ACI Battled Partisanship in 2015 Legislature

By Dr. Beverlee McClure
ACI President and CEO

The 2015 Legislative session was one of the most divisive and gridlocked in New Mexico history. Many in New Mexico’s businesses community assumed that the new Republican-controlled House would mean new opportunities for business. But in many ways, the newly divided legislature only meant bad news. The partisanship and division was evident on both sides, and the number of bills that ultimately passed both houses was a record low.

Still, there were many new opportunities for change this session, and ACI capitalized on these at every turn. As you will see in this year’s legislative scorecard and bill summary, ACI was successful in moving much of our priority legislation forward in both the House and the Senate. While many other associations struggled to get their bills heard, ACI’s extensive groundwork paid off. By working closely with both chambers and with both D’s and R’s, ACI fared better than most in navigating the ugly partisanship that stalled other proposals this session. And many ideas—right to work, improvements to unemployment insurance, headquarters incentives, and others—came to the forefront this year and started conversations that will not end with the legislative session. Only days since the closing gavel, ACI is already working on taking the lead and continuing the conversation in 2016. New Mexico’s future is a marathon, not a sprint, and with our members we are equipped to continue working for change in the long haul.

None of this would be possible without our members. This year’s FOCUS report is a valuable tool for you as a leader to evaluate what happened this year and help us prepare for 2016. We look forward to hearing from you, and to working together in the year ahead for a stronger, more prosperous New Mexico.

2015 Legislative Scorecard:

Here you can see how your legislator voted on the 29 bills tracked by ACI as FOCUS priorities. Because the majority of the action to kill or promote a bill happens in committee, scores include both floor and committee votes. Keep in mind, ACI tracked hundreds of other bills during the legislative session; FOCUS bills are selected as our key priorities and as indicators of friendliness to business.

Reading the Scorecard:

Legislators: (D/R) indicates party; (*) indicates a freshman.

Bills in black type were supported by ACI.

Bills in red type were opposed by ACI.

- Vote supported by ACI
- Vote opposed by ACI
- Sponsorship supported by ACI
- Sponsorship opposed by ACI
- Position changed between committee and floor
- Excused— no vote cast
- Absent— no vote cast
FOCUS Scorecard 2015: Senate

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Sen. Cervantes added an amendment to HB 238 that ACI opposed because of its negative impact upon business. The vote on that amendment was not recorded.

Yes votes on SB 152 were on a motion to pass without recommendation, which moves the bill forward (and are thus opposed by ACI) but do express concern over the bill.

HB 238 and SB 553 were companion bills introduced in the House and Senate.

See pp. 6-7 for a full picture of action taken on FOCUS bills in committee, as well as key committee votes.
FOCUS Scorecard 2015: House of Representatives

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HB 312, funding for LEDA, was ultimately included in the budget passed by the House and Senate and signed by the Governor (see page 10).

HB 286 was tabled in the House Ways and Means Committee, but was included in the Tax Package, SB 386. SB 386 was created as a tax package by the House Ways and Means Committee. (see page 13).

It is important to note that HB 75 was brought for a floor vote with an amendment attached which proposed to increase the statewide minimum wage to $8 an hour.
FOCUS Scorecard 2015: House of Representatives (continued)

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The Voice of New Mexico Business
**FOCUS on Committees**

As shown below, the vast majority of what happens to a bill happens in committee. ACI works extensively in the committee process, both to block job-killing legislation, and to make sure pro-business bills move forward. Of the 24 bills supported by ACI as FOCUS priorities, ten were killed by one of three Senate Committees: Public Affairs (5), Judiciary (3), and Conservation (2).

The House, too, had its share of stalled pro-business proposals, with five FOCUS priorities dying in House committees.

Bills can die either by a vote to table, or simply because they are never brought up for discussion or a vote in the committee. Because neither of these are recorded (unlike a motion to pass a bill) it is difficult to hold individual legislators accountable for bills that fail in a particular committee.

Still, it is important to recognize which committees as a whole are friendly to and opposed to business.

### Bill Progress in Committees

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<th>Bill Progressed</th>
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<th>Bill Referred, Never Heard</th>
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<td>HB 75: Right to Work</td>
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<td>HB 130: Procurement Review</td>
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<td>HB 238: Workers' Comp/Intoxication</td>
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<td>HB 286: Single Sales Factor/HQ</td>
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<td>HB 312: LEDA Implementation</td>
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<td>HB 395: Venue Shopping</td>
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<td>SB 164: Job Training</td>
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<td>SB 183: Right to Work</td>
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**Bills Supported by ACI as FOCUS Priorities:**

- HB 21: Supplemental Income Tax
- HB 55/80: Public Works Project Wages
- HB 75: Right to Work
- HB 130: Procurement Review
- HB 238: Workers’ Comp/Intoxication
- HB 250: Workers’ Comp/Return to Work
- HB 261: Angel Investment Min. & Sunset
- HB 286: Single Sales Factor/HQ
- HB 312: LEDA Implementation
- HB 395: Venue Shopping
- HB 498: Preemption/Wage & Leave
- HB 553: Workers Comp./Intoxication
- HB 664: Right to Work
- SB 103: Right to Work
- SB 164: Job Training
- SB 183: Right to Work
- SB 184: No STB in Certain Counties
- SB 194: Proposing & Changing Rules
- SB 233: Temporary Disability Benefit
- SB 356: Independent Hearing Office
- SB 374: Uniform Enviro Covenants
- SB 413: Angel Investment Min. & Sunset
- SB 421: Local Govt Zoning & Commissions
- SB 537: Sunshine Portal State Contract Info
- SB 553: Workers Comp./Intoxication

**Bills Opposed by ACI as FOCUS Priorities:**

- HB 21: Supplemental Income Tax
- HB 55/80: Public Works Project Wages
- HB 75: Right to Work
- HB 130: Procurement Review
- HB 238: Workers’ Comp/Intoxication
- HB 250: Workers’ Comp/Return to Work
- HB 261: Angel Investment Min. & Sunset
- HB 286: Single Sales Factor/HQ
- HB 312: LEDA Implementation
- HB 395: Venue Shopping
- HB 498: Preemption/Wage & Leave
- HB 553: Workers Comp./Intoxication
- HB 664: Right to Work
- SB 103: Right to Work
- SB 164: Job Training
- SB 183: Right to Work
- SB 184: No STB in Certain Counties
- SB 194: Proposing & Changing Rules
- SB 233: Temporary Disability Benefit
- SB 356: Independent Hearing Office
- SB 374: Uniform Enviro Covenants
- SB 413: Angel Investment Min. & Sunset
- SB 421: Local Govt Zoning & Commissions
- SB 537: Sunshine Portal State Contract Info
- SB 553: Workers Comp./Intoxication
- SB 664: Right to Work

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*†HB 130 passed the House and Senate, but was rejected in conference committee. See the story on page 8.

