

1 SENATE BILL 145

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 George K. Muñoz and Pamelya Herndon

10 AN ACT

11 RELATING TO AUDITING; PROVIDING FOR FEDERAL SINGLE AUDITS;
12 AMENDING THE AUDIT ACT; RESTRUCTURING AUDIT REQUIREMENTS;
13 AMENDING LOCAL PUBLIC BODY AUDIT THRESHOLDS; AMENDING
14 DEFINITIONS; UPDATING TERMS; AMENDING AUDIT REPORTING
15 REQUIREMENTS; AMENDING THE AUDIT FUND; MAKING AN APPROPRIATION.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 12-6-2 NMSA 1978 (being Laws 1969,
19 Chapter 68, Section 2, as amended) is amended to read:

20 "12-6-2. DEFINITIONS.--As used in the Audit Act:

21 A. "agency" means:

22 (1) any department, institution, board,
23 bureau, court, commission, district or committee of [the
24 government of] the state, including district courts, magistrate
25 or metropolitan courts, district attorneys and charitable

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1 institutions [~~for which appropriations are made by the~~
2 ~~legislature~~] funded by appropriation;

3 (2) any political subdivision of the state,
4 created under either general or special act, that receives or
5 expends public money from [~~whatever source derived~~] any source,
6 including counties, county institutions, boards, bureaus or
7 commissions [~~municipalities, drainage, conservancy, irrigation~~
8 ~~or other special districts~~] and school districts;

9 (3) any entity or instrumentality of the state
10 specifically provided for by law, including the New Mexico
11 finance authority, the New Mexico mortgage finance authority
12 and the New Mexico lottery authority;

13 (4) any organization subject to the
14 requirements of Section 6-5A-1 NMSA 1978 that supports a public
15 post-secondary educational institution; and

16 [~~(4)~~] (5) every office or officer of any
17 entity listed in Paragraphs (1) through [~~(3)~~] (4) of this
18 subsection; and

19 B. "local public body" means a mutual domestic
20 water consumers association, a land grant, an incorporated
21 municipality, an acequia or a special district, including:

22 (1) a drainage district;
23 (2) a conservancy district;
24 (3) an irrigation district;
25 (4) a sanitation district;

- (5) a solid waste district;
- (6) a transit district;
- (7) a zoning district;
- (8) a utility district;
- (9) a communication district;
- (10) a public improvement district; or
- (11) a tax increment development district."

SECTION 2. Section 12-6-3 NMSA 1978 (being Laws 1969, Chapter 68, Section 3, as amended) is amended to read:

"12-6-3. ANNUAL AND SPECIAL AUDITS--FINANCIAL
NATIONS.--

A. Except as otherwise provided in Subsection B of this section, the financial affairs of every agency shall be thoroughly examined and audited each year by the state auditor, personnel of the state auditor's office designated by the state auditor, [or] independent auditors approved by the state auditor or personnel of the state auditor's office designated by the state auditor working jointly with independent auditors approved by the state auditor. The annual comprehensive [annual] financial report for the state shall be thoroughly examined and audited each year by the state auditor, personnel of the state auditor's office designated by the state auditor, [or] independent auditors approved by the state auditor or personnel of the state auditor's office designated by the state auditor working jointly with independent auditors approved by the state auditor

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1 the state auditor. The audits shall be conducted in accordance
2 with generally accepted auditing standards, generally accepted
3 government auditing standards and rules [issued] promulgated by
4 the state auditor; provided that for fiscal year 2028 and each
5 fiscal year thereafter, in accordance with Section 6-5-4.1 NMSA
6 1978, the financial control division of the department of
7 finance and administration shall conduct an annual agency
8 federal single audit in accordance with the Federal Single
9 Audit Act (31 U.S.C. 7501 through 7507), as amended, and Title
10 2, Subtitle A, Chapter II, Part 200, Subpart F, as amended.

