

State of New Mexico Supreme Court Law Library



Financial Statements

June 30, 2013

TABLE OF CONTENTS

INTRODUCTORY SECTION

Official Roster..... 1

FINANCIAL SECTION

Independent Auditor’s Report..... 2

Management’s Discussion and Analysis 4

BASIC FINANCIAL STATEMENTS

Government-Wide Financial Statements

Statement of Net Position 8

Statement of Activities..... 9

Fund Financial Statements

Balance Sheet – Governmental Funds..... 10

Statement of Revenues, Expenditures and Changes in Fund
Balance – Governmental Funds..... 11

Statement of Revenues and Expenditures-Budget and
Actual-(Budgetary Basis)-General Fund 12

Notes to Financial Statements..... 13

SUPPLEMENTARY INFORMATION

Schedule of Operating Transfers 24

COMPLIANCE SECTION

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*..... 25

Schedule of Findings and Responses 27

Other Disclosures 28

OFFICIAL ROSTER
June 30, 2013

BOARD OF TRUSTEES

Honorable Petra Jimenez Maes	Chief Justice
Honorable Richard C. Bosson	Justice
Honorable Edward L. Chavez	Justice
Honorable Charles W. Daniels	Justice
Honorable Barbara Vigil	Justice

ADMINISTRATIVE OFFICIALS

Robert A. Mead	State Law Librarian
Wanda M. Gonzales	Court Financial Manager

Independent Auditor's Report

Hector H. Balderas
New Mexico State Auditor
and
Honorable Petra Jimenez Maes – Chief Justice
New Mexico Supreme Court Law Library
Santa Fe, New Mexico

Report on Financial Statements

We have audited the accompanying financial statements of the governmental activities, each major fund, the aggregate remaining fund information, and the budgetary comparisons for the general fund of the State of New Mexico Supreme Court Law Library (Library), as of and for the year ended June 30, 2013 and the related notes to the financial statements, which collectively comprise the Library'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 misstatements, 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 of 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 Library's 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 Library'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, each major fund, and the aggregate remaining fund information of the Library, as of June 30, 2013, and the respective changes in financial position thereof and the respective budgetary comparisons for the general fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

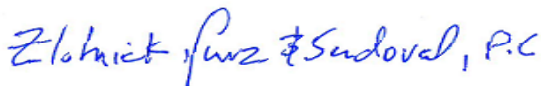
Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4 through 7 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental 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. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Our audit was conducted for the purpose of forming opinions on the Library's financial statements, the combining and individual fund financial statements, and the budgetary comparison. The additional schedules listed as "supplementary information" in the table of contents, which includes schedules required by 2.2.2.NMAC, are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The additional schedules listed as "supplementary information" in the table of contents, which includes schedules required by 2.2.2.NMAC, are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the financial statements. Such information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated December 6, 2013 on our consideration of the Library'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, and not to provide an opinion on the 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 Library's internal control over financial reporting and compliance.



Zlotnick, Laws & Sandoval, PC

December 6, 2013

Management's Discussion and Analysis
June 30, 2013

This discussion and analysis provides an overview of the objective and program of the Supreme Court Law Library (Law Library). This discussion helps the reader understand the Law Library's operation in terms of financial planning and expenditures of the annual budget. The Law Library is an agency created by the Legislature to provide access to the primary law and related legal materials for the citizens of the State of New Mexico, including the judiciary, the legislature, and the executive branches of state government, as well as the general public, and in so doing fulfill the constitutional requirement of providing equal access to the law. The Law Library also has a special, distinct mission in support of the legal research needs of the judiciary.

Agency Overview

Statutory Authority: Sections NMSA 1978, §§ 18-1-1 to 18-1-12 set forth the powers and duties of the Supreme Court Law Library. The program is a statewide program not only providing legal materials and research services, but also oversight over District Court Law Libraries and instruction for public and academic librarians in providing access to legal materials. The main premises of the Law Library are in the Supreme Court Building, and the Assets purchased by the Law Library become the property of the Supreme Court Building Commission, although they are maintained by the Law Library.

USING THIS ANNUAL REPORT

Management's Discussion and Analysis (MD&A)

This section includes information on the use of the annual report, and management's analysis of the financial position and results of operations for the Court. Information compares this fiscal year with the prior fiscal year.

Financial Statements Overview

The financial statements are for the purpose of presenting to the reader the financial position and financial changes that occur on the Law Library's account books. The financial statements are not intended to report the financial position of the State of New Mexico as a whole. The Law Library is one of 100+ agencies in the State that contribute to the financial position of the State of New Mexico.

The Law Library has only one fund SHARE Fund 13400 and is a reverting agency. The Law Library's funds revert into the State General Fund after the end of the fiscal year. The Law Library's revenues are primarily from the State General Fund and fees collected from copies and microfiche printouts.