**‡The Senate Public Affairs Committee passed SB 152 without recommendation.
Key Committee Votes

Senate Judiciary Committee
HB 250: Workers’ Compensation/Return to Work
ACI Position: Supported Do Pass Motion

Voted For Do Pass Motion
(pro-business position)
- Sen. William H. Payne (Ranking Member)
- Sen. Ron Griggs
- Sen. John C. Ryan

Voted Against Do Pass Motion
(anti-business position)
- Sen. Richard C. Martinez (Chair)
- Sen. Joseph Cervantes (Vice Chair)
- Sen. Linda M. Lopez
- Sen. Cisco McSorley
- Sen. Michael A. Sanchez
- Sen. Lisa A. Torraco
- Sen. Peter Wirth

Senate Public Affairs Committee
HB 75: Right to Work
ACI Position: Opposed Motion to Table

Voted to Table
(anti-business position)
- Sen. Gerald Ortiz y Pino (Chair)
- Sen. Jacob Candelaria
- Sen. Daniel Ivey-Soto
- Sen. Bill O’Neill
- Sen. Mimi Stewart

Voted Against Motion to Table
(pro-business position)
- Sen. Craig Brandt (Ranking Member)
- Sen. Ron Griggs
- Sen. Gay Kernan

Senate Corporations and Transportation Committee
SB 56: Unitary Combined Tax Reporting
ACI Position: Supported Motion to Table

Voted to Table
(pro-business position)
- Sen. Phil Griego (Chair)
- Sen. Clemente Sanchez (Vice Chair)
- Sen. William E. Sharer (Ranking Member)
- Sen. Lee S. Cotter
- Sen. Mark Moores
- Sen. Mary Kay Papen
- Sen. Sander Rue

Voted Against Motion to Table
(anti-business position)
- Sen. Michael Padilla
- Sen. Mimi Stewart

Senate Conservation Committee
SB 184: No STB in Certain Counties
ACI Position: Opposed Motion to Table

Voted to Table
(anti-business position)
- Sen. Peter Wirth (Chair)
- Sen. Benny Shendo, Jr. (Vice Chair)
- Sen. Joseph Cervantes
- Sen. Phil Griego
- Sen. William P. Soules

Voted Against Motion to Table
(pro-business position)
- Sen. John C. Ryan (Ranking Member)
- Sen. William H. Payne
- Sen. Pat Woods

Sen. William E. Sharer (bill sponsor)
(did not vote)

Speaker Tripp and House Committee Leadership deserve kudos from the New Mexico business community this year for making the committee process more accessible to New Mexicans. The status quo had been long delays and frequent schedule changes that made it difficult or impossible for New Mexicans to participate. House committees this year were reliable and punctual. As a result, New Mexicans taking the time to testify on a bill or sit in on a committee meeting were able to do so with much greater access and convenience.
FOCUS on the Issues

Procurement Reform

Procurement Reform was a key priority for ACI during the 2015 legislative session, and a key legislative victory. In 2014, ACI member businesses expressed concerns that New Mexico companies were not being given a fair chance to compete for state contracts. Through a series of public inquiries, ACI discovered that it is extremely difficult or impossible to access information on factors used in awarding state contracts, or even the percentage of state dollars spent with New Mexico businesses versus out-of-state companies. Research has shown substantial economic benefits to in-state procurement, as up to 60% of money spent in-state is reinvested in the local economy, benefiting other local businesses and spurring local job creation.

ACI helped to author and introduce two key procurement bills to improve transparency and accountability with regard to how New Mexico tax dollars are spent: SB 537, and HB 130. SB 537 is a bipartisan bill to enhance the Sunshine Portal by publishing information on state contracts, including whether state contracts went to New Mexico or out-of-state companies, copies of the contracts. SB 537 was sponsored by Sen. Sander Rue (R-23), who also introduced the original Sunshine Portal legislation, along with Rep. Stephanie Garcia Richard (D-43). After passing both houses with broad bipartisan support, the bill was signed into law. This will mean more accountability in the way state tax dollars are spent, and better investment for New Mexico.

ACI’s procurement reform bills addressed transparency and the need to reinvest taxpayer dollars in New Mexico.

Independent Hearing Office

One of ACI’s key victories this session was Senate Bill 356, a bill to introduce an independent hearing office separate from the Taxation and Revenue Department. The bill was sponsored by Senator Jacob Candelaria (D-26) and Rep. Jason Harper (R-57).

Making sure that tax issues are handled with accountability and fairness is a top concern of New Mexico businesses, and a top priority for ACI. Independent hearing officers ensure that taxpayers, whether individuals or businesses, receive a fair hearing in front of a neutral, independent decision maker. This is good for business, good for individuals, and good for our state.

Currently, the State Taxation and Revenue Department (TRD) uses an internal hearing officer system for handling administrative protests, raising concerns about accountability and transparency. SB 356 creates an Administrative Hearings Office administratively attached to the Department of Finance and Administration and separate from TRD. The bill also creates procedures for tax protests, motor vehicle administrative hearings, and amends several definitions. This legislation will create a more fair appeal process for taxpayers in New Mexico.


