws 2018, Chapter 2, Section 4. E.	873,400	873,400		
Laws 2018, Chapter 2, Section 9	400,000	400,000		
Laws 2018, Chapter 73, Section 5 (1)	814,132	814,132		
Laws 2018, Chapter 73, Section 5 (2)	170,337	170,337		
Total restricted fund balances	<u>2,799,157</u>	<u>2,799,157</u>		
Appropriated Fund Balances:				
54th Legislature, 1st Session				
Laws 2019, Chapter 1, Section 9	400,000	400,000		
Laws 2019, Chapter 271, Section 5 (2)	2,000,000	2,000,000		
Total appropriated fund balances	<u>2,400,000</u>	<u>2,400,000</u>		
Total resources	<u>\$ 8,645,657</u>	<u>\$ 8,645,657</u>		
Expenditures:				
Personal services, employee benefits, contractual services and other	<u>\$ 8,645,657</u>	<u>\$ 8,645,657</u>	<u>\$ 4,845,669</u>	<u>\$ 3,799,988</u>
Reconciliation of GAAP basis to budget basis:			Revenues	Expenditures
GAAP basis			\$ 5,841,688	\$ 4,845,669
Adjustments:				
None			-	-
Budget basis			<u>\$ 5,841,688</u>	<u>\$ 4,845,669</u>

Note:

The actual expenditures on the budget basis for FY 2019 do not include any accounts payable that required a request to pay prior-year bills out of the FY 2020 budget.

The Accompanying Notes Are An Integral Part Of These Financial Statements.

**STATE OF NEW MEXICO
FUND 13300 LEGISLATURE
Notes to the Financial Statements**

NOTE A - SUMMARY OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES

A primary government is any state or general purpose local government consisting of all the organizations that make up its legal entity. All funds, organizations, institutions, agencies, departments, and offices that are not legally separate are, for financial reporting purposes, part of the primary government. The State of New Mexico, Fund 13300 Legislature, therefore, is part of the primary government of the State of New Mexico and its financial data should be included in the financial data of the State.

The financial statements of the State of New Mexico, Fifty-Third Legislature, Second Session and Fifty-Fourth Legislature, First Session has been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP) as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles. The Fund does not have any component units. The financial statements for the period ended June 30, 2019 represent activity in Fund 13300 from July 1, 2018 to June 30, 2019. The more significant accounting policies of the Fund are described below.

1. Basic Financial Statements - Government-Wide Statements

Fund 13300's basic financial statements include both government-wide and fund financial statements. Both the government-wide and fund financial statements categorize primary activities as governmental Fund 13300 is classified as a governmental activity.

The government-wide Statement of Net Position is reported on a full accrual, economic resource basis, which recognizes all long-term assets and receivables as well as long-term debt and obligations.

The government-wide Statement of Activities reports the cost of the Fund 13300's function. The function is supported by general government revenues (intergovernmental revenues), this government-wide focus is on the change in net position resulting from activities from the period July 1, 2018 to June 30, 2019.

2. Basic Financial Statements - Fund Financial Statements

The financial transactions of Fund 13300 are reported in an individual fund in the financial statements. The operations of Fund 13300 are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund balance, revenues and expenditures. Government resources are allocated to and accounted for in this individual fund based on the appropriate state statutes and the purposes for which they are spent and the means by which spending activities are controlled. The following fund type is utilized by Fund 13300:

Governmental Funds

The focus of the governmental funds' measurement (in the fund statements) is upon determination of financial position (sources, uses and balances of financial resources) rather than upon net income. The following is a description of the governmental fund:

General Fund - Fund 13300 is used to administer and account for the activity of the Legislature, session, pre-session and interim activities. Money in the Fund may be expended for per diem, mileage, employee salaries and other expenses.

STATE OF NEW MEXICO
FUND 13300 LEGISLATURE
Notes to the Financial Statements

NOTE A - SUMMARY OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (Continued)

3. Basis of Accounting

Basis of accounting refers to the point at which revenues and expenditures/expenses are recognized in the accounts and reported in the financial statements. It relates to the timing of the measurements made regardless of the measurement focus applied. This governmental Fund 13300 presents its financial statements in accordance with U.S. generally accepted accounting principles as prescribed in applicable pronouncements of the Governmental Accounting Standards Board (GASB).

