

# ***NEW MEXICO SENATE DEMOCRATS***

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## **SENATE REVIEW: February 14, 2013**

### **VOTERS WOULD DECIDE WHETHER TO CREATE AN INDEPENDENT ELECTION BUREAU**

Voters would get to decide in the next general election whether statewide elections would be overseen by a non-partisan-weighted office of elections that would be independent of the Secretary of State, who is selected in a partisan election.

Senate Joint Resolution, introduced by Senator Howie Morales (Catron, Grant, Socorro, District 28) would add a constitutional amendment to the ballot on whether to establish a multi-member election commission that would oversee the office of elections and select its director, the chief elections officer.

The resolution stipulates that the commission must be equally divided by the major political parties and two of its members, who would come from the ranks of the state's county clerks, one of which would be chosen by the county clerks of the five most populated counties of the state, and the other by the county clerks of the remaining counties. The rest of the commissioners would be appointed by the governor from a list of recommendations made by the majority and minority leaders of the both the House and the Senate.

If enacted, the office of elections would be created on July 1, 2015.

### **BILL MAKES IMPROPER USE OF AIRBORNE SPY DEVICES ILLEGAL**

With the advent of portable – and airborne – “drone” technology, a Senate bill introduced on Thursday would make it illegal for citizens and state agencies to use the so-called airborne “spy” technology over anyone else's property, business or farm without the owner's permission.

Senate bill 556, introduced by Senator Jerry Ortiz y Pino (Bernalillo, District 12), would establish the “Freedom from Unwarranted Surveillance Act,” which would protect the privacy of citizens on their own property from unknowingly being watched by such devices. The bill identifies such remote-controlled devices as unmanned, aerodynamic, expendable or recoverable, capable of carrying a payload.

The bill exempts agencies conducting surveillance under the authority of a court-issued warrant or a law enforcement agency that can prove reasonable suspicion that an immediate action with the device was needed to prevent danger to someone's life. But evidence collected in violation of this act would not be admissible in court.

Anyone charged with unlawfully using such a flying device would be subject to a petty misdemeanor. A victim of this crime can use “civil action” to seek relief or to remedy the violation. This bill was assigned to the Senate Public Affairs Committee then the Senate Judiciary Committee.

“The ability to spy on someone with gadgets like these only used to be imagined in science fiction tales or in James Bond movies,” said Senator Ortiz y Pino. “But, today, they are actually quite real and we need to make sure they are used properly and do not violate anyone’s rights to reasonable privacy.

“To be a ‘fly on the wall’ is now quite possible.”

### **FUNDED INTERVENTION BILL THAT TARGETS STUDENTS STRUGGLING AT READING AND MATH CLEARS SENATE PUBLIC AFFAIRS COMMITTEE**

The Senate Public Affairs Committee unanimously approved of Senate Bill 474, sponsored by Senator Linda Lopez (Bernalillo, District 11) and Representative Mimi Stewart (Bernalillo, District 21), which would appropriate nearly \$68 million to hire intervention teachers to help identify and serve students from kindergarten through the eighth grade who are struggling academically in reading or mathematics.

Senate Bill 474, which sharply contrasts with Governor Susana Martinez’s and Public Education Department cabinet-secretary-designee Hanna Skandera’s initiative to retain third graders not reading at proficiency without their parents’ approval, would provide for more parental and educator collaboration and place teachers in schools statewide to intervene at all elementary levels through middle school.

“This bill puts more money into the classroom where it’s needed, and not into a system that polices teachers and schools and doesn’t provide support,” Senator Lopez said. The bill now moves on for review before the Senate Education Committee.

#### **In other Senate action:**

\* A bill that would grant excused absences for junior high, middle or high school students missing school because of childbirth and students parenting children under 13 years old. Senate Bill 382, sponsored by Senator Linda Lopez and Representative Rick Miera (Bernalillo, District 11) would provide students up to 10 excused days for childbirth and up to four days excused absences to a parent tending to a child needing care. The leave would also grant the students the time to make up the schoolwork missed equal to the time they missed. To be eligible, the students are required to provide proof to school officials of the childbirth or parenthood.

\* Senate Bill 587, sponsored by Senator Morales would create a school grades council to study and make recommendations on school grading and provide for criteria to be developed that would include reliable factors in determining school grades. The bill would amend a section of law to eliminate reference to school grading, and eliminate the current administration’s policy of grading schools on an A-F grading scale without well-developed criteria. The council would be composed of classroom teachers, instructional support providers, principals, superintendents, local school boards, charter schools and other educational experts, business or community leaders or interested citizens. The council would

present the newly developed grading criteria to the Legislature for implementation starting in the 2015-2016 year.

\* The Senate approved an amendment to Senate Joint Memorial 18 that designates the length of U.S. 84/285 between Santa Fe and Espanola as the "Ben Lujan Memorial Highway, but that a section of the highway between Cuyamungue and Pojoaque shall remain dedicated as the Jacob Viarrial Highway. The late Viarrial was the former governor of Pojoaque Pueblo.