Candelaria, whose district includes parts of Albuquerque’s west side, said that the bill is about protecting New Mexicans. “This is a bipartisan proposal,” Candelaria said. “We can all agree that New Mexicans deserve a fair, transparent hearing process to resolve their tax disputes. This bill removes even the appearance of a conflict of interest, so that New Mexicans can have every confidence in the hearing process, and so that disputes are resolved fairly and openly.” SB 356 was signed into law after receiving broad bipartisan support.
The 2015 New Mexico Legislature

By the Numbers

16 ACI-supported bills became law
87 Anti-business bills opposed by ACI
0 Became Law

423 Bills tracked by ACI
Based on Member Input

10 of 24 Pro-business FOCUS priority bills blocked by the Senate Public Affairs, Conservation, and Judiciary Committees

18 Freshmen Legislators
94 Returning Legislators

$152,115,000 In FY 2016 alone

$50,000 Taxpayer cost per day for a special legislative session

1949 The last time the New Mexico State Legislature passed fewer bills than it did in 2015

FY 2015 Budget
$37.5 million Funding for LEDA (“Closing Fund”)
$7.5 million Funding for JTIP
$2.5 million Recurring JTIP funding
$1.18 million Funding for the New Mexico Partnership, the marketing arm of New Mexico’s economic development efforts.
$1.25 million Increase for tourism marketing funding
The Budget

One of the greatest victories for business in 2015 was the passage of considerable new funding for key recommendations of the Legislative Jobs Council. ACI’s Dr. Beverlee McClure is a member of the Jobs Council, and ACI has advocated for the Jobs Council’s recommendations of reinvesting state funds in economic development efforts. This year, those efforts paid off:

LEDAs

The budget passed with bipartisan support and signed by the Governor included $37.5 million in funding for LEDA, the Local Economic Development Act, commonly referred to as the “closing fund.” The Jobs Council has recommended a total of $50 million for LEDA. With broad partisan tensions throughout the session and crippling loss of expected funds with the sudden drop in oil prices just before the session opened, the $37.5 million allocated in the budget represents a major victory for job growth in New Mexico. This funding goes towards attracting new business and jobs from out of state, and to helping local businesses grow—for example, Santa Fe Brewing Co. was able to access LEDA funding to help it expand and add jobs. ACI has been a constant advocate of a diversified approach to economic development. New Mexico must attract new business and jobs, but in doing so we must not forget about the companies already investing here. It is vital that any economic development policy helps New Mexico businesses grow, and gives them every reason to keep their jobs and investment in New Mexico.

Major funding increases for JTIP, LEDA, and marketing efforts send a clear message: New Mexico is committed to investing in businesses that invest in New Mexico.

Last year, only $15 million was appropriated for LEDA. With that number more than double for the coming year, New Mexico has not only expanded opportunities to invest in job-creators here, but also sends a clear message that we are open for business and committed to investing in businesses that invest in New Mexico.

JTIP

The budget also included $7.5 million in funding for JTIP, the Jobs Training Incentive Program, $2.5 million of which is designated as recurring funding. Recurring funding for JTIP is itself a major accomplishment, as it means a strong future for this important program.

According to the New Mexico Economic Development Department, JTIP “funds classroom and on-the-job training for newly-created jobs in expanding or relocating businesses for up to 6 months,” helping to offset the cost of creating new jobs and helping employers invest in New Mexicans. Since its creation, JTIP has supported the creation of 43,000 jobs in nearly 1,300 businesses statewide.

Marketing

The budget also included $1.18 million for the New Mexico Partnership, the marketing arm of New Mexico’s economic development efforts, and a $1.25 million increase for tourism marketing funding. ACI supports both investment in local businesses, and recruitment to bring outside business here. This year’s budget includes a strong mix of funding for both goals.

Note: Part of the budget deal between the House and the Senate was the tax package, SB 386, that was never passed. SB 386 included a number of key ACI initiatives. See p. 13 for more information on this important bill and why it still needs to be passed.

Capital Outlay

In the final hours of the 2015 session, the legislature failed to pass a $264 million capital outlay bill, and the future of that spending remains uncertain.

Capital outlay is a package of funding for a broad array of projects, such as improvements and new construction of senior centers, schools, libraries, and other community buildings; waste management projects; community undertakings, infrastructure projects, and other initiatives. The list of requested capital outlay projects for 2015 included over 5700 individual projects throughout the state. While some capital projects are funded in the budget that was passed by both chambers and signed into law by the governor, the lack of a capital outlay bill this session still leaves an immense funding shortage at a vital time for New Mexico’s economy. In addition to the local needs left unfunded without the passage of this bill, New Mexico contractors, builders, and related industries will be hit hard by the unexpected loss of a quarter-billion dollars in projects.

The uncertainty and loss of funding will cost the state thousands of jobs, with an especially severe impact on local businesses who rely on in-state projects. Some have estimated that this year’s capital outlay bill equates to jobs for 6500 New Mexicans.

A special session costs taxpayers approximately $50,000 per day. With thousands of jobs and hundreds of millions of dollars in reinvestment in New Mexico on the line, ACI has advocated for a special session, but holds that an agreement must be reached ahead of time to curb costs to taxpayers and avoid a fruitless partisan battle. Without a special session, new funding will not be available until July of 2016.
Join ACI!

ACI Memberships can cost less than a dollar a day, and make a true difference in our state.

ACI membership gives you:

- **Influence:** ACI can help guide your organization through the legislative process, connecting you with policymakers and making your

- **Information:** ACI member updates keep you in-the-know on the latest proposals, legislative happenings, events, and regulatory news

- **Access:** (for you and an unlimited number of your employees) to serve on ACI’s policy committees, join members-only legislative calls, contact ACI’s lobbyists directly, and more

- In addition, ACI members can attend ACI events, receive special discounts with New Mexico companies, and more!