Accrual

Governmental activities in the government-wide financial statements are presented on the accrual basis of accounting. Revenues are recognized when earned and expenses are recognized when incurred.

Modified Accrual

The governmental funds financial statements are presented on the modified accrual basis of accounting. Under the modified accrual basis of accounting revenues are recorded when susceptible to accrual; i.e. both measurable and available. "Available" means collected within the period or within 60 days after year end. Expenditures are generally recognized under the modified accrual basis of accounting when the related liability is incurred.

4. Interest in the State General Fund Interest Pool

The State of New Mexico, Office of the State Treasurer's scope of authority for the types of investments which may be made with state funds is statutorily defined and governed by the State Treasurer's Investment Policy approved by the State Board of Finance.

5. Capital Assets

Capital assets are recorded as expenditures in the governmental fund and capitalized at cost in the Statement of Net Position. The valuation basis for capital assets are historical cost, or when historical cost is not available, estimated historical cost based on replacement. Per Section 12-6-10 NMSA 1978, the capitalization threshold is \$5,000. Purchased capital assets are immediately transferred to other governmental entities, therefore depreciation is not calculated. Items on a capital asset listing that were previously capitalized under lower thresholds can be removed from the capital asset listing.

6. Nature and Purposes of Reservations and Designations of Fund Balance

Net position represents the difference between assets and liabilities. In the government-wide financial statements, net position consist of three components: invested in capital assets, net of related debt; restricted; and unrestricted.

When an expense is incurred that can be paid using either restricted resources or unrestricted resources, the Fund's policy is to first apply the expense towards restricted, and then toward unrestricted resources.

Governmental fund balances are divided into five classifications based on the extent to which government is bound to honor constraints and the specific purposes for which amounts in that fund can be spent.

Non-spendable is the most limited amounts and are legally or contractually required to stay intact.

STATE OF NEW MEXICO
 FUND 13300 LEGISLATURE
 Notes to the Financial Statements

NOTE A - SUMMARY OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES (Continued)

6. Nature and Purposes of Reservations and Designations of Fund Balance (Continued)

Spendable fund categories can be depicted as follows:

Restricted are amounts that are due to the enabling legislation, constitutional provisions, externally imposed by grantors, contributors, laws and regulations of other governments, or by creditors, such as through debt covenants.

Committed are amounts that are subject to purpose constraint imposed by a formal action of the government's highest level of decision-making authority before the end of the fiscal year, and removal of the constraint would require a formal action by the same authority.

Assigned consists of amounts that are intended to be used for a specific purpose established by the government's highest level of decision-making authority, or their designated body or official.

Unassigned represents the residual amount after the classifications have been considered for the government's general fund, and could report a surplus or a deficit.

7. Budgetary Procedures and Accounting

Fund 13300 consists of several activities appropriated by law and are budgeted based on generally accepted accounting principles using the modified accrual method. The appropriations are not required to establish a budget through the New Mexico Department of Finance Budget Division and does not revert to the State of New Mexico General Fund.

NOTE B - INTEREST IN THE STATE GENERAL FUND INVESTMENT POOL

State law (Section 8-6-3 NMSA 1978) requires the Fund's cash be managed by the New Mexico State Treasurer's Office. Accordingly, the investments of the Fund consist of an interest in the General Fund Investment Pool managed by the New Mexico State Treasurer's Office. At June 30, 2019 the Fund had the following invested in the General Fund Investment Pool:

SHARE BU 13100, Fund 13300 Legislature	\$ <u>7,398,738</u>
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Interest Rate Risk - The New Mexico State Treasurer's Office has an investment policy that limits investment maturities to five years or less on allowable investments. This policy is a means of managing exposure to fair value losses arising from increasing interest rates. This policy is reviewed and approved annually by the New Mexico State Board of Finance.

Credit Risk - The New Mexico State Treasurer pools are not rated.

For additional GASB 40 disclosure information regarding cash held by the New Mexico State Treasurer, the reader should see the separate audit report for the New Mexico State Treasurer's Office for the fiscal year ended June 30, 2019.

**STATE OF NEW MEXICO
FUND 13300 LEGISLATURE
Notes to the Financial Statements**

NOTE B - INTEREST IN THE STATE GENERAL FUND INVESTMENT POOL (Continued)

For cash management and investment purposes, funds of various state agencies are deposited in the State General Fund Investment Pool (the Pool), which is managed by the Office of the New Mexico State Treasurer. Claims on the Pool are reported as assets by the various agencies investing in the Pool.

