

2007 Annual Report

THINK NEW MEXICO[®]

A Results-Oriented Think Tank Serving New Mexicans



THE FIGHT FOR TITLE INSURANCE REFORM



Front Cover

The cover features a 1934 watercolor and pencil on board with plaster by artist William Lumpkins, entitled "Spanish Village." Lumpkins was born in 1909 at the Rabbit Ears Ranch, near Clayton, New Mexico. Lumpkins, who lived and worked in Santa Fe, earned Santa Fe's first Arts Recognition Award and the Governor's Award for Excellence in Architecture and Painting. This particular painting depicts a village near Peñasco, New Mexico. "*I wanted to represent the region through my WPA paintings so others could see the unique beauty of the area,*" Lumpkins said according to "*A More Abundant Life: New Deal Artists and Public Art in New Mexico*" by Jacqueline Hoefer. The painting is on a long-term loan to the New Mexico Museum of Art from the U. S. General Services Administration, Public Works of Art Project.

Acknowledgments

We wish to acknowledge the *Albuquerque Tribune* for permission to reprint the op-ed on page 8, Jay Miller and the *Alamogordo Daily News* for the column on page 7, the *Las Cruces Sun News* for the editorial on page 9, the *Las Vegas Daily Optic* for the editorial on page 11, the *Santa Fe New Mexican* for the article on page 6 and their editorial on page 10. Finally, we would like to acknowledge photographers Kathleen Dudley, Don Usner and Alex Candelaria Sedillos as well as the Library of Congress photo archives and John Day for permission to reprint the photographs in this annual report. Permission does not imply endorsement.

Design

Kristina Gray Fisher

Design Consultant

Arlyn Eve Nathan

Pre-Press

Peter Ellzey

Printer

Starline Printing

Distribution

Frank Gonzales and
David Casados

Production Manager

Lynne Loucks Buchen

THINK NEW MEXICO

A Results-Oriented Think Tank Serving New Mexicans



1227 Paseo de Peralta Santa Fe, New Mexico 87501

Telephone 505 992.1315

Fax 505 992.1314

E-mail info@thinknewmexico.org

Web www.thinknewmexico.org

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About Think New Mexico

Think New Mexico is a results-oriented think tank serving the citizens of New Mexico. Our mission is to improve the quality of life for all New Mexicans, especially working low and middle income families. We fulfill this mission by educating the public, the media and policymakers about some of the most serious problems facing New Mexico and by developing effective, comprehensive, sustainable solutions to those problems.

Our approach is to perform and publish sound, nonpartisan, independent research. Unlike many think tanks, Think New Mexico does not subscribe to any particular ideology. Instead, because New Mexico is at or near the bottom of so many national rankings, our focus is on promoting workable solutions. We use advocacy and, as a last resort, legal action in accordance with federal tax law.

Consistent with our nonpartisan approach, Think New Mexico's board is composed of Democrats, Independents and Republicans. They are statesmen and stateswomen, who have no agenda other than to see New Mexico succeed. They are also the brain trust of this think tank.

Think New Mexico began its operations on January 1, 1999. It is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code. In order to maintain its independence, Think New Mexico does not accept government funding. However, contributions from individuals, businesses and foundations are welcomed, encouraged and tax-deductible.

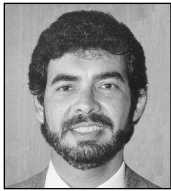
Results

As a results-oriented think tank, Think New Mexico measures its success in changes we help to achieve in law or policy, such as:

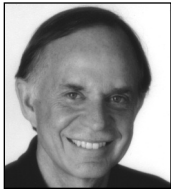
- making full-day kindergarten accessible to every child in New Mexico
- repealing the state's regressive tax on food
- creating a Strategic Water Reserve to protect and restore New Mexico's rivers
- establishing New Mexico's first state-supported Individual Development Accounts to alleviate the state's persistent poverty
- reforming the state lottery to reduce its excessive operating costs and redirect the savings to full-tuition college scholarships

Think New Mexico's Board of Directors

Edward Archuleta, a 13th generation New Mexican, is a consultant and activist on issues including responsible land-use planning, growth management, and sustainable development. Edward previously served as the top assistant to former New Mexico Secretary of State Stephanie Gonzales.



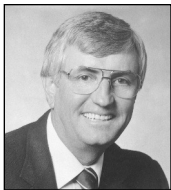
Paul Bardacke served as Attorney General of New Mexico from 1983–1986. Paul was Chairman of Bill Richardson's successful gubernatorial campaigns. He is a Fellow in the American College of Trial Lawyers. Paul currently handles complex commercial litigation and mediation with the firm of Sutin, Thayer and Browne.



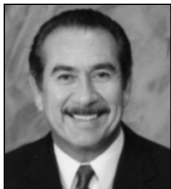
David Buchholtz has advised more than a dozen Governors and Cabinet Secretaries of Economic Development on fiscal matters. David has served as Chairman of the Association of Commerce and Industry. He is the senior member of the New Mexico office of Brownstein Hyatt Farber Schreck.



Garrey Carruthers served as Governor of New Mexico from 1987–1990. Garrey is Dean of New Mexico State University's College of Business, and was formerly President and CEO of Cimarron Health Plan. He is a member of the Board of Directors of the United States Chamber of Commerce.