**Sign up online at www.nmaci.org**

*Or, complete this page and:
Email to info@nmaci.org
Fax to 505-842-0734
Mail to
Association of Commerce & Industry
PO Box 9706
Albuquerque, NM 87119-9706*

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Primary Contact: __________________________
Email: __________________________________
Phone: __________________________________
Number of Full-Time Employees: _____
Mailing Address: __________________________
City: ____________________________________
State: _______    Zip: ________________
Accounts Payable Contact Person: ______________
Phone #: ________________________________
Email: _________________________________

**Payment Method:**

☐ Check # ____________________________

☐ Invoice Me

☐ I Will Pay Online at www.nmaci.org
Anti-Business Legislation

One of ACI’s historic strengths has been our ability to block bad legislation. That was especially true this session, where the early days of the session were spent testifying against a flurry of misnamed and misguided proposals that would have hurt business. This year, not a single ACI-opposed bill became law.

The Process

As bills are introduced throughout the session, ACI’s FOCUS Committee (made up of ACI members) meets weekly to review every new bill introduced and compare these against the priorities outlined by ACI’s policy committees in the prior months. It is either determined that ACI will watch, support, or oppose these bills, or remain neutral (if a bill has no impact on business or on ACI’s member priorities).

Many anti-business proposals had positive-sounding titles and stated goals that make it difficult for legislators and the public to understand the bill’s real consequences. Because of ACI’s constant, direct engagement with members during the legislative session, we are able to quickly identify potential problems with such bills, disseminate information, and voice employers’ concerns before these bills become law.

Results

Of the 423 pieces of legislation ACI tracked during the 2015 legislative session, 86 were identified by ACI members as anti-business bills, and were opposed by ACI. Not a single one of these became law. Eighty-four of these bills died in the legislature, most of them never passing a single chamber. While floor votes get most of the publicity, a bill is assigned to a number of committees and must be voted out of each before making it to a floor vote. It is here that most bills live or die, and it is here that ACI is most effective. Using data, member testimony, and the direct engagement of our member businesses, ACI is able to educate legislators in committee hearings on the negative impacts of misguided legislation.

Only two bills opposed by ACI made it to the Governor’s desk: SB 105, County Gross Receipts for School Improvements, and SB 114, Local Government Special Fuels Taxes. Both were vetoed. Both of these bills would have meant higher taxes for businesses in New Mexico, killing jobs and impeding growth.

Tax Increases

Tax Increases that ACI helped defeat in 2015 included:

- HB 16: Surtax on Certain Corporations (Rep. McCamley)
- HB 21: Phased-In Supplemental Income Tax (Rep. Roybal Caballero)
- HB 495: Corporate Tax for PreSchool Programs (Rep. Roybal Caballero)
- HB 239: Repeal Capital Gains Deduction (Rep. Christine Trujillo)

Minimum Wage Increases

ACI helped defeat a number of minimum wage increases in 2015, including:

- HB 20: Raise Minimum Wage (Rep. Varela)
- HB 360: Increase Minimum Wage & Annual Increase (Rep. Roybal Caballero)
- SB 10: Raise Minimum Wage (Sen. C. Sanchez)
- SB 350: Increase Minimum Wage & Index to Inflation (Sen. Campos)
- SB 432: Increase Minimum Wage & Annual Increases (Sen. Soules)
- SJR 9: Increase & Index Minimum Wage (Sen. Soules)

Other Bills ACI Opposed

None of the following made it out of the legislature:

- SB 145 – Use of Credit Info for Employee Recruitment (Senator O’Neill)
- SB 152 – Health Security Act (Senator Morales)
- SB 351 – Dairy Workers in Minimum Wage Act (Sen. Stewart)
Right to Work

Right to Work has long been a priority for ACI, and this year the issue took center stage. ACI was actively working for right-to-work long before the session began, helping to elect many of the pro-business representatives whose votes shifted the discussion, and organizing business leaders statewide to unite on key priorities.

What was striking about the debate on right-to-work was the overwhelming emotion that surrounded the issue. ACI listened to hours of testimony from the opposition, and the union members who showed up by the hundreds to oppose the bill genuinely believe (wrongly) that right-to-work will mean lost benefits, an end to their union memberships, and lost opportunities.

The reality is the opposite: Michigan and Indiana, the most recent states to become right-to-work, have both added over 140,000 jobs each in less than two years. Job growth is consistently faster in right-to-work states, and site selectors continue to point to New Mexico’s non-right-to-work status as a key factor keeping us off many lists for new jobs.

After passing the House with bipartisan support, the measure was assigned to three committees in the Senate—usually anything more than two is a death sentence for a bill—and tabled without delay in the Senate Public Affairs Committee. As you will notice in the Legislative Scorecard, Senate Public Affairs was a graveyard for many pro-business proposals this year.

Many opponents of right-to-work acknowledged the difficulty of finding good jobs in New Mexico, but still argued for the status quo. The cognitive dissonance is saddening and displays much of the reason New Mexico continues to rank at the bottom of the nation. We recognize our weaknesses, but insist on doing everything the same way. ACI, by contrast, is committed to fighting this stagnancy through education, engagement, and advocacy, which we did this session at every turn and will always continue to do.

“The Tax Package”

In the final moments of the legislative session, New Mexicans lost out as numerous important bills were abandoned. The most publicized was the capital outlay bill, and ACI has actively called for a special session to get it passed. But New Mexico shouldn’t forget about another bill that also needs to be on any special session agenda: Senate Bill 386, a bipartisan package of tax code improvements.

Some have said we should ignore all other legislation to focus only on capital outlay. But this kind of thinking holds our state back. The tax package was created as part of a bipartisan deal already agreed upon by the House and Senate. New Mexico’s tax system needs to be improved, and this session Democrats and Republicans worked together to identify improvements and assemble a strong proposal that will benefit our state. There is no reason not to finish the job and pass the bill.

The package contained a number of key proposals that ACI championed this year for one simple reason: they will help our economy and create better opportunities for New Mexicans.

One piece addresses the way New Mexico taxes headquarters. You might have noticed there aren’t many regional or national companies headquartered here. That’s because New Mexico uses an outdated tax structure that penalizes headquarters who expand here by increasing their tax burden as additional New Mexicans are hired. In other words, we actually encourage these businesses not to invest in New Mexico. The proposed change would keep jobs here, instead of rewarding employers for moving jobs out of state. Headquarter operations bring jobs, opportunities, and expanded revenue for local small businesses—which means even more jobs and more opportunities for New Mexico.

