

**STATE OF NEW MEXICO
FUND 20030 SENATE**

FINANCIAL STATEMENTS

**FOR THE YEAR ENDED
JUNE 30, 2014**



WEINER • CHERNE • COMPANY P.C.
Certified Public Accountants

June 30, 2014

Table of Contents.....	1
Official Roster.....	2
Independent Auditors' Report.....	3
Basic Financial Statements:	
Government Wide Financial Statements:	
Statement of Net Position.....	5
Statement of Activities.....	6
Fund Financial Statements:	
Balance Sheet - Governmental Funds.....	7
Statement of Revenues, Expenditures, and Changes in Fund Balance - Governmental Funds.....	8
Reconciliation of Statement of Revenues, Expenditures, and Changes in Fund Balance to Statement of Activities	9
Statement of Revenues and Expenditures - Budgeted and Actual (GAAP Basis).....	10
Notes to Financial Statements.....	11
Other Information:	
Independent Auditors' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With <i>Government Auditing Standards</i>	17
Schedule of Findings and Responses.....	19

June 30, 2014

FIFTY-FIRST LEGISLATURE, SECOND SESSION

Mary Kay Papen	President Pro-Tempore
Michael S. Sanchez	Majority Floor Leader
Stuart Ingle	Minority Floor Leader
Timothy M. Keller	Majority Whip
William H. Payne	Minority Whip
Lenore Naranjo	Senate Chief Clerk

COMMITTEES' COMMITTEE

Mary Kay Papen	Chair
Michael S. Sanchez	Vice-Chair
Pete Campos	Member
Carlos R. Cisneros	Member
Stuart Ingle	Member
Timothy M. Keller	Member
George K. Munoz	Member
William H. Payne	Member
Clemente Sanchez	Member
William E. Sharer	Member
John Arthur Smith	Member

LEGISLATIVE COUNCIL SERVICE

Raúl Burciaga	Director
Kathy Pacheco-Dofflemeyer	Assistant Director For Administration



INDEPENDENT AUDITORS' REPORT

State of New Mexico,
Fund 20030 Senate
Hector H. Balderas, New Mexico State Auditor

Report on Financial Statements

We have audited the accompanying financial statements of the governmental activities, the major fund, and the budgetary comparison for the general fund of the State of New Mexico, Fund 20030 Senate, as of and for the year ended June 30, 2014, and the related notes to the financial statements which collectively comprise the State of New Mexico, Fund 20030 Senate'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.

Auditors' 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 auditors' 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 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 and the major fund of the State of New Mexico, Fund 20030 Senate, as of June 30, 2014, and the respective changes in financial position and the respective budgetary comparison for the general fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

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 December 5, 2014 on our consideration of the State of New Mexico, Fund 20030 Senate'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 State of New Mexico, Fund 20030 Senate's internal control over financial reporting and compliance.

Weiner, Cherro & Company, P.C.

Santa Fe, New Mexico
December 5, 2014

STATE OF NEW MEXICO
FUND 20030 SENATE
Statement of Net Position

June 30, 2014

Assets:

Investment in the State General Fund Investment Pool, Note B
Capital assets, net of accumulated depreciation, Note C

\$ -
-

-

Liabilities:

Accounts payable
Due to other state agencies, Note D

-
-

-

Net Position:

Unrestricted

\$ -

For The Year Ended June 30, 2014

Expenses:

Legislative:

Personal services/employee benefits	\$	1,166,856
Contractual services		28,492
Other		401,167
		<u>1,596,515</u>

General Revenues:

State general fund appropriations, Note E

2,113,250

Transfers:

Transfers out, Note F

(516,735)

1,596,515

Change in Net Position

-

Net Position:

Beginning of year

-

End of year

\$

-

STATE OF NEW MEXICO
FUND 20030 SENATE
Balance Sheet - Governmental Funds

June 30, 2014

Assets:

Investment in State General Fund Investment Pool, Note B	\$	-
Other receivables		-

Total Assets

\$	-
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Liabilities:

Accounts payable	\$	-
Due to other state agencies, Note D		-

Fund Balance:

Unassigned		-
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Total Liabilities and Fund Balance

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

Fund Balance - Governmental Funds	\$	-
--	----	---

There are no reconciling items between the governmental funds balance sheet and the statement of net position.

	-
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Net Position of Governmental Activities

\$	-
----	---

Statement of Revenues, Expenditures, and Changes in Fund Balance - Governmental Funds

For The Year Ended June 30, 2014

Current Expenditures - Legislative:

Personal services/employee benefits	\$ 1,166,856
Contractual services	28,492
Other	401,167
	<u>1,596,515</u>

Other Financing Sources (Uses):

State general fund appropriations, Note E	2,113,250
Transfers:	
Transfers out, Note F	(516,735)
	<u>1,596,515</u>

Net Change in Fund Balance

-

Fund Balance:

Beginning of year	-
End of year	\$ <u>-</u>

Reconciliation of Statement of Revenues and Expenditures, and Changes in Fund Balance to
Statement of Activities