Government - Wide Financial Statements

The government-wide financial statements are designed to be corporate-like in that all governmental activities are consolidated into one column. The Law Library has no business type activities. The focus of the Statement of Net Position (Unrestricted Net Position) is designed to be similar to a bottom line for the Law Library and its governmental activities. This statement combines and consolidates governmental fund's current financial resources (short-term spendable resources) with capital Assets and long term liabilities.

The Statement of Activities is focused on The cost of various activities which are provided by the Law Library's general revenues. This is intended to summarize and simplify the users' analysis of the cost of services.

**Management’s Discussion and Analysis
June 30, 2013**

Fund Financial Statements

Traditional users of governmental financial statements will find the Fund Financial Statements presentation more familiar. The focus is now on Major Funds, rather than fund types. The Supreme Court Law Library only has one such fund: the general fund. The Governmental Fund presentation is presented on a sources and uses of liquid resources basis.

Budgetary Comparisons

As required by the Office of the State Auditor under 2 NMAC 2.2.2, the Statements of Revenues and Expenditures - Budget and Actual - are also presented. This information is provided at the approved budget level to demonstrate compliance with legal requirements.

The budgetary comparison schedules present both the original and the final appropriated budgets for the reporting period as well as the actual inflows, outflows and balances, as stated on the government’s budgetary basis.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

Statement of Net Position

	Government Activities	
	2013	2012
Current Assets	\$ 221,241	138,760
Liabilities	(249,234)	(173,468)
Total Net Position	\$ (27,993)	(34,708)

For more detailed information, see the Statement of Net Position.

Financial Highlights

The Law Library’s total Assets increased from \$138,760 for fiscal year 2012 to \$221,241 for fiscal year 2013 due to an increase in cash. Interest on State General Fund Investment Pool available was \$221,241 and \$138,760 at June 30, 2013 and 2012, respectively. The net deficit for the fiscal year 2013 was \$27,993 versus fiscal year 2012 which was \$34,708. The deficit is due to compensated absences which are not funded until paid. The most significant financial issue facing the Supreme Court Law Library (Library) is the combined effect of budgetary cuts during the recession from 2008 to 2013 coupled with inflation in law books and legal databases. The Library’s primary missions are to provide adequate legal research tools, including both print and digital formats, to New Mexico’s appellate and district courts and to serve as the primary repository of legal information for the attorneys and citizens of New Mexico. These missions are endangered by cost pressures which threaten the Library’s ability to provide adequate access to information. In FY08, the Library’s appropriation was \$1,813,700. The FY13 appropriation was \$1,505,600, a 17% gap over a 5 year period. These cuts were necessary due to the impact of the economic decline; nevertheless, they significantly weaken the Library’s ability to provide access to information. Legal research database costs have inflated at the rate of 5% yearly.

**Management's Discussion and Analysis
June 30, 2013**

Law book publishers have inflated their costs between 3% and 7% yearly. The combined pressures of cost and cuts have resulted in the Library's inability to meet our performance measure of keeping 70% of the subscriptions in our collection up-to-date. In FY13, only 56% of the subscriptions in our collection were current. Additionally, cost pressures forced the Library to reduce the content available in the District Court Westlaw contract, thus limiting easy access to some research tools by judges across the state. Flat budgets would continue the trend of reduced access as inflationary pressures will force additional cuts.

Statement of Activities

The following schedule represents the revenues and expenses for the current and prior year.

	Government Activities	
	2013	2012
Program Revenues	\$ 3,245	3,072
State General Fund Appropriations	1,505,600	1,483,800
Reversions to State General Fund	(82,893)	(4,586)
Total Revenues	1,425,952	1,482,286
Program Expenses	1,419,237	1,481,751
Change in net Position	6,715	535
Net Position, beginning of year	(34,708)	(35,243)
Net Position, end of year	\$ (27,993)	(34,708)

For more detailed information, see the Statement of Activities.

The Law Library's total expenditures for fiscal year 2013 were \$1,419,237, versus fiscal year 2012 which were \$1,481,751. Expenditures decreased in 2013 by \$62,514.

THE SUPREME COURT LAW LIBRARY'S FUNDS

The Supreme Court Law Library has one governmental fund which is solely funded by State general fund appropriations by the State Legislature. The general fund has decreased in 2012 as well as previous years due to statewide budget cuts imposed by the State Legislature for all state government agencies.

BUDGETARY HIGHLIGHTS

The Supreme Court Law Library did not make any budget adjustments during fiscal year 2013.

ANTICIPATED CHANGES

The Supreme Court Law Library knows of no anticipated changes that will significantly affect the financial position of the agency.

Management's Discussion and Analysis
June 30, 2013

FINANCIAL CONTACT

Robert A. Mead, State Law Librarian & CFO, Supreme Court Law Library, libram@nmcourts.gov

Wanda M. Gonzales, Court Financial Manager & Deputy CFO, Supreme Court, supwmg@nmcourts.gov

**Statement of Net Position
June 30, 2013**

	Governmental Activities
ASSETS	
Current Assets:	
Investment in State General Fund Investment Pool	\$ 221,241
TOTAL ASSETS	\$ 221,241
LIABILITIES	
Current Liabilities:	
Accounts Payable	\$ 128,234
Accrued Payroll	10,250
Due to State General Fund	82,757
Compensated Absences - current	24,555
Total Current Liabilities	245,796
Noncurrent Liabilities:	
Compensated Absences	3,438
TOTAL LIABILITIES	249,234
NET POSITION	
Unrestricted (deficit)	(27,993)
TOTAL NET POSITION	(27,993)
TOTAL LIABILITIES AND NET POSITION	\$ 221,241

See Notes to Financial Statements.