Another proposal included in the package improves the Angel Investment Tax Credit. One of the most significant problems faced by small businesses and entrepreneurs here is lack of access to capital. Companies needing a little extra money to start a new business, hire another employee, or buy new equipment just can’t get the funds they need to reinvest in the state. Expanding the Angel Investment Tax Credit creates more incentive for investors to keep their money here, instead of investing in companies outside the state. That means more jobs get created here, more jobs stay here, and New Mexicans have more opportunities to succeed.

The package also includes a deduction for energy companies, whom New Mexico currently places at a seven percent disadvantage compared to other states. As a result of this disadvantage, energy companies can save money by moving away, despite our ideal location as a center of energy innovation. New Mexico has lost thousands of jobs and hundreds of millions of dollars to other states because of this issue alone. Until a fix is enacted, our state will continue to bleed jobs and money that be staying here.

A special session is needed, but let’s make sure we make the most of it. New Mexicans shouldn’t have to wait another year for fixes to some of the simplest problems holding our state back—especially when we already have those solutions ready to go.
Workers’ Comp and Workplace Issues
Three key workplace issues proposals were backed by ACI this session, and one of the three ultimately became law.

Senate Bill 233 provides clear definitions for temporary disability payments, and was signed into law after being passed by both houses. The bill provides a maximum lifetime period for temporary disability payments, which have previously been extended without limit at a major potential cost to employers. Without limitation, insurance premiums for employers are difficult to set, especially for New Mexico’s self-insured employers. The passage of this bill is an important achievement for New Mexico’s job-creators.

House Bill 238 and its companion bill Senate Bill 553 both passed the House and the Senate Corporations and Judiciary Committees, but were never heard on the Senate Floor. The bills proposed to limit worker’s compensation for employees who are under the influence of alcohol or drugs when injured.

House Bill 250 would have required employees on worker’s compensation to return to work if their employer offers them a job with equal or higher pay which they are medically capable of doing.

ACI will continue to advocate for these proposals in future legislative sessions.

FOCUS on the Governor
As shown in the scorecard below, ACI tracked 20 bills that made it to the governor’s desk: 18 pro-business bills ACI supported, and 2 anti-business bills ACI opposed. Of the 18 pro-business bills, 16 became law, one was pocket-vetoed, and one was vetoed. Of the two bills opposed by ACI, both were vetoed.

ACI worked effectively with various administration officials during the session. For example, Cabinet Secretary Celina Bussey of the New Mexico Department of Workforce Solutions was helpful in discussions about unemployment insurance rates. The Secretary even agreed to join a call and take questions from ACI members statewide. ACI has taken the lead on this issue, and will continue to work closely with Secretary Bussey on a proposal to address high unemployment insurance rates faced by New Mexico businesses.

Secretary Tom Clifford of the Department of Finance and Administration, and Secretary Demesia Padilla of the Taxation and Revenue Department were also helpful and lent their support to ACI’s efforts, particularly on ACI’s headquarter incentive bill (HB 286) and independent hearing office bill (SB 356).

Unfortunately, the Administration was not supportive of ACI’s robust oversight and transparency measures introduced in HB 130, State Procurement Committee & Reviews. ACI believes that this bill—which would have updated the definition of small business and added accountability measures for state contracting—is important. ACI will continue working on this important issue.

FOCUS Report 2015
The Voice of New Mexico Business

Governor’s Scorecard 2015
Actions taken on ACI-tracked bills that made it to the Governor’s desk: A “thumbs up” reflects an action by the Governor (signature or veto) supported by ACI, while a “thumbs down” reflects an action opposed by ACI.

Bills in red were opposed by ACI as anti-business; bills in black were supported by ACI as pro-business.

| HB 121: Use of Nurse Educators Fund | SB 319: County IRB Projects & Complaint Process |
| SB 52: Extend Port of Entry Overweight Zones | SB 356: Tax Administrative Hearings Office Act |
| SB 153: Streamline Teacher Admin. Licensure | SB 379: Child Care Assistance Accountability Act |
| SB 226: Public Water Use & Landowner Protection | SB 480: State Purchasing Expenditure Codes |
| SB 233: Temporary Disability Benefit Changes | SB 537: Sunshine Portal State Contract Info |
| SB 241: Certain Liquor License Transfer Limits | SB 552: Drinking Water System Financing |
| SB 276: State Engineer Hearing Locations | SB 105: Gross Receipts. for School Improvements |
| SB 291: Capital Outlay Reauthorizations | SB 114: Local Government Special Fuels Taxes |
The Legislative Process In New Mexico

All bills follow the same path through the legislature. Any bill can be introduced in the house or the senate. The bill is assigned a number, read twice, printed and referred to the proper committee.

Each bill is reviewed by one or more committees in each house. The committees can approve the bill, amend it, forward it to the next committee with no recommendation, or kill the bill by tabling it.

If a bill passes its committee hearings, it will be considered by the full house where it was introduced. The bill is placed on that house’s calendar, which means it is formally scheduled for its third reading and a final vote.

If it passes, the bill moves to the other house and repeats the entire process. If approved in the same form, it goes to the Governor to be signed or vetoed. If each house passes a different bill, they form a conference committee to work on a compromise. If the committee agrees on a compromise, the bill goes back to the house and senate for a final vote.

Bills that pass both houses go to the Governor to be signed or vetoed. The governor can sign the bill, making it law, veto it or veto portions of it, if it contains an appropriation.

If the governor doesn’t sign or veto a bill within three days—and if the legislature is still in session—it becomes law. Once the legislature has adjourned, the Governor has 20 days to sign bills. Unsigned bills are pocket-vetoed. The legislature can pass a bill over the Governor’s veto with a two-thirds vote in each house.