For The Year Ended June 30, 2014

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

Net Change in Fund Balance - Total Governmental Funds	\$	-
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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

\$ -

FUND 20030 SENATE

Statement of Revenues and Expenditures - Budgeted and Actual (GAAP Basis)

For The Year Ended June 30, 2014

	Budgeted Amounts		Actual (Budget Basis)	Variance with Final Budget Favorable (Unfavorable)
	Original	Final		
State General Fund Appropriations:				
51st Legislature, 2nd Session				
Laws 2014				
Chapter 1, Section 1.B (1)	\$ 200,340	\$ 200,340	\$ 200,340	\$ -
Chapter 1, Section 1.B (3)	6,610	6,610	6,610	-
Chapter 1, Section 1.B (5)	1,530,800	1,530,800	1,530,800	-
Chapter 1, Section 1.B (7)	375,500	375,500	375,500	-
	<u>\$ 2,113,250</u>	<u>\$ 2,113,250</u>	<u>\$ 2,113,250</u>	<u>\$ -</u>
51st Legislature, 2nd Session Expenditures:				
Personal services, employee				
benefits	\$ 1,530,800	\$ 1,530,800	\$ 1,166,856	\$ 363,944
Contractual services and other	582,450	582,450	429,659	152,791
	<u>\$ 2,113,250</u>	<u>\$ 2,113,250</u>	<u>\$ 1,596,515</u>	<u>\$ 516,735</u>

There are no reconciling items between GAAP basis and budget basis.

NOTE A - SUMMARY OF ORGANIZATION AND SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the State of New Mexico, Senate, Fifty-First Legislature, Second Session has been prepared in conformity with accounting principles generally accepted in the United State 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 financial statements for the period ended June 30, 2014 represent activity in Fund 20030 from July 1, 2013 to June 30, 2014. The Fund has does not have any component units. The more significant accounting policies of the Fund are described below.

1. Basic Financial Statements - Government-Wide Statements

Fund 20030'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 20030 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 Fund's net position is reported as unrestricted net position.

The government-wide Statement of Activities reports the cost of the Fund 20030'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, 2013 the June 30, 2014.

2. Basic Financial Statements - Fund Financial Statements

The financial transactions of Fund 20030 are reported in an individual fund in the financial statements. The operations of Fund 20030 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 pending activities are controlled. The following fund type is utilized by Fund 20030:

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 20030 is used to administer and account for the activity of the Senate during the regular and special sessions. Money in the Fund may be expended for Senate per diem and mileage, employee salaries and other expenses.

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 20030 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 collectible 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. Investment in the State General Fund Investment 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 funds 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.

Depreciation of capital assets is computed and recorded by the straight-line method. Estimated useful lives of the various classes of depreciable capital assets are as follows: furniture and equipment, 5-12 years. During the 2005 Regular Legislative Session, HB 1074 amended Section 12-6-10 NMSA 1978 changing the capitalization threshold for movable chattel and equipment from items costing more than \$1,000 to items costing more than \$5,000 effective June 17, 2005.

6. Nature and Purposes of Restricted Fund Balance/Net Position

Government-wide net position is divided into two components:

Restricted net position - consists of assets that are restricted by state enabling legislation.

Unrestricted net position - all other assets are reported in this category.

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

6. Nature and Purposes of Restricted Fund Balance/Net Position (cont'd)

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.

Spendable fund categories can be depicted as follows:

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

Committed are amounts that are subject to a 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 all classifications have been considered for the government's general fund, and could report a surplus or a deficit.

7. Impact of Recently Issued Accounting Principles

Recently Issued and Adopted Accounting Pronouncements

GASB Statement 65, Items Previously Reported as Assets and Liabilities. This Statement establishes accounting and financial reporting standards that reclassify, as deferred outflows of resources or deferred inflows of resources, certain items that were previously reported as assets and liabilities. The requirements of this Statement will improve financial reporting by clarifying the appropriate use of the financial statement elements deferred outflows of resources and deferred inflows of resources to ensure consistency in financial reporting. GASB Statement 65 is effective for periods beginning after December 15, 2012, and earlier application is encouraged. The Fund does not have any items that have been reclassified as deferred outflows of resources or deferred inflows of resources that were previously reported as assets and liabilities.

NOTE B - INVESTMENT 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 General Fund Investment Pool managed by the New Mexico State Treasurer's Office. At June 30, 2014 the Fund had the following invested in the General Fund Investment Pool:

SHARE BU 13101, Fund 20030, Senate \$ -

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, 2014.

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.

NOTE C - CAPITAL ASSETS

The following is a summary of changes in capital assets for the year ended June 30, 2014.

	Balance June 30, 2013	Additions	Deletions	Balance June 30, 2014
Furniture and equipment	\$ 30,645	\$ -	\$ -	\$ 30,645
Accumulated depreciation	<u>(30,645)</u>	<u>-</u>	<u>-</u>	<u>(30,645)</u>
	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Depreciation expense was charged to governmental activities as follows:

General government \$ -

NOTE D - DUE TO OTHER STATE AGENCIES (LEGISLATIVE CASH BALANCE)

At the end of either the Regular or Special Legislative Session any remaining cash balance in Fund 20030 reverts to the Legislature's cash balance in Fund 13300. The following balance is due at June 30, 2014.

