

# ***NEW MEXICO SENATE DEMOCRATS***

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## **SENATE REVIEW: March 8, 2013**

### **Need to Increase Funding to Schools Manifests in Debate Over Bill That Allows School Districts to Keep Classrooms Packed for Another Year**

The Senate passed a bill Friday that will extend financial flexibility to public school districts, continuing the trend of increased class sizes for the upcoming school year. But the debate over Senate Bill 464, School District Solvency Flexibility, went beyond talk on both sides of the aisle about the ideal number of students in a classroom and elicited spirited debate over the pressing need to adequately fund the state's school system to eliminate the need for the waivers.

SB464, sponsored by Senator Gay G. Kernan (R, Chaves, Eddy, Lea, District 42), will allow the secretary of the Public Education Department (PED) to waive requirements of the Public School Code through the 2013-14 school year in other areas as well, including teachers' workloads, the length of school day, staffing patterns, as well as curriculum and the purchasing of instructional materials.

"When we continue to waive the requirements, we're putting off our responsibilities down the road," said Senator William Soules (D, Dona Ana, District 37), who is also a teacher in the Las Cruces school district. "The increased class sizes have a negative impact. When the rules are waived, there is no incentive to follow the law.

"How are we going to get people to realize there's a crisis if we always grant waivers?"

Senator Kernan said the waiver request passed by the Legislature last session is the final year of the request. She argued that the waivers are necessary so that school districts can balance their budgets and accommodate their needs, especially in rural districts.

But Senator Tim Keller (D, Bernalillo, District 17) said the issue of class sizes goes beyond the issue of rural schools versus urban schools, which several other senators brought up during the

debate, contending that rural schools need the ability to increase classroom numbers because there are not enough extra teachers available to expand into new classrooms.

“The issue is funding,” Senator Keller said. “At some point we’re going to have to pick (whether to increase funding to reduce class sizes or waivers). We can’t just play kick the can from year to year.”

Keller is currently sponsoring a Senate Joint Resolution 2 that would let the voters decide if an amendment should be added to the state constitution that would mandate classes not exceed a certain number of students starting in the 2020-21 school year. The PED could only grant waivers if “no portable classrooms are reasonably available; there are no available sources of funding to meet the need for additional classrooms; and the school district is planning alternatives to increase building capacity for implementation within one year.”

“To put it in the constitution, we can’t waiver our way around it,” Senator Keller said. “If we keep waiving the current law, why not change the law?”

SJR 2 sets out the following guidelines for classroom sizes: kindergarten through third grade, no more than 18 students per classroom; fourth through eighth grades, no more than 22 students; and freshman through senior years, no more than 25 students. The joint resolution awaits review before the Senate Finance Committee.

## **Controversial House Gun Bill Passes Senate Public Affairs Committee**

The Senate Judiciary Committee will be next in line to target a high-profile bill that would close loopholes in the current law that allows people to buy firearms at gun shows without undergoing background checks.

House Bill 77, Firearms Transfer Act, sponsored by Representative Miguel P. Garcia (D, Bernalillo, District 14), would require buyers of firearms at gun shows to submit to a background check before they could legally purchase a gun at the event.

HB 77 would require gun-show operators to provide the services of an FFL (federal firearms licensed) to immediately conduct background checks on gun buyers at a show and clearly post the background-check requirement and charge a fee at their gun-buying events. The FFL would have access to the FBI’s National Instant Criminal Background Check System to determine a buyer’s legal status.

Representative Garcia said the bill has the endorsement of Governor Susana Martinez and would close a loophole that currently allows private gun sellers to conduct transactions at shows without conducting a background check on buyers.

For the past 1 ½ years, the state's Administrative Office of the Courts has been reporting court information to the national system regarding individuals in the state with a record of mental commitment, records of criminal adjudication, misdemeanor convictions of domestic violence or subjects of a related restraining order, undocumented citizenship, among other criminal categories. Such people would not be legally able to purchase firearms at gun shows and their current record would show up on the FBI data system.

The bill exempts those purchasing antique firearms or private transactions among individuals or family members.

### **Social Media Privacy Act for Students**

Senate Bill 422, sponsored by Senator Jacob Candelaria (Bernalillo, District 26), would prohibit public and private universities from requesting social-media passwords from applications. It passed the Senate Judiciary Committee Friday evening and will now go on the Senate floor schedule for a vote.

"Where this has been a problem is for potential University athletes," said Senator Candelaria said when asked about the bill. "Coaches request passwords or access to Facebook or Twitter accounts. Students have a right to their privacy and this bill would shore up loose ends and put a mechanism in place to deter this activity."

Senator Candelaria has a similar bill prohibiting employers from requesting passwords from job applicants. The bill has already passed the Senate and is in the House Judiciary Committee.

### **Bill to Bring More Validity to Election Petitions Passes Judiciary Committee**

Senate Bill 222, Change Nominating Petition Forms, passed the Senate Judiciary Committee Friday evening. The bill is sponsored by Senator Jacob Candelaria. The intent of the bill is to change the petition signature forms to provide an area where the person collecting the signatures would be required to print and sign their name, as well as to provide their contact information.

This bill is a result of issues that arose in the 2012 primary election in which someone collecting signatures forged a number of the signatures.

Judiciary was the second committee assignment for SB 222. It will next go to the Senate floor.

### **In other Senate Action:**

\* Senator Linda Lopez (Bernalillo, District 11) announced that the Senate Rules Committee would meet at 9:30 a.m. on Saturday, March 9, to continue the highly charged confirmation hearing for the controversial Hanna Skandera, the cabinet secretary-designate of the Public Education Department. Senator Lopez, the chair of the committee, handed out to each senator on the floor copies of the report supplied to the committee by Skandera critic Michael Corwin who details charges against her on his website <http://independentsourcepac.com/>.

\* The Senate Corporations and Transportation Committee on Friday passed an amended version of Senate Bill 589, New Mexico Health Insurance Exchange Act, sponsored by Senator Benny Shendo Jr. (Bernalillo, McKinley, Rio Arriba, San Juan, Sandoval, District 22). The bill combines other aspects of Senate Bill 221, NM Health Insurance Exchange Act, introduced by Senator Jerry Ortiz y Pino (Bernalillo, District 12).