Signed bills typically become law 90 days after the legislature adjourns. However, the legislature can specify an emergency, which makes the bill effective when the Governor signs it, or a later date for the law to go into effect.
**FOCUS Report 2015**

**Bill Catalog: Key Bills ACI Tracked and Where They Ended Up**

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<th>Bills Supported by ACI:</th>
<th>Economic Development</th>
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<tr>
<td>SB52: Extend Port of Entry Overweight Zones (M. Papan)</td>
<td>This bill extended the overweight crossing to 12 hours with approval of the Department of Safety and (with the exception of manufactured homes) in the case of emergencies. The department will guide the governor to designate a route for the crossing to a route appropriate for size and weight. Permits will be valid for no more than one year and with a fee of no more than $50. This extension is necessary to encourage and increase our border enterprises. Passed both the House and the Senate; signed into law by the Governor.</td>
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<td>HB126: Angel Investment Credit Minimum Investments (S. Padilla)</td>
<td>This bill, a companion bill to HB 413, increased the annual amount of Angel Investment Credits that can be issued to an aggregate $2M and eliminated the number of investments that can be made and still be eligible for the Angel Investment credits. The credit percentage remains at 25%, but the amount of the credit is increased to $250,000, which is a decrease of $50,000 from the bill passed in the 2011 legislative session. This bill also extended the December 31, 2016 sunset date on the credit to December 31, 2017. The credit carries forward for a period of 5 years from the current 3 years. The bill also contained several other provisions. Rolled into SB 386 by the Senate Ways and Means Committee as part of the tax package that ran out of time in the final hour of the legislative session (see p. 13 for details).</td>
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<td>HB396: Single Employer Defined Benefit Corporation Income (C. James)</td>
<td>This bill provided a tax incentive for businesses that are headquartered in New Mexico, encouraging retention and expansion of current headquarters operations, as well as the addition of new jobs. The bill defines “headquarters operation” by function, not size: the center of operations of a business. HB 286 was rolled into SB 386 by the House Ways and Means Committee as part of the tax package that ran out of time in the final hour of the legislative session (see p. 13 for details).</td>
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<td>SNB5: Reduced Unemployment Benefits Remaining After Laid Off (A. Baca)</td>
<td>This bill amended the workers’ compensation act and the New Mexico Occupational Disease Act to substantially reduce the benefits after the termination of the benefit that was paid prior to the benefit expiration date. The bill also provided a mechanism for greater private investment into companies in our state to enhance job growth and retention. This helped address the lack of capital availability in New Mexico. This bill directed the concern of employers that ACI has met with across the state. Rolled into SB 386 by the House Ways and Means Committee as part of the tax package that ran out of time in the final hour of the legislative session (see p. 13 for details).</td>
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<tr>
<td>SB37: Sunshine Portal State Contract Info (B. V. Garcia-Richard)</td>
<td>This bill requires the following information to be placed on the Sunshine Portal regarding state contracts: the name of the recipient of the contract, official contact information, the dollar value of the contract, and the contracts that were expended on the contract; a copy of or an internet wireless connection to a link of the contract document, including amendments; and a copy of an internet web site link to a link of the contract. The bill also included provisions to assist in collecting the data for ACI. We believe this will standardize the process and make it easier for businesses and individuals to have a voice in the regulatory process. Passed the House and was blocked by the Senate Judiciary Committee.</td>
</tr>
<tr>
<td>SB336: Tax Administrative Hearings Office Act (E. Candalaria, L. Harper)</td>
<td>This bill creates the Administrative Hearings Office administratively attached to the Department of Finance and Administration (DFA), and separate from the Taxation and Revenue Department (TRD). This legislation moves the hearing board of the TRD to SFA and establishes the position of a chief hearing officer. The bill also creates procedures for tax protests, motor vehicle administrative hearings, and amends several definitions. This legislation will create a more fair appeal process for taxpayers in New Mexico.</td>
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**Special thanks to Anthony Trujillo, owner & CEO of Holman’s USA and ACI Executive Committee member for serving as the expert witness, and for his contribution to this report.**

**FOCUS Report 2015**

**Workplace**

**SB233: Temporary Disability Benefit Changes (R. Woods, C. Trujillo) | This bill amended the workers’ compensation act and the New Mexico Occupational Disease Act to substantially reduce the benefits after the termination of the benefit that was paid prior to the benefit expiration date. The bill also provided a mechanism for greater private investment into companies in our state to enhance job growth and retention. This helped address the lack of capital availability in New Mexico. This bill directed the concern of employers that ACI has met with across the state. Rolled into SB 386 by the House Ways and Means Committee as part of the tax package that ran out of time in the final hour of the legislative session (see p. 13 for details). |**

**SB286: Public Employment Insurance Act (Rep. K. Martinez (D. Roch)) | This bill amended the Public-Private Partnership Act (PPAP) to allow state and local governments to enter into long-term agreements with private sector partners, in the areas of hospitality, recreational facilities, parking lots, roads, habitat restoration, dams, water treatment facilities, recycling facilities, etc. Passed the House and was blocked by the Senate Judiciary Committee.**

**HB312: Local Economic Development Act Implementation (W. Martinez, M. Padilla) | This bill amended the New Mexico Telecommunications Act to provide several definitions. This legislation will create a more fair appeal process for taxpayers in New Mexico.**

**HB130: State Procurement Committee & Reviews (S. Garcia-Richard) | This bill removes the current law regarding the composition of the state’s Procurement Committee from 11 to 13 members, adding two more private sector representatives, and requires the committee to meet monthly in order to receive proposals and notify the relevant agency of its concerns and recommendations on how to remedy those concerns. Passed both the House and the Senate, but ran out of time in conference committee.**

**SB160: Implement Local Economic Development Act (M. Papan) | This bill appropriated $50 million from the general fund to the Economic Development Department (EDD) for the purpose of funding projects pursuant to the Local Economic Development Act (LEDA). In addition to being a popular bill, it also has a Jobs Council Priority and an ACI Priority. Given a do pass by the Senate Corporations Committee, blocked by the Senate Finance Committee.**