Statewide Cash Reconciliation Update

As provided for in Chapter 8-6 of the New Mexico Statutes Annotated 1978, the State Treasurer shall receive and keep all monies of the State, except when otherwise provided, and shall disburse the public money upon lawful warrants. The State Treasurer's Office (STO) acts as the State's bank when agency cash receipts are deposited and later pooled into a statewide investment fund, also referred to as the State General Fund Investment Pool (SGFIP). In times when cash amounts are greater than immediate needs, the amounts are placed into short-term investments. When agencies make payments to vendors and employees they are made from this pool and their claims on the pool reduced.

The comprehensive cash reconciliation model which compares aggregated agency claims on the SGFIP to the associated resources held by the State Treasurer's Office has been completed for fiscal year 2019. This process has been previously reviewed by the IPAs performing audits of the General Fund, the Department of Finance and Administration and the State of New Mexico's Comprehensive Annual Financial Report. These reviews have deemed the process sound and the Department fully compliant with reconciliation requirements.

The following assertions are provided:

1. As of June 30, 2019, resources held in the pool were equivalent to the corresponding business unit claims on those resources.
2. All claims as recorded in SHARE shall be honored at face value.

Fund 13300 Legislature has cash reconciliation policies and procedures in place which are performed on a monthly basis to ensure that the agency's cash balances in SHARE are correct and to mitigate the risk that the agency's cash balances would not be misstated as of June 30, 2019.

NOTE C - LEGAL SETTLEMENT AND OTHER RECEIVABLES

A settlement agreement was negotiated and agreed to on March 27, 2019 between the Legislative Council and contractors and subcontractors that had constructed the legislative parking structure. A final settlement agreement was subsequently signed by the parties, with the last signature recorded on June 13, 2019. The Legislative Council recovered remediation costs and litigation fees related to the parking structure in the amount of \$900,000 from contractors and subcontractors involved in a complaint for negligence, declaratory relief, breach of contract, indemnity, compensatory damages and attorneys' fees (First Judicial District of New Mexico, D-101-CV-2017-00285). The costs and fees were paid from a prior year legislative cash balances appropriation. At June 30, 2019, \$880,000 had been received and deposited, and a receivable of \$20,000 has been recorded.

**STATE OF NEW MEXICO
FUND 13300 LEGISLATURE
Notes to the Financial Statements**

NOTE D - RESTRICTED NET POSITION / FUND BALANCE

The unexpended balances of the multi-year appropriations consist of the following:

Laws 2016, Chapter 1, Section 10 (FY 2016-2020) Census Redistricting Data Program	\$	220,682
Laws 2019, Chapter 1, Section 4 E (FY 2019-2020) Legislative Information Systems		828,650
Laws 2019, Chapter 1, Section 9 (FY 2019-2020) XML Database Legislative Share		400,000
Laws 2019, Chapter 271, Section 5 (2) (FY 2019-2020) Capitol Repairs & Upgrades		2,000,000
Laws 2019, Chapter 278, Section 1 A (FY 2019-2020) Senate Rules Committee		<u>12,000</u>
Total Restricted Net Position / Fund Balance	\$	<u><u>3,461,332</u></u>

NOTE E - CAPITAL ASSETS

The following is a summary of changes in capital assets for the year ended June 30, 2019:

	Balance 06/30/18	Additions	Deletions	Balance 06/30/19
IT Equipment and software	\$ -	\$ 76,707	\$ (76,707)	\$ -
Other Equipment	-	19,531	(19,531)	-
Building & Structures	<u>-</u>	<u>20,051</u>	<u>(20,051)</u>	<u>-</u>
	<u>-</u>	<u>116,289</u>	<u>(116,289)</u>	<u>-</u>

The \$76,707 of IT equipment and software and the \$19,531 of other equipment was purchased by BU 13100, Fund 13300, and transferred to BU 11100, Fund 12900 during the year ended June 30, 2019.

The \$20,051 of building & structures was purchased by BU 13100, Fund 13300, and transferred to BU 11900, Fund 13200 during the year ended June 30, 2019.