11 B. The examination of the financial affairs of a
12 local public body shall be determined according to its cash and
13 investments assets, annual revenue or federal expenditures each
14 year. All examinations and compliance with agreed-upon
15 procedures engagements shall be conducted in accordance with
16 generally accepted auditing standards, generally accepted
17 government auditing standards and rules issued by the state
18 auditor. If a local public body has an annual revenue,
19 calculated on a cash basis of accounting, exclusive of capital
20 outlay funds, federal or private grants or capital outlay funds
21 disbursed directly by an administrating agency, of:

22 (1) less than [~~ten thousand dollars (\$10,000)~~]
23 one hundred thousand dollars (\$100,000) and does not directly
24 expend at least fifty percent of, or the remainder of, a single
25 capital outlay award, it is exempt from submitting and filing

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1 quarterly reports and final budgets for approval to the local
2 government division of the department of finance and
3 administration and from any financial reporting to the state
4 auditor;

5 [(2) at least ten thousand dollars (\$10,000)
6 but less than fifty thousand dollars (\$50,000), it shall comply
7 only with the applicable provisions of Section 6-6-3 NMSA 1978;

8 (3) less than fifty thousand dollars (\$50,000)
9 and directly expends at least fifty percent of, or the
10 remainder of, a single capital outlay award, it shall submit to
11 the state auditor a financial report consistent with agreed-
12 upon procedures for financial reporting that are:

13 (a) focused solely on the capital outlay
14 funds directly expended;

15 (b) economically feasible for the
16 affected local public body; and

17 (c) determined by the state auditor
18 after consultation with the affected local public body;

19 (4) at least fifty thousand dollars (\$50,000)
20 but not more than two hundred fifty thousand dollars
21 (\$250,000), it shall submit to the state auditor, at a minimum,
22 a financial report that includes a schedule of cash basis
23 comparison and that is consistent with agreed-upon procedures
24 for financial reporting that are:

25 (a) narrowly tailored to the affected

1 local public body;

2 (b) economically feasible for the
3 affected local public body; and

4 (c) determined by the state auditor
5 after consultation with the affected local public body;

6 (5) at least fifty thousand dollars (\$50,000)
7 but not more than two hundred fifty thousand dollars (\$250,000)
8 and expends any capital outlay funds, it shall submit to the
9 state auditor, at a minimum, a financial report that includes a
10 schedule of cash basis comparison and a test sample of expended
11 capital outlay funds and that is consistent with agreed-upon
12 procedures for financial reporting that are:

13 (a) narrowly tailored to the affected
14 local public body;

15 (b) economically feasible for the
16 affected local public body; and

17 (c) determined by the state auditor
18 after consultation with the affected local public body;

19 (6) at least two hundred fifty thousand
20 dollars (\$250,000) but not more than five hundred thousand
21 dollars (\$500,000), it shall submit to the state auditor, at a
22 minimum, a compilation of financial statements and a financial
23 report consistent with agreed-upon procedures for financial
24 reporting that are:

25 (a) economically feasible for the

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1 affected local public body; and
2 (b) determined by the state auditor
3 after consultation with the affected local public body; or
4 (7) five hundred thousand dollars (\$500,000)
5 or more, it shall be thoroughly examined and audited as
6 required by Subsection A of this section]

7 (2) less than one hundred thousand dollars
8 (\$100,000) and directly expends at least fifty percent, or the
9 remainder, of a single capital outlay award, the local public
10 body shall submit to the state auditor a financial report
11 consistent with agreed-upon procedures for the financial
12 reporting that are:

13 (a) focused solely on the capital outlay
14 funds directly expended;

15 (b) economically feasible for the
16 affected local public body; and

17 (c) determined by the state auditor
18 after consultation with the affected local public body;
19 (3) more than or equal to one hundred thousand
20 dollars (\$100,000) but less than one million dollars
21 (\$1,000,000), the local public body shall submit to the state
22 auditor, at a minimum, a financial report that includes a
23 schedule of cash basis comparisons and a test sample of any
24 expended capital outlay funds and that is consistent with
25 agreed-upon procedures for financial reporting that are:

(a) narrowly tailored to the affected local public body;

(b) economically feasible for the affected local public body; and

(c) determined by the state auditor after consultation with the affected local public body; or

(4) one million dollars (\$1,000,000) or more, the local public body shall be examined and audited as required by Subsection A of this section.

C. In addition to the annual audit, the state auditor may cause the financial affairs and transactions of an agency to be audited in whole or in part.

D. If a local public body is required to be examined and audited pursuant to Subsection A of this section, the local public body shall not be eligible for the reporting requirements provided pursuant to Paragraphs (1) through (4) of Subsection B of this section and shall be required to be examined and audited each year.

[D.] E. Annual financial and compliance audits of agencies under the oversight of the financial control division of the department of finance and administration shall be completed and submitted by an agency and an independent auditor to the state auditor no later than sixty days after the state auditor receives notification from the financial control division ~~[to the effect]~~ that an agency's books and records are

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1 ready and available for audit. The local government division
2 of the department of finance and administration shall inform
3 the state auditor of [the] any compliance or [failure to
4 comply] noncompliance by a local public body with the
5 provisions of Section 6-6-3 NMSA 1978.

