

NEW MEXICO SENATE DEMOCRATS

For immediate release
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Passed Bill Means Return of Millions to State Taxpayers And Could Lead to Incredible Economic Opportunity

Senate Majority Floor Leader Michael S. Sanchez announced late Friday night that more than \$50 million in escrowed funds will be returned to the state's general fund by the Burlington Northern Santa Fe Railway (BNSF). The money was held in escrow as part of a previous agreement between the state and the railway company to purchase railroad tracks and right of way from Raton south to Lamy.

The state paid BNSF for the track from Lamy to the Colorado state line as part of a plan to expand the New Mexico RailRunner Express with possible passenger service to Denver. However, those plans never came to fruition and the transaction has been pending.

Two mirror tax bills that will lower the gross-receipts tax rate on locomotive fuel, Senate Bill 287 and House Bill 120, passed the Legislature late Friday night.

"I am very happy to announce the return of these funds back to the taxpayers," said Senator Sanchez (D, Bernalillo, Valencia, District 29). "The state does not need track to Raton and we can certainly use the return of the money in these days of tight budgets and economic uncertainty."

Senator Phil Griego (D, Bernalillo, Lincoln, San Miguel, Santa Fe, Torrance, Valencia, District 39), who sponsored SB 287, said the locomotive fuel-tax deduction doesn't take effect until BNSF spends another \$50 million on railroad infrastructure improvements in New Mexico, which will create additional jobs.

Representative Patty Lundstrom (D, McKinley, San Juan, District 9), who sponsored HB 120, said, "I am confident that once signed, this legislation will send a signal that New Mexico is receptive to providing incentives to major business interests looking to locate here."

BNSF recently revealed in a March 6 "Wall Street Journal" story that it plans to test using natural gas to power its locomotives. Currently, a gallon of diesel fuel costs nearly \$4 a gallon while the equivalent cost of a gallon of condensed liquefied natural gas is 48 cents.

The BNSF told Senator Sanchez that it is planning to construct three natural gas refueling depots at a cost of more than \$1 billion, and Belen – a major historic railroad hub – is being considered as one location as well as sites in North Dakota and Illinois.

“This may prove to be one of the biggest economic development projects for our state,” Senator Sanchez said. “Hundreds of jobs are at stake in the natural gas fuel depot and we are hopeful Belen is chosen.”

Senate Passes Bill to Create Oversight of Independent Public Defender’s Office

The Senate passed a House bill Friday that will create a politically balanced commission to oversee a new, independent Public Defender’s Office. Voters approved a constitutional amendment last election to make the public defender an independent state agency away from the oversight of the governor and administration of the Corrections Department.

House Bill 483, sponsored by Representative Antonio “Moe” Maestas (Bernalillo, District 6), which passed on a vote of 34-8, calls for the creation of 11-member Public Defender Commission composed of one member appointed by the governor, four from the Legislature, three to be picked by chief justice of the New Mexico Supreme Court and three by the Dean of the School of Law at the University of New Mexico.

Most of the commissioners will be required to have extensive experience in criminal law as defense attorneys, and persons who are currently working as prosecutors would be ineligible to serve on the commission.

An amendment to the bill added in the Senate Judiciary Committee by Senate Majority Floor Leader Michael S. Sanchez (Bernalillo, Valencia, District 29) restored the employment status of employees of the new agency back to “classified” and, thus, protected under the State Personnel Act. The original bill took employees of the classification, meaning they could have been removed from employment without cause. Employees of the current Public Defender’s Office are all classified except for the director, who is appointed by the governor.

A floor amendment, introduced by Senator Daniel Ivey-Soto (Bernalillo, District 15) and approved unanimously by a Senate voice vote, centered on the balance of commission regarding partisanship. The amendment ensures equal representation of both major parties on the new commission.

The bill now heads to the House for concurrence.

Senate Bill that Seeks to Grade Schools on Understandable Criteria Now in the Governor's Hands

On a party-line vote, the House of Representatives passed a Senate bill 37-33 on Friday that will create a School Grades Council to study and make recommendations on school grading and develop understandable guidelines on how to evaluate schools.

Senate Bill 587, sponsored by Senator Howie Morales (Catron, Grant, Socorro, District 28) will amend a section of the Public School Code to eliminate the current administration's policy of grading schools on an A-F grading scale without well-developed criteria. The bill would repeal the A-B-C-D-F Schools Rating Act and prohibit school grades to be used in schools or principal evaluations until the new School Grades Council develops new understandable grading criteria.

