



**MINUTES  
of the  
THREE-HUNDRED-TWENTY-FIFTH MEETING  
of the  
LEGISLATIVE COUNCIL  
August 20, 2009  
Santa Fe**

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The three-hundred-twenty-fifth meeting of the Legislative Council was called to order on Thursday, August 20, 2009, at 10:30 a.m. in Room 307 of the State Capitol by Senator Timothy Z. Jennings, co-chair.

**Present**

Senator Timothy Z. Jennings, Co-Chair  
Representative Ben Lujan, Co-Chair  
Senator Carlos R. Cisneros  
Senator Dianna J. Duran  
Representative Keith J. Gardner  
Senator Stuart Ingle  
Representative Rhonda S. King  
Representative W. Ken Martinez  
Senator Cisco McSorley  
Representative Rick Miera  
Senator Michael S. Sanchez  
Representative Sheryl Williams Stapleton  
Representative Jeannette O. Wallace

**Special Advisory Members Present**

Representative Eliseo Lee Alcon  
Representative Donald E. Bratton  
Representative Antonio Lujan  
Representative James Roger Madalena  
Senator George K. Munoz

**Staff**

Paula Tackett, Director, Legislative Council Service (LCS)  
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, LCS  
Raúl Burciaga, Assistant Director for Drafting Services, LCS  
John Yaeger, Assistant Director for Legislative Affairs, LCS

**Absent**

Senator William H. Payne  
Representative Thomas C. Taylor

**Special Advisory Members Absent**

Senator Pete Campos  
Senator Kent L. Cravens  
Representative Anna M. Crook  
Representative Brian F. Egolf, Jr.  
Senator Mary Jane M. Garcia  
Representative Al Park  
Senator John Arthur Smith

On a motion made, seconded and unanimously approved, the minutes of the July 27, 2009 meeting were approved as submitted.

### **Interim Committee Business**

Ms. Tackett reminded the council that several subcommittees had been formed and chairs needed to be named. The following chairs were named for the listed subcommittees.

Disabilities Concerns Subcommittee of the Legislative Health and Human Services Committee will be chaired by Senator Ulibarri.

Acequias Subcommittee of the Water and Natural Resources Committee will be chaired by Representative Thomas A. Garcia. In addition, the following members were confirmed: Representatives Bandy, Begaye, Larrañaga and Nunez and Senators Griego, Harden and Ortiz y Pino. Senator Cisneros and Speaker Lujan will be advisory members.

Regulatory Review Reform Subcommittee will be co-chaired by Senator Bernadette Sanchez and Representative Sandoval. Representative Taylor was removed from the subcommittee because he is a voting member of the council.

Members named to the Budget Solvency Working Group to work with the executive on budget solutions are: Representatives Bratton, Hall, Miera, Saavedra, Varela and Wallace and Senators Beffort, Cisneros, Ingle, Neville, Sapien and Smith. The working group will be staffed from the legislative side by the staff of the Legislative Finance Committee (LFC), Legislative Education Study Committee (LESC) and LCS.

The LCS, LFC and LESC staff were directed to work together to propose avenues or areas where legislative budgets could be cut.

Speaker Lujan recommended that a smaller group of legislators begin to look at tax enhancements or credits to assist with balancing the budgets. No members were named to the revenue group at this time.

### **Independent Operational and Fiduciary Review Scope and Costs**

Mr. Burciaga briefed the council on the request for proposals (RFP) progress. He informed the council that an additional \$125,000 would be needed to finalize the contract.

An RFP for the review and seven proposals were received. The evaluation committee members (Olivia Padilla-Jackson, director, State Board of Finance; Rick Martinez, deputy secretary, Department of Finance and Administration; Dan White, economist, LFC; and Tom Pollard, fiscal analyst, LCS) reviewed the proposals and selected three finalists. The other four proposals were minimally responsive or did not have the level of expertise or experience for this proposal that the three finalists had. Selection of the contractor was based on evaluation points as set out in the RFP.

The finalists were advised to submit their respective "best and final" offers, during which time references were called for the three finalists. Each finalist submitted best and final costs approximately 7 percent to 9 percent below initially submitted costs. The evaluation committee met and selected a contractor contingent on negotiation of cost since it was considerably higher than the amount authorized by the Legislative Council and the State Board of Finance. The selected contractor was called and advised that while it had been selected, the amount authorized was considerably less than its best and final offer. Thus, the contractor was requested to review the scope of work and its estimates and then determine what could be done.

The contractor provided a new cost of \$413,490 plus a \$10,000 cap for travel, a reduction of about 25 percent.

The Legislative Council discussed at length the merits of such a review. Some members expressed concern about spending almost \$500,000 during a time of budget shortfalls, while other members raised the need for just such a review to help ensure protection of tens of billions of dollars in the various permanent and pension funds.

A motion was made and seconded to fund up to an additional \$125,000 for the independent operational and fiduciary review contract out of the legislative interim expense account. This additional amount would be reimbursed to the legislative interim expense account in the special session feed bill. In addition, \$50,000 to fund pre-session meetings for the standing committees that traditionally meet early before a 30-day session will also be placed in the special session feed bill. Senator McSorley voted NO on the motion.

### **CSG-WEST — Annual Meeting**

Kent Briggs and Cheryl Lee Duvauchelle briefed the council on the upcoming conference to be held in Santa Fe on October 5-8, 2009. They presented an overview of the scheduled events. They are expecting 300-400 participants, of which half will be legislators.

Speaker Lujan requested that the LCS notify the New Mexico members to register soon. He also reminded the council that the legislature appropriated \$100,000 to assist with speakers, transportation and other appropriate costs.

### **Staff Reports**

Ms. Tackett reminded the council that the National Organization for Women Legislators (NOWL) Conference would be held at the Tamaya Resort and Spa on September 3-7, 2009 and that the council authorized out of the legislative interim expenses account up to \$30,000 for speakers and transportation to reimburse NOWL. In response to a question, staff indicated they would check the policy on the use of the non-dues to pay for reimbursement to attend this conference, although it is in state.

Ms. Tackett briefed the council on the progress of the parking structure. It is supposed to be transferred to the legislature in mid-September. Ms. Tackett reminded the council that this is the proposed substantial completion date and it might actually be finally completed in October.

She informed the council that LCS staff will be working on draft policies for the Facilities Review Subcommittee to review. Speaker Lujan asked about a ribbon-cutting ceremony.

Ms. Tackett provided the council with the resume of Tatiana Lomahaftewa-Singer for appointment to the Capitol Art Foundation. On a motion made, seconded and approved, Ms. Lomahaftewa-Singer was appointed to the Capitol Art Foundation.

There being no further business, the council adjourned at 1:50 p.m.