**Statement of Activities
For the Year Ended June 30, 2013**

	Governmental Activities
Expenses:	
Judicial:	
Administrative Services	\$ 1,419,237
Total Expenses	1,419,237
Program Revenues:	
Charges for Services	3,245
Total Program Revenues	3,245
Net Program Expenses	(1,415,992)
General Revenues and Transfers	
State General Fund Appropriations	1,505,600
2013 State General Fund Reversion	(82,893)
Total General Revenues and Transfers	1,422,707
Change in Net Position	6,715
Net Position, beginning of year	(34,708)
Net Position, end of year	\$ (27,993)

See Notes to Financial Statements.

**Balance Sheet - Governmental Funds
June 30, 2013**

	<u>General Fund</u>
ASSETS	
Current Assets:	
Investment in State General Fund Investment Pool	<u>\$ 221,241</u>
TOTAL ASSETS	<u><u>\$ 221,241</u></u>
LIABILITIES AND FUND BALANCES	
Current Liabilities:	
Accounts Payable	128,234
Accrued Payroll	10,250
Due to State General Fund	<u>82,757</u>
TOTAL LIABILITIES	<u>221,241</u>
FUND BALANCES	
Unassigned	<u>-</u>
TOTAL FUND BALANCES	<u>-</u>
TOTAL LIABILITIES AND FUND BALANCES	<u><u>\$ 221,241</u></u>

Amounts reported in the Statement of Net Position differ because:

Total fund balances	\$ -
Compensated absences accrued in the government-wide financial statements are excluded from the governmental funds statement	<u>(27,993)</u>
Net Position per Statement of Net Position	<u><u>\$ (27,993)</u></u>

See Notes to Financial Statements.

**Statement of Revenues, Expenditures and
Changes in Fund Balance - Governmental Funds
For the Year Ended June 30, 2013**

	General Fund
REVENUES	
Library Fees	\$ 3,245
Total Revenues	3,245
 EXPENDITURES	
Current:	
General Government:	
Administrative Services:	
Personal Services and Benefits	616,944
Contract Services	315,998
Other Costs	493,010
Total Expenditures	1,425,952
Excess (Deficiency) of Revenues Over Expenditures	(1,422,707)
 OTHER FINANCING SOURCES (Uses)	
Transfers In:	
General Fund Appropriation	1,505,600
Transfers Out:	
2013 Reversion to the State General Fund	(82,893)
Total Other Financing Sources (Uses)	1,422,707
Net Change in Fund Balances	-
Fund Balances, beginning	-
Fund Balances, ending	\$ -

Amounts reported In the Statement of Activities are different because:

Net Change in Fund Balance	\$ -
Net change in current and long-term portions of compensated absences	6,715
Changes in net position of governmental activities	\$ 6,715

See Notes to Financial Statements.

**Statement of Revenues and Expenditures
Budget and Actual (Budgetary Basis) - General Fund
For the Year Ended June 30, 2013**

	Budget		Actual Amounts (Budgetary Basis)	Variance with Final Budget Positive (Negative)
	Original	Final		
REVENUES				
Library Fees	\$ 1,800	1,800	\$ 3,245	1,445
General Fund Appropriation	1,505,600	1,505,600	1,505,600	-
Total Revenues	<u>1,507,400</u>	<u>1,507,400</u>	<u>1,508,845</u>	<u>1,445</u>
Fund Balance	-	-		
Total Revenues and Fund Balance	<u><u>\$ 1,507,400</u></u>	<u><u>1,507,400</u></u>		
EXPENDITURES				
Administrative Services:				
Personal Services	\$ 628,900	628,900	616,944	11,956
Contractual Services	382,200	382,200	315,998	66,202
Other	496,300	496,300	493,010	3,290
Total Expenditures	<u><u>\$ 1,507,400</u></u>	<u><u>1,507,400</u></u>	<u><u>1,425,952</u></u>	<u><u>81,448</u></u>

See Notes to Financial Statements.

Notes to the Financial Statements
June 30, 2013

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the State of New Mexico, Supreme Court Law Library have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP) as applied to governmental entities. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The more significant of the Supreme Court Law Library's accounting policies are described below:

A. Reporting Entity

Supreme Court Law Library

The Supreme Court Law Library was created by statute in 1915. The current statutory authority is found at NMSA 1978, §18-1-1 et seq. Pursuant to statute, the New Mexico Supreme Court sits as the Supreme Court Law Library's Board of Trustees. NMSA 1978, § 18-1-2. The New Mexico Supreme Court appoints a State Law Librarian as agency head. NMSA 1978, § 18-1-7.