**STATE OF NEW MEXICO
FUND 13300 LEGISLATURE
Notes to the Financial Statements**

NOTE F - STATE GENERAL FUND APPROPRIATIONS

State General Fund Appropriations transferred from BU 34101, Fund 85300 consist of the following:

53rd Legislature, Second Session, Laws 2018, Chapter 2, Section 4. A.	\$ 925,000
53rd Legislature, Second Session, Laws 2018, Chapter 2, Section 4. B.	415,000
53rd Legislature, Second Session, Laws 2018, Chapter 2, Section 4. C.	46,600
54th Legislature, First Session, Laws 2019, Chapter 1, Section 1. B. (9)	1,212,400
54th Legislature, First Session, Laws 2019, Chapter 1, Section 4. E.	835,500
54th Legislature, First Session, Laws 2019, Chapter 278, Section 1. A.	<u>12,000</u>
Total State General Fund Appropriations	<u>\$ 3,446,500</u>

The above appropriations do not revert to the State of New Mexico General Fund.

NOTE G - TRANSFERS

Transfers in:

Transfer from BU 13101, Fund 20030 to BU 13100, Fund 13300 FY 2019 - Senate's regular session unexpended balance	\$ 1,007,827
Transfer from BU 13102, Fund 20040 to BU 13100, Fund 13300 FY 2019 - House of Representatives' regular session unexpended balance	<u>479,572</u>
Total transfers in	<u>\$ 1,487,399</u>

Transfers out:

Transfer to BU 11100, Fund 12900 from BU 13100, Fund 13300 Capital assets purchased in FY 2019 of equipment & software	\$ 96,238
Transfer to BU 11900, Fund 13200 from BU 13100, Fund 13300 Capital assets purchased in FY 2019 of building & structures	<u>20,051</u>
Total transfers out	<u>\$ 116,289</u>

**STATE OF NEW MEXICO
FUND 13300 LEGISLATURE
Notes to the Financial Statements**

NOTE H - RISK MANAGEMENT AND LITIGATION

The Legislature obtains coverage through the Risk Management Division of the State of New Mexico General Services Department. This coverage includes liability and civil rights, property, vehicle, employer bond, workers' compensation, group insurance and state unemployment. These coverages are designed to satisfy the requirements of the State Tort Claims Act. All Legislature employees are covered by a blanket fidelity bond with a \$5,000,000 coverage limit with a \$1,000 deductible per occurrence by the State of New Mexico.

The Legislature is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters for which the agency carries insurance (workers' compensation, unemployment compensation, employee liability, and transportation property) with the State of New Mexico Risk Management Division (RMD) of the General Services Department.

Risk Management

The Legislature, as a state agency defined in the New Mexico Tort Claims Act, is insured through the Risk Management Division of the state of New Mexico. The Legislature pays annual premiums to the Risk Management Division for coverage provided in the following areas:

1. Liability and civil rights protection for claims made by others against the State of New Mexico
2. Coverage to protect the State of New Mexico's property and assets.
3. Fringe benefit coverage's for State of New Mexico employees.

The Legislature's exposure is limited to \$1,000 per any first-party incurred property loss, with the exception of theft, which has a \$5,000 deductible. After conferring with legal counsel concerning pending litigation and claims, there are no known or threatened legal proceedings involving material matters to which the Legislature is a party and/or believes that the outcome of pending litigation would have a materially adverse effect on the financial position or operations of the Legislature. In addition, for the years ended June 30, 2019, 2018, and 2017, the Legislature had no claims for which the Risk Management Division has returned as 'not covered' that would become the responsibility of the Legislature.

NOTE I - MANAGEMENT'S DISCUSSION AND ANALYSIS EXPLANATION

Management's discussion and analysis, while required to be presented to supplement the basic financial statements, are generally outside the purview of the legislature's management staff. The legislative body is the sole entity responsible for preparing a budget based on revenue estimates, state needs and statutory and constitutional requirements. Once appropriated, management staff is responsible for ensuring the expenditures are in compliance with state law.

**STATE OF NEW MEXICO
FUND 13300 LEGISLATURE
Notes to the Financial Statements**

NOTE J - PENSION PLAN - PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

The Legislature, as part of the primary government of the State of New Mexico, is a contributing employer to a cost-sharing multiple employer defined benefit pension plan administered by the Public Employees Retirement Association (PERA). Disclosure requirements for governmental funds apply to the primary government as a whole, and as such, this information will be presented in the Component Appropriation Funds Annual Financial Report (General Fund) and the Comprehensive Annual Financial Report (CAFR) of the State of New Mexico. Information concerning the net pension liability, pension expense, and pension-related deferred inflows and outflows of resources of the primary government will be contained in the General Fund and the CAFR and will be available, when issued, from the Office of the State Controller, Room 166, Bataan Memorial Building, 407 Galisteo Street, Santa Fe, NM 87501.