**HB43: Angel Investment & Minimum & Sunset (K. Sanchez) | The bill, a companion bill to HB 286, amended provisions of the Angel Investment Credit by clarifying the other investments that would pool the credit, extending the sunset date, increasing the total amount of annual credits that may be issued to two million dollars ($2,000,000) and increasing the number of companies that provided a mechanism for greater private investment into companies in our state to enhance job growth and retention. This helped address the lack of capital availability in New Mexico. This bill also incorporated the concern of employers that ACI has met with across the state. Sold in the Senate as SB 543: Workers’ Compensation Act (J. Candelaria); moved to Senate Judiciary Committee, died on the calendar.**

**SB413: Angel Investment & Minimum & Sunset (K. Sanchez) | The bill, a companion bill to HB 286, amended provisions of the Angel Investment Credit by clarifying the other investments that would pool the credit, extending the sunset date, increasing the total amount of annual credits that may be issued to two million dollars ($2,000,000) and increasing the number of companies that provided a mechanism for greater private investment into companies in our state to enhance job growth and retention. This helped address the lack of capital availability in New Mexico. This bill also incorporated the concern of employers that ACI has met with across the state. Sold in the Senate as SB 543: Workers’ Compensation Act (J. Candelaria); moved to Senate Judiciary Committee, died on the calendar.**

**SB37: Sunshine Portal State Contract Info (B. V. Garcia-Richard) | This bill requires the following information to be placed on the Sunshine Portal regarding state contracts: the name of the recipient of the contract, official contact information, the dollar value of the contract, and the contracts that were expended on the contract; a copy of or an internet wireless connection to a link of the contract document, including amendments; and a copy of an internet web site link to a link of the contract. The bill also included provisions to assist in collecting the data for ACI. We believe this will standardize the process and make it easier for businesses and individuals to have a voice in the regulatory process. Passed the House and was blocked by the Senate Judiciary Committee.**

**SB386: House Ways and Means Committee | This bill requires the following information to be placed on the Sunshine Portal regarding state contracts: the name of the recipient of the contract, official contact information, the dollar value of the contract, and the contracts that were expended on the contract; a copy of or an internet wireless connection to a link of the contract document, including amendments; and a copy of an internet web site link to a link of the contract. The bill also included provisions to assist in collecting the data for ACI. We believe this will standardize the process and make it easier for businesses and individuals to have a voice in the regulatory process. Passed the House and was blocked by the Senate Judiciary Committee.**

**SB962: Education (Rep. J. Candelaria, S. Garcia Richard) | This bill, a substitute bill for HB 386, was introduced by Nate Gentry and approved by the committee. The substitute bill increased the minimum wage to $8 with a 6 month training period and prevailing wage. Passed the Senate on a 21-18 vote but was not brought up for consideration in the House.**

**Special thanks to Anthony Trujillo, owner & CEO of Holman’s USA and ACI Executive Committee member for serving as the expert witness, and for his contribution to this report.**

**FOCUS Report 2015**

**Agriculture and Food**

**HB64: Right to Farm and Open Space Act (B. Woody) | This bill revises current law regarding Agricultural Operations Deemed Not a Nuisance. Agricultural operations are deemed “not a nuisance” if at the time of the complaint a nuisance has not been established, and in instances where the emissions are not emitted over a period of more than one year, there are no nuisance issues. The change in language removes the one-year of operation language. This bill would ensure the availability of a safe and cost-effective local food supply. Passed the House and the Senate Conservation Committee, but was blocked by the Senate Judiciary Committee.**

**Education**

**HB41: School Grade Promotion and Retention Act (M. Youngblood) | The bill contained several other provisions.**

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*Indicates a bill supported or opposed by ACI as a FOCUS Priority.*
was part of the administration's educational reform package and restricts promotion of students who are not academically proficient in reading before third grade. The bill is also designed to address the need for intensive remediation for those students and intervention prior to the third grade. The legislation provided for assistance for students in fourth through eighth grade, but did not require a delay in their promotion. School districts are required to create an alternative program for students deemed in need of assistance.

Passed the House on a 38-30 vote was bill introduced by the Senate Public Affairs Committee and was blocked by the Senate Judiciary Committee.

HB81: Streamline Teacher Administrative Licensure (L. Pirtle): This bill changed the processes for certifying and certifying of renewable certificates in the public school code. The act requires background checks for new hires but other provision of the bill shall not apply to non-profits. This bill allowed the state to take advantage of New Mexico’s talent and will allow industry professionals to share their expertise with students in public education.

Passed the House on a 31-21 vote and was given a do pass by the Senate Education Committee, but was blocked by the Senate Judiciary Committee.

HB181: Adjunct Instructors Act (C. James): This bill allowed for the certification and certifying of adjunct instructors in the public school code. The act requires background checks for new hires but other provision of the bill shall not apply to non-profits. This bill allowed the state to take advantage of New Mexico’s talent and will allow industry professionals to share their expertise with students in public education.

Passed the House on a 32-24 bipartisan vote and was given a do pass by the Senate Education Committee, but was blocked by the Senate Public Affairs Committee.

SB133: Streamline Teacher Administrative Licensure (R. Buffort): This bill decreased the administrator license from a nine-year license to a five-year license and changes the pathway to school administration. Pursuant to the bill, administrator licenses will be granted to level two teacher applicants who have completed or are participating in a Public Education Department-approved administrator preparation program and hold a current level two license.

Passed the House on a 32-24 bipartisan vote and was given a do pass by the Senate Education Committee, but was blocked by the Senate Public Affairs Committee.

HB110: New Tax Bracket & Income Tax Rates (B. McCamley): This bill added a new 5.9% bracket for taxable incomes in excess of $60K for single filers, $90K for married filing jointly and head of households, and $45K for married filing single. This bill would have a negative impact on small businesses, most of which pay PIT.

Blocked by the House Regulatory and Public Affairs Committee.

SB118: No STB Projects in Certain Counties (W. Sharer): This bill redefined the area within which the right of way is adjudicated, licensed, or permitted, unless the parties and the state agree to another site for the hearing. The bill also gave the state greater access to the hearing process for our members.

Passed the House on a 31-21 vote and was given a do pass by the Senate Education Committee, but was blocked by the Senate Judiciary Committee.

HB20: Raise Minimum Wage (P. Wirth): This bill raised the minimum wage to $10.10 per hour, and provides for the minimum wage to be indexing in accordance to the consumer price index on an annual basis.