The Supreme Court Law Library is a component unit of the Judicial Branch and these financial statements include all funds and activities over which the Law Library has oversight responsibility. The Law Library has decision-making authority, the power to designate management, the responsibility to significantly influence operations, and primary accountability for fiscal matters. The Law Library is part of the primary government of the State of New Mexico and its financial data should be included with the financial data of the state. However, New Mexico does not at present issue an audited Comprehensive Annual Financial Report inclusive of all agencies of the primary government. The Law Library has no component units that are required to be reported in its financial statements.

B. Basic Financial Statements

The basic financial statements include both government-wide (based on the Supreme Court Law Library as a whole) and fund financial statements. Both the government-wide and fund financial statements categorize primary activities as either governmental or business type. The Supreme Court Law Library is a single-purpose government entity and has no business type activities. In the government-wide Statement of Net Position, the governmental activities are presented on a consolidated basis and are reflected on the full accrual, economic resource measurement focus, which incorporates long-term assets and receivables, as well as long-term debt and obligations. Government-wide financial statements exclude information about fiduciary funds and component units that are fiduciary in nature.

The government-wide Statement of Activities reflects both the gross and net cost per functional category, which are otherwise being supported by general government revenues. The Statement of Activities reduces gross expenses by related program revenues, operating and capital grants. The program revenues must be directly associated with the function and consist of fees.

The net cost by function is normally covered by general revenue. Historically, the previous model did not summarize or present net cost by function or activity. Since the Supreme Court Law Library only has one program, it does not employ direct cost allocation in the financial statements.

Notes to the Financial Statements
June 30, 2013

The fund financial statements are very similar to the financial statements presented in the previous model. Emphasis is on the major funds of the governmental category. Non-major funds are summarized into a single column. The Supreme Court Law Library's only fund is its General Fund which is considered a major fund.

The governmental funds in the fund financial statements are presented on a current financial resources measurement focus and the modified accrual basis of accounting. This is the manner in which these funds are normally budgeted. This presentation is deemed more appropriate to demonstrate legal and covenant compliance, to demonstrate the source and use of liquid resources and to demonstrate how the Supreme Court Law Library's actual experience conforms to the budget or fiscal plan. Since the governmental fund statements are presented on a different measurement focus and basis of accounting than the government-wide statements governmental column, a reconciliation is presented on the page following each statement, which briefly explains the adjustment necessary to transform the fund based financial statements into the governmental column of the government-wide presentation.

The financial transactions of the Supreme Court Law Library are recorded in individual funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its Assets, liabilities, deferred outflows and inflows of resources, fund balance, revenues, expenditures or expenses and other financing sources or uses. Government resources are allocated to, and accounted for, in individual funds based upon the purpose for which they are to be spent and the means by which the spending activities are controlled.

The Supreme Court Law Library Funds are classified as governmental.

The following fund types are used by the Law Library:

Governmental Fund Types

Governmental fund types are used to account for all of the Law Library's activities. The General Fund (SHARE Fund 13400) is the primary operating fund of the Law Library. The General Fund is a reverting fund.

C. Non-Current Governmental Assets/Liabilities

Non-current assets and liabilities are not presented in the fund financial statements, but rather incorporated only in the government-wide Statement of Net Position.

D. Basis of Accounting

Basis of accounting refers to the point at which revenues or expenditures 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.

**Notes to the Financial Statements
June 30, 2013**

The government-wide financial statements are prepared using the economic resources measurement focus and the accrual basis of accounting. Under the accrual basis of accounting, revenues are recognized when earned and expenses are recorded when the liability is incurred or economic Assets used. Revenues, expenses, gains, losses, assets, deferred outflows of resources, liabilities and deferred inflows of resources resulting from exchange transactions are recognized when the exchange takes place. Revenues, expenses, gains, losses, assets, deferred outflows of resources and liabilities and deferred inflows of resources resulting from non-exchange transactions are recognized in accordance with requirements of GASB 33.

The General Fund utilizes the modified accrual basis of accounting. Under this method, revenues and other governmental fund financial resource increments are recognized in the accounting period in which they become susceptible to accrual that is, when they become both measurable and available to finance expenditures of the current fiscal period; available meaning collectible within the current period or soon enough thereafter (60 days) to be used to pay liabilities of the current period.

Expenditures are recorded as liabilities when incurred. An exception to this general rule is that accumulated unpaid annual, compensatory and certain sick leave are not accrued as current liabilities but as non-current liabilities.

In applying the “susceptible to accrual” concept to intergovernmental revenues pursuant to Governmental Accounting Standards Board Statement No. 33 (GASB 33), *Accounting and Financial Reporting for Nonexchange Transactions*, the provider should recognize liabilities and expenses and the recipient should recognize receivables and revenues when the applicable eligibility requirements, including time requirements, are met. Resources transmitted before the eligibility requirements are met, under most circumstances, should be reported as advances by the provider and unearned revenue by the recipient.

