

NEW MEXICO SENATE DEMOCRATS

For immediate release
Contact: Arnold Vigil, (505) 986-4263
www.nmsenate.com

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Bill That Would Allow Expungement of Certain Criminal Records Passes Senate

The Senate unanimously passed a bill that would allow certain criminal records to be expunged in cases involving identity theft, wrongful arrest, misdemeanors at least five years old or domestic violence that occurred at least 10 years old. Senate Bill 294, sponsored by Senate Majority Leader Michael S. Sanchez (Valencia, Bernalillo, District 29), passed on a bipartisan vote of 41-0.

SB 294 would allow someone to go before a district court judge and argue that they were a victim of identity theft or a wrongful arrest or that one year had passed after a dismissal or non-conviction of any other misdemeanor or felony charge. The judge would then have the statute to expunge the person's public criminal records.

A similar bill passed by the Legislature last year was vetoed by Governor Susana. She has already gone on the record in a story published Wednesday in the Santa Fe New Mexican that she wouldn't sign this bill. Martinez argued that the bill would hamper criminal investigations but Senator Sanchez countered that law enforcement agencies would still have access to the information.

The proposed law would not apply to DWI convictions, sex offenses or crimes against minors. The person applying to expunge their public criminal records must also stay out of trouble for five years if the conviction they want cleared was a misdemeanor and 10 years if the conviction was for domestic violence or abuse. The bill now heads to the House of Representatives.

Senate Passes Bill to Aid Communities With Water Projects

On a unanimous vote, the Senate passed a bill sponsored by Senate President Pro Tempore Mary Kay Papen (Dona Ana, District 38) that would make more than \$33 million in emergency loans and grants to communities in 25 counties for water conservation projects and acequia projects and rehabilitation.

Senate Bill 228 designates 65 statewide projects that qualify mostly for water storage, conveyance and delivery works as well as grants to seven *acequia* projects in Santa Fe, Mora,

Rio Arriba and Grant counties. The loans and grants money would be available through bonds approved through the New Mexico Finance Authority and Water Trust Board.

The projects given the green light for grants and loans for community projects and conservation improvements are within the county boundaries of Santa Fe, Torrance, Lincoln, Bernalillo, Rio Arriba, Valencia, Harding, Quay, Cibola, Colfax, Guadalupe, Taos, Lincoln, San Juan, Otero, Sierra, McKinley, Dona Ana, San Miguel, Luna, Grant, Lea, Curry, Roosevelt. About \$31 million would be available in Fiscal Year 14 and \$30.6 million the next fiscal year. The bill now heads to the House of Representatives for review.

Passed Bill Would Make Federal Money Available for Green Programs

The Senate passed a bill Wednesday that allows communities, tribes and pueblos statewide to take advantage of millions of dollars in available federal money to expand and promote green building and alternative energy projects. In a unanimous vote of 36-0, Senate Bill 101 will authorize the state Board of Finance to set up a distribution of money available through the federal Qualified Energy Conservation Bonds.

SB 101, sponsored by Senator Peter Wirth (Santa Fe, District 25) will enable the state's larger communities, which are defined as counties or cities with 100,000 or more people, as well as tribal governments to finance a wide range of clean energy projects and activities, including: energy efficiency; renewable energy; clean fuels; efficient transportation; and public outreach.

"If we don't do it, it won't be here," Senator Wirth said of the available funds during the floor debate. He said New Mexico is only one of two states in the country that haven't put the administrative avenues in place for cities to take advantage of the federal money for clean energy projects. The bill now moves over to the House of Representatives.

A bill that would establish a fund to aid in the rescue of horses and homeless horses in New Mexico passed the Senate on Wednesday on a 38-3 vote. Senate Bill 274, sponsored by Senator George K. Munoz (Cibola, McKinley, San Juan, District 4), would establish the Horse Shelter Rescue fund that will be administered by the New Mexico Livestock Board. The fund will be financed through appropriations, gifts, grants, and donations.

The board currently has no funds to pay for seizures, animals held in custody pending housing or legal actions. Currently, these cases are negatively impacting the board's budget. The bill would also authorize the state Taxation and Revenue to add a box to tax return forms for people who would like to donate to the horse rescue program through their tax refunds.

Mortgage Fair Foreclosure Act Passes Senate Committee

The Senate Corporations and Transportation Committee passed Senate Bill 1, the Mortgage Fair Foreclosure Act, sponsored by Senate Majority Floor Leader Michael Sanchez (Valencia, Bernalillo, District 29).

SB 1 requires a creditor to give the debtor, or holder of a mortgage, reasonable written notice prior to foreclosure of the debtor's primary residence. The notice shall provide the debtor with full disclosure of the basis for foreclosure and any applicable loss mitigation possibilities prior to the loss of the home. A creditor must also consider the full accounting of a debtor's financial status in order to enable a good faith effort for loss mitigation.

Supporters of the bill cited the staggering number of recent home foreclosures in New Mexico.

Senator Sanchez said, "This Act is meant to help our New Mexico neighbors and friends stay in their homes. There are many in our communities who are struggling in this economy and this is a small step toward helping them." It goes on to Senate Judiciary.

Substitute for SB 147, Education Technology Definitions, Passes Senate Floor

Senate Bill 147, sponsored by Senator Jacob Candelaria (Bernalillo, District 26) expands the definitions of education technology and education technology equipment.

The expanded definition includes: educational and cable televisions, television systems, radio broadcasting; satellite, copper wire, and fiber-optic transmission; network connection devices and digital communications equipment, including voice, video and data equipment; computer hardware and software, including licenses, data storage fees and other technologies and services; local and remote servers; other computer infrastructure; portable media such as discs and drives to contain data for electronic storage and playback; maintenance equipment; and generally anything else used to implement technology in schools and related facilities.

The bill would also allow school districts to use no more than 15 percent of the total money received from the Public School Capital Improvements Act (SB 9) and the Public School Buildings Act (HB 33) on education technology in a given school year. The bill passed the Senate Floor with a 30 - 9 vote.