Due from BU 13101, Fund 20030 to BU 13100, Fund 13300 \$ -

NOTE E - STATE GENERAL FUND APPROPRIATIONS

State General Fund Appropriations consist of the following:

51st Legislature, 2nd Session, Laws 2014, Chapter 1, Section 1.B (1)	\$	200,340
51st Legislature, 2nd Session, Laws 2014, Chapter 1, Section 1.B (3)		6,610
51st Legislature, 2nd Session, Laws 2014, Chapter 1, Section 1.B (5)		1,530,800
51st Legislature, 2nd Session, Laws 2014, Chapter 1, Section 1.B (7)		<u>375,500</u>
	\$	<u><u>2,113,250</u></u>

NOTE F - TRANSFERS

Transfers out:

At the end of the Regular or Special Legislative Session, any remaining cash balance in Fund 20030 reverts to the Legislature's cash balance in Fund 13300. The following amount is recorded as a transfer out in the Statement of Activities and Statement of Revenues, Expenditures and Changes in Fund Balance.

Transfer from BU 13101, Fund 20030 to BU 13100, Fund 13300 \$ 516,735

NOTE G - RISK MANAGEMENT

The Legislature is exposed to various risk of loss related to torts, theft or damage to and destruction of assets; errors and omissions; and natural disasters for which the Fund carried insurance (Workers Compensation, Unemployment Compensation, Employee Liability, and Transportations Property) with the State of New Mexico Risk Management Division (RMD) of the General Services Department.

NOTE H - STATEWIDE CASH RECONCILIATION ISSUE

In June 2012, a diagnostic report revealed that the State General Fund Investment Pool (LGIP) balances had 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 2006. The diagnostic report is 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. The document title is "Current State Diagnostic of Cash Control - June 2012."

The Department of Finance and Administration (DFA), in partnership with the New Mexico State Treasurer's Office, the New Mexico Department of Information Technology and a contracted third party PeopleSoft Treasury expert, conducted a Cash Management Remediation Project (Remediation Project) with a goal of achieving "a point forward" reconciliation of cash, as of February 2013. However, as of June 30, 2014, the old unreconciled items that occurred from July 1, 2006 through February 2013, remained unreconciled.

On July 11, 2014, DFA entered into a \$1,000,000 contract with Deloitte & Touche, LLP. The contract terminates June 30, 2015. The goals of the contract are for the contractor to:

- Design and execute a process to reconcile historical bank account transactions to entries recorded in the State's official book of record, SHARE, for the period beginning July 2006 and ending January 2013.
- Develop a tool to identify and match offsetting bank and book transactions and identify non-matching items to be assessed for additional research, recommended resolution and or next steps.
- Provide the DFA reports including a project plan outlining project activities, weekly status reports, issues/risks log and a monthly steering committee report.

Fund 20030 Senate 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, 2014.

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 that expenditures are in compliance with state law.



Independent Auditors' 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,
Fund 20030 Senate
Hector H. Balderas, New Mexico State Auditor

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, the major fund, and the budgetary comparison of the general fund of the State of New Mexico, Fund 20030 Senate, as of and for the year ended June 30, 2014, and the related notes to the financial statements, which collectively comprise the State of New Mexico, Fund 20030 Senate's basic financial statements, and have issued our report thereon dated December 5, 2014.

Internal Control Over Financial Reporting

In planning and performing our audit, of the financial statements, we considered the State of New Mexico, Fund 20030 Senate'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 20030 Senate's internal control. Accordingly, we do not express an opinion on the effectiveness of the State of New Mexico, Fund 20030 Senate'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 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 State of New Mexico, Fund 20030 Senate'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 result 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.

Weiner, Cherne & Company, P.C.

Santa Fe, New Mexico
December 5, 2014

Section I - Summary of Auditors' Results

Financial Statements

Type of auditors' report issued: Unmodified

Internal Control Over Financial Reporting:

Material weakness identified? No

Significant deficiencies identified that are not considered to be material weaknesses? None noted

Status of Prior Year Audit Findings

Current Status

None

Section II - Financial Statement Findings (Current Year)

None

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

None

Section IV - Exit Conference

An exit conference was held to discuss the audit report and current and prior year auditor's comments. The parties agreed to the factual accuracy of the comments contained herein.

In attendance on December 5, 2014 were there following individuals:

Representing the State of New Mexico, Fund 20030 Senate

Senator Mary Kay Papen, President Pro-Tempore
Lenore Naranjo, Senate Chief Clerk
Angie Garcia, Senate Financial Officer
Raúl Burciaga, Director, Legislative Council Service
Kathy Pacheco-Dofflemeyer, Assistant Director for Administration, Legislative Council Service
Anesa Serna-Espinoza, Financial Assistant, Legislative Council Service

Representing Weiner, Cherne & Company, P.C.

Sean S. Weiner, Principal
Jeremy Hamlin, Manager