E. Encumbrances

Encumbrances follow the modified accrual basis of accounting. Outstanding valid encumbrances are classified as accounts payable if they are normally paid before 30 days after the end of the fiscal year. After this deadline, the agency may still make the expenditure for a prior year accounts payable; however, they must first obtain DFA’s permission to pay prior year bills. “Permission to pay prior year bills” is a penalty under law for not paying bills timely. It penalizes an agency by mandating that they charge an expenditure of one fiscal year to the subsequent fiscal year’s budget.

F. Capital Assets

By State statute, all capital assets used by the Supreme Court Law Library are accounted for by the State of New Mexico, Supreme Court Building Commission. The Commission is responsible for the care, custody, and control of capital assets used by agencies of the judicial department housed within the Supreme Court Building. Capital assets purchased by the Supreme Court Law Library are reported as capital outlay expenditures in the General Fund.

**Notes to the Financial Statements
June 30, 2013**

G. Compensated Absences

Qualified employees accumulate annual leave to a maximum of 240 hours as follows:

Years of Service	Hours Earned Bi-Weekly
1 – 3 years	4.62
4 – 6 years	5.54
7 – 13 years	6.46
14 years or more	7.39

The maximum accrued annual leave may be carried forward into the beginning of the next calendar year and any excess is lost. When employees terminate, they are compensated for accumulated unpaid annual leave as of the date of termination. Accrued annual leave is recorded as a liability and net changes are recorded as expenditures in the government-wide financial statements. The fund financial statements and budgetary comparison reports only recognize the compensated absences when payments are made to employees.

H. Net Position

The government-wide financial statements utilize a net position presentation. Net Position is categorized as invested in capital assets (net of related debt), restricted and unrestricted.

Invested in Capital Assets (net of related debt)—is intended to reflect the portion of Net Position which is associated with non-liquid, capital assets less outstanding capital asset related debt. The net related debt is the debt less the outstanding liquid assets and any associated unamortized cost. The Law Library does not have any related debt.

Restricted Net Position—is liquid assets (generated from revenues and not bond proceeds), which have third-party, legally enforceable, (statutory, bond covenant or granting agency) limitations on their use. When there is an option, the Supreme Court Law Library spends restricted resources first.

Unrestricted Net Position—represents unrestricted liquid assets.

I. Fund Balances

Governmental funds report fund balance classifications that comprise a hierarchy based primarily on the extent to which the government is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. The classifications used in the governmental fund financial statements are as follows:

Nonspendable - This classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

Restricted - This classification includes amounts that are restricted to a specific purpose. Fund balances are restricted when constraints placed on the use of resources are either: (a) Externally imposed by creditors (such as debt covenants), grantors, contributors, or laws or regulations of other governments;

Notes to the Financial Statements
June 30, 2013

(b) Enabling legislation, as the term is used authorizes the Law Library to assess, levy, charge or otherwise mandate payment of resources and includes a *legally enforceable* requirement that those resources be used only for the specific purposes stipulated in the legislation.

Committed - This classification includes amounts that can only be used for specific purposes to constraints imposed by formal action of the Law Library's highest level of decision-making authority. Those committed amounts cannot be used for any other purpose unless the Law Library removes or changes the specific use by taking the same type of action (for example resolution, ordinance) it employed to previously commit those amounts.

Assigned - This classification includes amounts that are constrained by the Law Library's *intent* to be used for specific purposes, but are neither restricted nor committed. Intent should be expressed by (a) the governing body itself or (b) a body or official to which the governing body has delegated the authority to assign amounts to be used for specific purposes.

Unassigned - This classification is the residual classification for the general fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the general fund. The general fund should be the only fund that reports a positive unassigned fund balance amount.

J. Compensated Absences

Vested or accumulated vacation leave and vested sick leave are reported in the entity-wide financial statements, since they are not expected to be liquidated with expendable available financial resources. No current expenditures are reported in the General Fund financial statements for these amounts.

K. Long-Term Obligations

Long-term debt is recognized as a liability of a governmental fund when due. For other long-term obligations, only that portion expected to be financed from expendable available financial resources is reported as a liability of the General Fund. The remaining portion of such obligations is reported in the entity-wide financial statements.

L. Budgets

The Supreme Court Law Library follows these procedures in establishing the budgetary data reflected in the financial statements:

No later than September 1, the Supreme Court Law Library submits to the Judicial Budget Office (JBO), the Legislative Finance Committee (LFC), and the Department of Finance and Administration (DFA) an appropriation request for the fiscal year commencing the following July 1. The appropriation request includes proposed expenditures and the means of financing them. Appropriation request hearings are scheduled by the DFA. Budget hearings are scheduled before the New Mexico House Appropriations and Senate Finance Committees. The final outcomes of these hearings are incorporated into the General Appropriations Act. The Act is signed into law by the Governor of the State of New Mexico within the legally prescribed time limit.