"It is important for our educators and parents to understand the measures on which they and their schools will be evaluated," Senator Morales said. "This bill will ensure that all parties involved get together at the table and establish a fair, equitable and logical process to measure progress."

Senator Morales said the bill addresses concerns that the current system of grading schools is weighted too much on the standard-base-assessment tests given to students -- up to 90 percent -- and doesn't take into account many other important aspects of how schools educate and engage students.

The new council would be directed to develop criteria for grading elementary and middle schools with equally weighted factors. Thirty-three percent of the grade would be based on the following NMSBA results: five percentage points for the a school's current standing, eight points for school growth, 10 points for growth of highest performing students, and 10 points for growth of lowest performing students. The remaining 67 percent would be based on opportunities made available for students to participate in extracurricular activities, attendance rates, and teacher training and experience. An additional five bonus percentage points credit would be given to the school for good parental participation.

High schools would be evaluated by nine percentage points for their current evaluation standing, 12 percent for growth of highest performing students and 12 points for growth of lowest performing students. Thirty-four percent would be based on the opportunities a school provides students to learn and college and career readiness, including 17 points for graduation rates and school growth; and 17 points for career and college readiness and advanced placement. The remaining 33 percent of an evaluation would be based on the opportunities a school provides for students to participate in extracurricular activities, attendance rates, and

teacher training and experience. Good parental participation would also be worth an additional five bonus points credit.

The bill stipulates that the School Grades Council make its recommendations to the Legislative Education Study Committee (LECS) by November 1, 2014, for implementation in the 2015-16 school year. The bill provides for a temporary evaluation system to be used until the council's recommendation is in place. The 21-member School Grades Council would be comprised of three people from the following groups: classroom teachers; instructional support providers; principals; superintendents; local school boards; charter schools; and other educational experts, business or community leaders or interested citizens, and the Public Education Department.

Senator Morales' bill now heads to the governor's desk.

House Bill Establishing Office of the Superintendent Passes Senate

The Senate unanimously passed a bill Friday that will remove the Insurance Division from the oversight of the Public Regulation Commission and establish a new Office of Superintendent of Insurance as an independent agency.

House Bill 45, sponsored by Representative Thomas C. Taylor (R, San Juan, District 1), is the result of a constitutional amendment approved by the voters in 2012 that establishes a nine-member insurance nominating committee to appoint or remove the new superintendent of insurance.

"The committee is designed to be as apolitical as possible," John G. Franchini, the current superintendent of insurance, told senators during the committee process. Franchini, who has been superintendent since 2010, said the office will be under the executive branch but also accountable to the Legislature.

The committee will consist of four members appointed by the Legislative Council — no more than two of these appointments from the same political party with two of these from the insurance industry and two representing insurance consumers. Four members will be appointed by the governor — no more than two from the same political party with two from the insurance industry and two representing insurance consumers; and a ninth member selected by the other eight, who shall be either a former New Mexico superintendent of insurance or another person with extensive knowledge of insurance regulation in New Mexico.

The newly appointed director will be paid on the same scale as cabinet members in the executive branch and serve in unlimited terms of four years. The first designated

superintendent will only serve from July 2013 until December 31, 2015, before the established four-year terms are implemented.

HB 45 also removes the Public Regulation Commission from acting on appeals of the insurance superintendent's decisions and transfers that authority to the state Court of Appeals. The bill heads to the House for concurrence then to the governor's office.

Student Social Media Act will go to Governor Martinez

Today the House of Representatives passed Senate Bill 422, sponsored by Senator Jacob Candelaria (Bernalillo, District 26). The bill will prohibit public and private universities from requesting social media passwords from applicants.

SB 422 received broad bipartisan support in both chambers.

The bill was amended by the House to clean up language. It will go back to the Senate for concurrence and then go to the Governor for consideration.

"I appreciate the support of my colleagues in the House of Representatives on the Student Social Media Act," Senator Candelaria said. "New Mexico is one step closer to assuring that student's online privacy is protected from unwanted demands to access private information by university and college officials. I urge the Governor to sign this bill."

Memorial honors National Dyslexia Awareness Month

Dyslexia is the most common learning disability and affects nearly 10 percent of the population. Senate Memorial 74 recognizes the difficulties that people with dyslexia face and would declare October as National Dyslexia Awareness Month. The Senate Memorial was sponsored by Senate Majority Floor Leader Michael Sanchez (Bernalillo, Valencia, District 29).