NOTE K - POST EMPLOYMENT BENEFITS - STATE RETIREE HEALTH CARE PLAN

Compliant with the requirements of Government Accounting Standards Board Statement No.75, Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions, the State of New Mexico has implemented this standard for the fiscal year ended June 30, 2019.

The Legislative Council Service, as part of the primary government of the State of New Mexico, is a contributing employer to a cost-sharing multiple-employer defined benefit postemployment health care plan that provides comprehensive group health insurance for persons who have retired from certain public service positions in New Mexico. The other postemployment benefits (OPEB) Plan is administered by the Retiree Health Care Authority of the State of New Mexico. Overall, total OPEB liability exceeds OPEB Plan net position resulting in a net OPEB liability. The State has determined the State's share of the net open liability to be a liability of the State as a whole, rather than any agency or department of the State and the liability will not be reported in the department of agency level financial statements of the State. All required disclosures will be presented in the Comprehensive Annual Financial Report (CAFR) of the State of New Mexico.

Information concerning the net liability, benefit expense, and benefit-related deferred inflows and deferred outflows or resources of the primary government will be contained in the State of New Mexico Comprehensive Annual Financial Report (CAFR) for the year ended June 30, 2019 and will be available, when issued, from the Office of the State Controller, Room 166, Bataan Memorial Building, 407 Galisteo Street, Santa Fe, New Mexico, 87501.



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**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING
AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS***

State of New Mexico, Legislative Council
Fund 13300 Legislature
Mr. Brian Colón, New Mexico State Auditor
Santa Fe, New Mexico

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the major fund (general fund), and the budgetary comparison of the general fund of the State of New Mexico, Fund 13300 Legislature as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the State of New Mexico, Fund 13300 Legislature's basic financial statements, and have issued our report thereon dated October 31, 2019.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the State of New Mexico, Fund 13300 Legislature's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the State of New Mexico, Fund 13300 Legislature's internal control. Accordingly, we do not express an opinion on the effectiveness of the State of New Mexico, Fund 13300 Legislature's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less

severe than a material weakness, yet important enough to merit attention by those charged with governance.

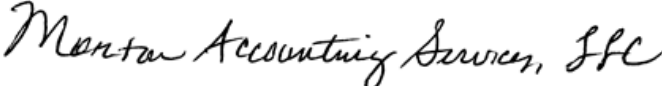
Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the State of New Mexico, Fund 13300 Legislature's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

A handwritten signature in cursive script that reads "Morton Accounting Services, LLC".

Morton Accounting Services, LLC

Santa Fe, New Mexico
October 31, 2019

STATE OF NEW MEXICO
 FUND 13300 LEGISLATURE
 Schedule of Findings and Responses

Section I – Summary of Auditor’s Results

Type of auditor’s report issued: Unmodified

Internal control over financial reporting:

- | | | |
|----|--|----|
| 1. | Material weaknesses identified | No |
| 2. | Significant deficiencies identified | No |
| 3. | Noncompliance material to the financial statements noted | No |

Section II – Prior Year Audit Findings

None

Section III – Current Year Findings Pertaining to the Financial Statements Which Are Required to Be Reported

None

Section IV – Other Matters as Required by New Mexico State Statute 12-6-5, NMSA 1978

None

STATE OF NEW MEXICO
FUND 13300 LEGISLATURE
Schedule of Findings and Responses

Section V – Exit Conference

An exit conference was held at the State Capitol to discuss the audit report.

In attendance on October 24, 2019 were the following individuals:

Representing the State of New Mexico, Fund 13300 Legislature

Representative Brian Egolf, Speaker Of The House
Senator Mary Kay Papen, President Pro-Tempore
Reena Szczepanski, Speaker's Chief of Staff
Raúl Burciaga, Director, Legislative Council Service
Anesa Serna-Espinoza, Chief Financial Officer, Legislative Council Service

Representing Morton Accounting Services, LLC

Janet Pacheco-Morton, CPA, CGFM, Managing Principal