**Notes to the Financial Statements
June 30, 2013**

The Supreme Court Law Library submits to the DFA, no later than May 1, an annual operating budget by category and line item based upon the appropriation made by the Legislature. The DFA – Budget Division reviews and approves the operating budget which becomes effective on July 1. All subsequent budget adjustments must be approved by the State of New Mexico, Administrative Office of the Courts and the director of the DFA - Budget Division and the LFC. The current year budget was adjusted in a legal manner. Legal budget control for expenditures is by category of line item. Formal budgetary integration is employed as a management control device during the fiscal year for the General Fund.

Appropriations lapse at the end of the fiscal year except for multi-year special appropriations. All amounts within the General Fund revert annually to the State General Fund, with the exception of unspent multi-year special appropriations.

Each year the Legislature approves multiple year appropriations, which the State considers as continuing appropriations. The Legislature authorizes these appropriations for two to five years; however, it does not identify the authorized amount by fiscal year. Consequently, the appropriation is budgeted in its entirety the first year the Legislature authorizes it. The unexpended portion of the budget is carried forward as the next year’s beginning budget balance until either the project period has expired or the appropriation has been fully expended. The budget presentation in these financial statements is consistent with this budgeting methodology.

The budget for the General Fund is adopted on the modified accrual basis of accounting except for accounts payable accrued at the end of the fiscal year that do not get paid by the statutory deadline (NMSA 1978, § 6-10-4), that must be paid out of next year’s budget. A reconciliation of budgetary basis to GAAP basis will be necessary if all accounts payable at the end of the fiscal year are not paid by the statutory deadline. No reconciliation was necessary as of June 30, 2013.

NOTE 2: STATE TREASURER GENERAL FUND INVESTMENT POOL

State law (NMSA 1978, § 8-6-3) requires the Supreme Court Law Library cash be managed by the New Mexico State Treasurer’s Office. Accordingly, the investments of the Supreme Court Law Library consist of an interest in the General Fund Investment Pool managed by the New Mexico State Treasurer’s Office.

At June 30, 2013 the Court had the following invested in the General Fund Investment Pool:

	<u>Share Fund #</u>	<u>Maturity</u>	<u>Account Balance</u>	<u>Fair Value</u>
General Fund	134	1 day	\$ <u>221,241</u>	\$ <u>221,241</u>

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.

Notes to the Financial Statements
June 30, 2013

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, 2013.

General Fund Investment Pool Not Reconciled

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 New Mexico State Treasurer. Claims on the Pool are reported as assets by the various agencies investing in the Pool.

In June 2012 an independent expert diagnostic report revealed that the Pool balances have not been reconciled at the "business unit/fund" level since the inception of the Statewide Human resources, Accounting, and management Reporting system (SHARE) system in July of 2006. The Diagnostic reports are available in the Resources section of the Cash Control page of the New Mexico Department of Finance & Administration's website at: http://www.nmdfa.state.nm.us/Cash_Control.aspx.

By state statute, the New Mexico Department of Finance and Administration (DFA) is responsible for the performance of monthly reconciliations with the balances and accounts kept by the State Treasurer. Therefore, under the direction of the State Controller / Financial Control Division Director, the Financial Control Division (FCD) of the New Mexico Department of Finance & Administration undertook action to address the situation. DFA/FCD initiated the Cash Management Remediation Project (Remediation Project) in partnership with the Office of the New Mexico State Treasurer, the New Mexico Department of Information Technology, and a contracted third party with expertise in the Enterprise System Software used by the State.

The Remediation Project objective was to design and implement changes necessary to ensure ongoing completion of timely, accurate and comprehensive reconciliation of the Pool. DFA has or is in the process of implementing all the recommendations resulting for the Remediation Project and has made changes to the State's SHARE System configuration, cash accounting policies and procedures, business practices, and banking structure. This has enabled DFA to complete timely and accurate reconciliation of bank to book balances at the State and Business Unit level on a post-implementation basis, however it did not resolve historical reconciling items. Additional changes recommended by the Project continue to be cascaded through DFA and state agencies to support the Business Unit by Fund accounting requirements.

A plan to address historical reconciliation items is being assessed and a separate initiative will need to be undertaken to resolve the historical reconciliation items. DFA Management considers it unlikely that this separate initiative will be successful in allocating all historical reconciling items to the State entities invested in the Pool. As a result, any remaining differences post specific allocation to Pool participants will be reported in the State General Fund.

**Notes to the Financial Statements
June 30, 2013**

DFA Management in FY 2012 recorded a loss contingency of \$101.7 million in the General Fund based on its estimate of the effect of issues related to the reconciliation of the Pool, that estimate is still current. Because no specific loss amount is determinable, consistent with generally accepted accounting principles, the amount accrued is the minimum amount that DFA management considers to be probable. Ultimately, the loss could exceed the amount accrued, perhaps by a substantial amount.

The cash transactions processed by the Supreme Court Law Library flow through the state general fund investment pool. Since SHARE was implemented, we recognized the statewide cash reconciliation issue and in response, developed internal reconciliation procedures to ensure that cash receipts and disbursements recorded in the SHARE system are in fact transactions that have been initiated by the Supreme Court Law Library.