6 [E.] F. In order to comply with United States
7 department of housing and urban development requirements, the
8 financial affairs of a public housing authority that is
9 determined to be a component unit in accordance with generally
10 accepted accounting principles, other than a housing department
11 of a local government or a regional housing authority, at the
12 public housing authority's discretion, may be audited
13 separately from the audit of its local primary government
14 entity. If a separate audit is made, the public housing
15 authority audit shall be included in the local primary
16 government entity audit and need not be conducted by the same
17 auditor who audits the financial affairs of the local primary
18 government entity.

19 [F.] G. The state auditor shall notify the
20 legislative finance committee and the public education
21 department if:

22 (1) a school district, charter school or
23 regional education cooperative has failed to submit a required
24 audit report within ninety days of the due date specified by
25 the state auditor; and

(2) the state auditor has investigated the matter and attempted to negotiate with the school district, charter school or regional education cooperative but the school district, charter school or regional education cooperative has not made satisfactory progress toward compliance with the Audit Act.

[G.] H. The state auditor shall notify the legislative finance committee and the secretary of finance and administration if:

(1) [a state] an agency, state institution, municipality or county has failed to submit a required audit report within ninety days of the due date specified by the state auditor; and

(2) the state auditor has investigated the matter and attempted to negotiate with the [state] agency, state institution, municipality or county but the state agency, state institution, municipality or county has not made satisfactory progress toward compliance with the Audit Act."

SECTION 3. Section 12-6-5 NMSA 1978 (being Laws 1969, Chapter 68, Section 5, as amended) is amended to read:

"12-6-5. REPORTS OF AUDITS.--

A. The state auditor shall cause a complete written report to be made of each annual or special audit and examination made. Each report shall set out in detail, in a separate section, any violation of law or good accounting

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1 practices found by the audit or examination. Each report of [~~a~~
2 ~~state~~] an agency shall include a list of individual deposit
3 accounts and investment accounts held by each [~~state~~] agency
4 audited. A copy of the report shall be sent to the agency
5 audited or examined and the secretary of finance and
6 administration; five days later, or earlier if the agency
7 waives the five-day period, the report shall become a public
8 record, at which time copies shall be sent to [~~(1)~~ ~~the~~
9 ~~secretary of finance and administration; and (2)~~] the
10 legislative finance committee.

11 B. The state auditor shall send a copy of reports
12 of [~~state~~] agencies to the department of finance and
13 administration.

14 C. Within thirty days after receipt of the report,
15 the agency [~~audited~~] auditor may notify the state auditor of
16 any errors in the report. If the state auditor is satisfied
17 from data or documents at hand, or by an additional
18 investigation, that the report is erroneous, the state auditor
19 shall correct the report and furnish copies of the corrected
20 report to all parties receiving the original report."

21 SECTION 4. Section 12-6-13 NMSA 1978 (being Laws 1969,
22 Chapter 68, Section 13) is amended to read:

23 "12-6-13. AUDIT FUND--PAYMENT FOR AUDITS--EXPENSES OF
24 AUDITOR--

25 A. [~~There~~] The "audit fund" is created as a

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1 nonreverting fund in the state treasury [~~the "audit fund" into~~
2 which the state auditor shall deposit all]. The fund consists
3 of earmarked revenue, appropriations, gifts, grants, donations
4 and fees and costs received from agencies audited by [him] the
5 state auditor. The state auditor shall administer the fund,
6 and money in the fund is appropriated to the state auditor for
7 the purposes of carrying out the Audit Act. Disbursements from
8 the fund shall be made by warrant of the secretary of finance
9 and administration pursuant to vouchers signed by the state
10 auditor or the state auditor's authorized representative.

11 B. Fees and costs pursuant to Subsection A of this
12 section shall be determined by the state auditor to recover all
13 fees and costs of the state auditor for performing an
14 engagement in accordance with professional standards.

15 [B.] C. Payments for salaries and expenses of the
16 state auditor shall be made from the audit fund [and the fund
17 shall not revert at the end of any fiscal year]."

18 **SECTION 5. APPROPRIATION.**--Fifty thousand dollars
19 (\$50,000) is appropriated from the general fund to the office
20 of the state auditor for expenditure in fiscal year 2027 to
21 purchase computer software to administer statewide single
22 federal audits. Any unexpended balance remaining at the end of
23 fiscal year 2027 shall revert to the general fund.