Blocked by the Senate Regulatory and Public Affairs Committee.

SB10: Raise Minimum Wage (V. Varela): This bill raised the minimum wage to $8.30 an hour, and provides for the minimum wage to be indexing in accordance to the consumer price index on an annual basis.

Blocked by the Senate Regulatory and Public Affairs Committee.

HB138: Increase Minimum Wage (M. Garcia): This bill proposes the exact same increase to $10.10 per hour with the difference of phasing it in over a greater period of time. The wage increase would be tied to the increase based on the consumer price index on an annual basis.

Blocked by the House Regulatory and Public Affairs Committee.

HB180: Minimum Wage “Employees” Definitions (S. Mayer): This bill would have required health care policies and decisions to replace it with a mandated quota system that is disconnected from needs of the patient and the hospital. Additionally, mandated staffing legislation stiffs innovation and quality care and can even lead to the unintended consequence of increasing costs to the patient. Staffing decisions are best made at the local hospital by healthcare professionals who understand the patients’ needs.

Blocked by the House Regulatory and Public Affairs Committee.

HB81: Patient Safe Staffing Act (Christina Trujillo): This bill’s title makes it sound like a good piece of legislation. However, passage of this bill would take New Mexico’s hospitals away from making outcome-based health care policy decisions and replace it with a mandated quota system that is disconnected from needs of the patient and the hospital. Additionally, mandated staffing legislation stiffs innovation and quality care and can even lead to the unintended consequence of increasing costs to the patient. Staffing decisions are best made at the local hospital by healthcare professionals who understand the patients’ needs.

Blocked by the Senate Regulations and Public Affairs Committee.

HB13: Reduce Income Tax & Create New Brackets (M. Garcia): This bill expanded the current income tax brackets and created a new rate of 4.8% and 5.2%. The bill would have a negative impact on small businesses, most of which pay PIT.

Blocked by the Senate Regulatory and Public Affairs Committee.

HB165: Gross Receipts Tax & Deductions (B. McCamley): This bill amended the Gross Receipts and Tax Compensating Act to repeal selected gross receipts tax and compensating tax exemptions and deductions. To offset the revenue gains from these expansions of the taxable gross receipts base, the bill reduced the state gross receipts tax rate by 1/10 percent, from 5.125 percent to 5.025 percent. The provisions of this bill appeared intended to be approximately revenue neutral to the general fund. That is, the general fund revenue generated by the repeal is used to offset the general fund revenue loss resulting from the GRT rate reduction. However, the expansion of the taxable gross receipts base, combined with unchanged local government taxing authority, would result in increased revenue to the state’s municipalities and counties. Additionally, ACI supports comprehensive reform.

Blocked by the House Regulatory and Public Affairs Committee.

HB275: Separate Reporting of Tax Expenditures (D. Armstrong): This bill required the state to report tax expenditures by tax category and when the health plan must issue the card (within 30 days of effective date of insurance). The bill also includes a provision that all plans provide the consumer price index on an annual basis.

Blocked by the Senate Corporations and Transportation Committee.

HB5: Obesity & Weight Reduction Weight Reduction Insurance Coverage (C. Sanchez): This bill required insurance companies to offer weight loss programs to those with obesity insurance. This bill would have had a significant impact on health care costs and would be costly to producers across the state.

Passed the House on a 38-21 vote and was given a do pass by the Senate Education Committee, but was blocked by the Senate Judiciary Committee.

HB56: Uniform Consumer Financial Protection Act (B. McCamley): This bill would be a strong step forward in consumer protection enforcement. It would create an office that is charged with enforcing the law and would allow individuals to sue companies for violating the law.

Passed the House on a 38-21 vote and was given a do pass by the Senate Education Committee, but was blocked by the Senate Judiciary Committee.

HB12: Obesity & Weight Reduction Weight Reduction Insurance Coverage (C. Sanchez): This bill required insurance companies to offer weight loss programs to those with obesity insurance. This bill would have had a significant impact on health care costs and would be costly to producers across the state.

Passed the House on a 38-21 vote and was given a do pass by the Senate Education Committee, but was blocked by the Senate Judiciary Committee.

HB2: Health Care Coverage and ID Card Requirements (T. Begay): This bill added greater regulation and administrative burden to business, promo
### Principal Investors

- BlueCross BlueShield of New Mexico
- LOCKHEED MARTIN
- Sandia National Laboratories
- Freeport-McMoRan
- uS Bank

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- Bohannan Huston
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### Associate Investors

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- at&t
- Brownstein Hyatt Farber Schreck
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- Pioneer Bank
- Old Republic Title Company
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The Voice of New Mexico Business

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Members of ACI represent small and large businesses from every region and business sector of New Mexico. Through our policy committees, ACI develops a robust policy agenda that reflects the needs of the statewide business community. The agenda is revised twice annually, so that our recommendations always reflect the very latest developments in the state. And our policy positions always come straight from New Mexico businesses.

We then work year-round—at the legislature in Santa Fe, through the interim session, and with countless local and regional governments, councils, and committees—to promote our policy agenda and ensure that New Mexico’s job creators are carefully considered in every decision made in the state.

As a testament to ACI’s respected position as the voice of New Mexico business, ACI is often called upon to represent the business community. ACI was the only business advocacy group in the state to be invited to serve on the well-known Legislative Jobs Council that has been so central in statewide dialogue on economic development and job creation.

As an ACI member, you ensure that your business is not forgotten in the rules, legislation, and regulations that impact you every day.

ACI offers the following policy committees for members to participate in and to prepare priorities for the legislative session:

- Agriculture and Food
- Economic Development and Research & Development
- Education and Workforce Development
- Energy and Extractive Industries
- Entrepreneurship
- Environment
- Federal
- Health Care
- Regulatory Reform and Government Accountability
- Taxation
- Water and Land Use
- Work Place Issues and Legal Reform

Thank you for your support and involvement in ACI. Your voice is what empowers us to make an impact, and your engagement is the only way New Mexico will achieve a brighter economic future.

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