The reconciliation occurs each month and any required adjustments are forwarded to the Financial Control Division at DFA for correction. Monthly reconciliation procedures throughout the fiscal year, include, but are not limited to validation of: allotments, deposits, expenditures, all general entries, operating transfers, payroll expenditures/payroll liabilities, and review of outstanding warrants. The Supreme Court Law Library reports the timely completion of the reconciliation process to Supreme Court Law Library management monthly and conducts monthly management budget reviews to ensure that all cash deposits and financial transactions are accurately recorded and posted to the SHARE system.

This monthly internal reconciliation of cash receipts and disbursements flowing through the Supreme Court Law Library's share of the state general fund investment pool provides management assurance that the balance reflected in State General Fund Investment Pool account is accurate as of the end of the reporting period. In addition, Supreme Court Law Library reconciles other asset and liability accounts on the balance sheet of each fund type. This process also provides additional assurance that transactions affecting the Supreme Court Law Library's share in the State General Fund Investment Pool account are accurate.

NOTE 3: DUE TO STATE GENERAL FUND

The Supreme Court Law Library accrued a liability for reversion to the State General Fund for its unexpended general appropriations for the fiscal year ended June 30, 2013. The following is a summary of reversion activity for the fiscal year.

Budget year 2013 reversion	<u>\$ 82,893</u>
Due to State General Fund	<u><u>\$ 82,893</u></u>

NOTE 4: COMPENSATED ABSENCES

The following is a summary of changes in compensated absences:

<u>Balance 06/30/12</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance 06/30/13</u>	<u>Due within One Year</u>
<u>\$34,708</u>	<u>35,416</u>	<u>42,131</u>	<u>\$27,993</u>	<u>\$24,555</u>

Notes to the Financial Statements
June 30, 2013

Compensated absences are liquidated with available financial resources out of the general fund. The State of NM does not budget in the current year, funds to pay any portion of the compensated absence liability at the end of the year; therefore, the current portion of compensated absences is not recorded in the fund financial statements. The Court has no other debt.

NOTE 5: RETIREMENT PLANS

Plan Description. Substantially all of the Supreme Court Law Library' full-time employees participate in public employee retirement system authorized under the Public Employees Retirement Act (NMSA 1978, § 10-11-1). The Public Employees Retirement Association (PERA) is the administrator of the plan, which is a cost-sharing multiple-employer defined benefit retirement plan. The plan provides for retirement, disability benefits, survivor benefits and cost-of-living adjustments to plan members and beneficiaries. PERA issues a separate, publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to PERA, PO Box 2123, Santa Fe, NM 87504-2123.

Funding Policy. Plan members are required to contribute 8.92% of their gross salary. The Supreme Court Law Library is required to contribute 15.09% of the gross covered salary. The contribution requirements of plan members and Supreme Court Law Library are established under NMSA 1978, § 10-11. The requirements may be amended by acts of the legislature. The Supreme Court Law Library contributions to PERA for the years ended June 30, 2013, 2012 and 2011 were \$62,745, \$60,181, and \$67,871, respectively, equal to the amount of the required contributions for each year.

NOTE 9: POST-EMPLOYMENT BENEFITS - STATE RETIREE HEALTH CARE PLAN

Plan Description. The Supreme Court Law Library contributes to the New Mexico Retiree Health Care Fund, a cost-sharing multiple-employer defined benefit post-employment healthcare plan administered by the New Mexico Retiree Health Care Authority (RHCA). The RHCA provides health care insurance and prescription drug benefits to retired employees of participating New Mexico government agencies, their spouses, dependents, and surviving spouses and dependents. The RHCA Board was established by the Retiree Health Care Act (NMSA 1978, § 10-7C). The Board is responsible for establishing and amending benefit provisions of the healthcare plan and is also authorized to designate optional and/or voluntary benefits like dental, vision, supplemental life insurance, and long-term care policies.

Eligible retirees are: 1) retirees who make contributions to the fund for at least five years prior to retirement and whose eligible employer during that period of time made contributions as a participant in the RHCA plan on the person's behalf unless that person retires before the employer's RHCA effective date, in which the event the time period required for employee and employer contributions shall become the period of time between the employer's effective date and the date of retirement; 2) retirees defined by the Act who retired prior to July 1, 1990; 3) former legislators who served at least two years; and 4) former governing authority members who served at least four years.

Notes to the Financial Statements
June 30, 2013

The RHCA issues a publicly available stand-alone financial report that includes financial statements and required supplementary information for the post-employment healthcare plan. That report and further information can be obtained by writing to the Retiree Health Care Authority at 4308 Carlisle NE, Suite 104, Albuquerque, NM 87107.