The Memorial was met with unanimous consent on Thursday; discussion of the topic was candid and at times emotional. Several members of the Senate stood in support of the memorial, recalling their trials and tribulations, struggling with the disability through elementary, middle and high school.

Senator Daniel Ivey-Soto (Bernalillo, District 15) shared with the body that he was recommended to be held back in sixth grade for being dyslexic. Senator Ivey-Soto has a Juris

Doctor from the University of New Mexico, a master's in business administration from the University of New Mexico, and a master's in education from Claremont Graduate University.

"Having to overcome this makes me more sensitive to others who have difficulties in life," Senator Ivey-Soto shared.

Senator Tim Keller (Bernalillo, District 17) said, "Standardized tests are a death sentence for anybody with dyslexia. Parents and children should remember that standardized tests are not the only measure of intelligence."

Senator Pat Woods (R, Curry, Quay, Union, District 7) received a standing ovation from the Senate after emotional testimony that he ended with a joke saying, "My daughter struggled with this as a child, and now she is a lawyer, but I don't know if that's a good thing."

Famous dyslexics include Albert Einstein, Alexander Graham Bell, Thomas Edison, Winston Churchill, Benjamin Franklin, Wolfgang Amadeus Mozart, and John Lennon.

To view Senate Memorial 74 click below:

<http://www.nmlegis.gov/Sessions/13%20Regular/memorials/senate/SM074.pdf>

In other Senate action:

* The Senate passed House Bill 282 on Friday, sponsored by Representative Antonio "Moe" Maestas, that would create a special Albuquerque Isotopes license plate. The vanity plate will cost \$35, and \$25 of that will go to the Public Education Department to be used for middle and high school physical activities. HB 282 goes to the governor's desk.

* "I would be in favor of issuing license plates to things that we would oppose. I would like a license plate that said, 'I Love Bill Sharer'," Senator Bill Sharer said Thursday, while voicing opposition to producing special license plates, during debate of House Bill 540, Police Athletic League License Plate, which passed 26-8. Most of the proceeds from the plate would go toward physical activities for disadvantaged youth.

* "I'm backing this, Baby!" Senator Stuart Ingle (R, Chaves, Curry, De Baca, Lea, Roosevelt, District 27) exclaimed about House Bill 540, after asking and getting an inferred affirmative from the bill's carrier about whether a Police Athletic League plate would afford him favorable treatment by a policeman or sheriff's deputy during a traffic stop.

* “Mr. President, I heard the governor was going to be leaving the state for three, four, five days,” said Senate Majority Floor Leader Michael S. Sanchez (Bernalillo, District 29) to Lt. Governor John Sanchez during open floor announcements on Friday. “We just wanted to give you some pens just in case you wanted to sign some bills.”

“Thank you Senator, but the sign on the box didn’t say whether to sign these -- or veto” Lt. Governor Sanchez replied.

“Mr. President, that’s why half of them don’t have any ink in them.”

* “Nobody knows how long we’ll be here tonight except God and the gentleman from Valencia County,” Senator Cisco McSorley (Bernalillo, District 16) said during the floor session on Friday afternoon -- or the 59th day of the 60-day session.

* “Mr. President, I move that House floor substitute for House, Health Gov ... Indian Affairs sub ... whatever,” Senate President Papen said Friday upon moving for passage of “House Floor Substitute for House Health, Government & Indian Affairs Committee Substitute for House Bill 588, Community Engagement Teams.”

* “The red light was on, it was supposed to be on silent,” freshman Senator Cliff Pirtle (R, Chaves, Eddy, Otero, District 32) said during Friday afternoon’s floor session, in response to a point of order by another senator who alerted the chamber that his cell phone went off during debate. “It’s a country song, ‘My New Tony Lamas’.”

* “You know why people go to law school, because we can’t do math,” said Senator Linda Torracco (R, Bernalillo, District 18) to fellow Senator Cliff Pirtle (R, Chaves, Eddy, Otero, District 32), while debating HB 146, Sale of Methamphetamine Precursors. Senator Pirtle asked her to add up a laundry list of grams and time periods regarding the purchase of ephedrine and pseudoephedrine, common ingredients in the manufacture of meth that will be limited for purchase by the bill. HB146 passed the Senate on Friday night.

* During closing debate of House Bill 460 early Saturday morning, a very hoarse Senator Bill O'Neill (Bernalillo, District 13) motioned to be heard then said, "Seems that I can't really talk, I'm gonna ... just ... bail."