Funding Policy. The Retiree Health Care Act (NMSA 1978, § 10-7C-15) authorizes the RHCA Board to establish the monthly premium contributions that retirees are required to pay for healthcare benefits. Each participating retiree pays a monthly premium according to a service based subsidy rate schedule for the medical plus basic life plan plus an additional participation fee of five dollars if the eligible participant retired prior to the employer's RHCA effective date or is a former legislator or former governing authority member. Former legislators and governing authority members are required to pay 100% of the insurance premium to cover their claims and the administrative expenses of the plan. The monthly premium rate schedule can be obtained from the RHCA or viewed on their website at www.nmrhca.state.nm.us.

The employer, employee and retiree contributions are required to be remitted to the RHCA on a monthly basis. The statutory requirements for the employer and employee contributions can be changed by the New Mexico State Legislature. Employers that choose to become participating employers after January 1, 1998, are required to make contributions to the RHCA fund in the amount determined to be appropriate by the board.

The Retiree Health Care Act (NMSA 1978, § 10-7C-15) is the statutory authority that establishes the required contributions of participating employers and their employees. For employees that were members of an enhanced retirement plan (state police and adult correctional officer member coverage plan 1; municipal police member coverage plans 3, 4 or 5; municipal fire member coverage plan 3, 4 or 5; municipal detention officer member coverage plan 1; and members pursuant to the Judicial Retirement Act) during the fiscal year ended June 30, 2013, the statute required each participating employer to contribute 2.5% of each participating employee's annual salary; and each participating employee was required to contribute 1.25% of their salary. For employees that were not members of an enhanced retirement plan during the fiscal year ended June 30, 2013, the statute required each participating employer to contribute 2.0% of each participating employee's annual salary; each participating employee was required to contribute 1.0% of their salary. In addition, pursuant to Section 10-7C-15(G) NMSA 1978, at the first session of the Legislature following July 1, 2013, the legislature shall review and adjust the distributions pursuant to Section 7-1-6.1 NMSA 1978 and the employer and employee contributions to the authority in order to ensure the actuarial soundness of the benefits provided under the Retiree Health Care Act.

The Supreme Court Law Library contributions to the RHCA for the years ended June 30, 2013, 2012 and 2011 were \$8,927, \$8,232, and \$7,442, respectively, which equal the required contributions for each year.

Notes to the Financial Statements
June 30, 2013

NOTE 10: RISK MANAGEMENT

The Supreme Court Law Library is exposed to various risk of loss related to torts; theft of, damage to, or destruction of Assets; errors and omissions; injuries to employees or others; or acts of God. The Law Library is insured through Risk Management Division of the General Services Department, which is accounted for as an internal service fund of the State of New Mexico. In general, Risk Management Division responds to suits against the state and state agencies; manages fund to provide unemployment compensation, tort liability insurance, workman's compensation, and general and property insurance, and attempts to reduce the number of suits against the state and state agencies through the risk management process. The actuarial gains and losses of Risk Management Division were not available and are not included in this report. However, the Court would not be liable for more than the annual premiums. The Supreme Court Law Library expended \$2,570 to obtain this coverage.

**Schedule of Operating Transfers
For the Year Ended June 30, 2013**

	SHARE FUND	TITLE	TRANSFER	
			In	Out
(1)	85300	Department of Finance & Administration	\$ 1,505,600	\$ -
(1)	14900	FY 2013 Reversion	-	82,893
	Total		<u>\$ 1,505,600</u>	<u>\$ 82,893</u>

(1) General Fund Appropriation, Laws of 2012, Chapter 19, Section 4

See Independent Auditor's Report.

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*

Hector H. Balderas
New Mexico State Auditor
and
Honorable Petra Jimenez Maes – Chief Justice
New Mexico Supreme Court Law Library
Santa Fe, New Mexico

We have audited in accordance with the 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, each major fund, the aggregate remaining fund information, and the budgetary comparisons for the general fund of the New Mexico Supreme Court Law Library (Library), as of and for the year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the New Mexico Supreme Court Law Library's basic financial statements and have issued our report thereon dated December 6, 2013.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Library'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 Library's internal control. Accordingly, we do not express an opinion on the effectiveness of the Library'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 combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Library'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 is important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control 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 Library'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 Library's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Zlotnick, Law & Sandoval, P.C.

Zlotnick, Laws & Sandoval, P.C.

December 6, 2013

**Schedule of Findings and Responses
June 30, 2013**

Status of Prior Year's Findings

2012-01 Controls over Leave Time	Resolved
2012-02 Fraud Policy	Resolved
2012-03 Responsibility for the Financial Statements	Resolved

Other Disclosures
June 30, 2013

Preparation of the Financial Statements

Zlotnick, Laws & Sandoval, PC assisted in the preparation of the financial statements presented in this report. The Supreme Court Law Library's management has reviewed and approved the financial statements and related notes and they believe that their records adequately support the financial statements.

Exit Conference

The contents of this report were discussed on December 11, 2013. The following individuals were in attendance:

New Mexico Supreme Court Law Library

Honorable Petra Jimenez Maes	Chief Justice
Robert A. Mead	State Law Librarian
Wanda M. Gonzales	Financial Officer

Zlotnick, Laws & Sandoval, PC

Asa Laws, CPA	CPA, Shareholder
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