Dr. F. Chris Garcia is a former President of the University of New Mexico and is currently a Distinguished Professor Emeritus of Political Science. He is the co-author of, among other books, *Hispanics and the U.S. Political System* and *Governing New Mexico*. Dr. Garcia recently received the Governor's Distinguished Public Service Award.



Elizabeth Gutierrez is the Director of Policy and Program Development for the New Mexico Higher Education Department. She holds a PhD in educational leadership and public policy. Liz was a marketing executive with IBM for nearly two decades. *She is on leave from Think New Mexico's board while she works for the state.*





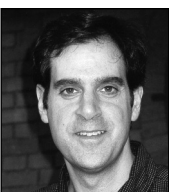
LaDonna Harris is an enrolled member of the Comanche Nation. LaDonna is Chairman of the Board and Founder of Americans for Indian Opportunity. She is also a founder of the National Women's Political Caucus. LaDonna was a leader in the effort to return the Taos Blue Lake to Taos Pueblo.



Rebecca Koch is the owner of Rebecca Koch & Associates which provides management consulting services, development, and strategic planning for local and national nonprofits. Rebecca was the organizational development consultant for the Santa Fe Business Incubator, Inc. She is a former President of the Board of New Mexico Literary Arts.



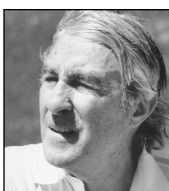
Edward Lujan is the former CEO of Manuel Lujan Agencies, the largest privately owned insurance agency in New Mexico. Ed is a former Chairman of the National Hispanic Cultural Center of New Mexico, the Republican Party of New Mexico, and the New Mexico Economic Development Commission.



Fred Nathan founded Think New Mexico and is its Executive Director. Fred served as Special Counsel to New Mexico Attorney General Tom Udall. In that capacity, he was the architect of several successful legislative initiatives and was in charge of New Mexico's lawsuit against the tobacco industry, which resulted in a 1.25 billion dollar settlement for the state.



Roberta Cooper Ramo is the first woman elected President of the American Bar Association. Roberta serves on the State Board of Finance and is a former President of the Board of Regents of the University of New Mexico. She is a shareholder in the Modrall law firm and serves on many national boards.



Stewart Udall served as Secretary of the Interior under Presidents Kennedy and Johnson. Prior to that, Stewart served three terms in Congress. He is the author of *The Quiet Crisis* (1963) that tells the story of humankind's stewardship over the planet's resources, and *To the Inland Empire: Coronado and Our Spanish Legacy* (1987) which celebrates Hispanic contributions to our history.

Dear New Mexican:

For the past four years, I have used this letter to report to you about Think New Mexico's legislative victories on the food tax repeal (2003), the Strategic Water Reserve (2004), individual development accounts (2005) lottery reform (2006) and, prior to that, full-day kindergarten.

Unfortunately, our initiative this year to reform title insurance did not result in an immediate success. As we learned during the three-year political odyssey to repeal the food tax, sometimes these efforts take a little longer than we believe they should. We hope that title insurance reform will be a shorter journey.

Title insurance reform is, admittedly, not a terribly sexy topic, but we became interested in the topic when we came across census figures indicating that New Mexico ranks second in the nation for the percentage of homes that are mobile homes: 18.6%, more than twice the national average of 7.6%. While more traditional adobe homes *appreciate*, gaining value over time, mobile homes *depreciate*, losing value over time like cars. This explains, in part, why many low-income families in New Mexico tend to stay low-income.

One major factor pushing working families to purchase mobile homes is that they cannot afford the high up-front closing costs of permanent homes. New Mexico's closing costs are eighth highest in the nation even though our state ranks 43rd in median family income because title insurance, one of the largest elements of closing costs in New Mexico, is unfairly protected by government price setting.

Given the widening recession and the deepening crisis in the housing market, we believe that title insurance reform is increasingly urgent and we will try again in the 2009 session. We are encouraged by the strong support of the diverse coalition that has joined us in this effort (listed on page 12).

We invite you to join us in the fight for title insurance reform and our next initiative, which will be announced in a few months, by using the enclosed envelope to make a social investment in Think New Mexico.

Fred Nathan

Fred Nathan

May 1, 2008

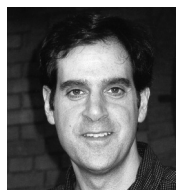
Think New Mexico's Staff



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Kristina Gray Fisher
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Fred Nathan
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Executive Director



Maclovía Quintana
Summer Intern



Grant Taylor
Field Director

HOW YOU CAN HELP THINK NEW MEXICO

Join Think New Mexico's Email Alert List

One of the easiest ways to help Think New Mexico is by visiting www.thinknewmexico.org and clicking on the Action Center, where you can quickly sign up to join more than 15,000 fellow New Mexicans who receive our email alerts. The number of our email activists has more than tripled in size since this time last year, when it stood at 4,300. We pledge never to bombard you with emails, but we will keep you informed about the progress of the policy initiatives you care about and provide a simple way to contact your elected officials and voice your opinions when you can make a crucial difference.



Marine Corps Gunnery Sergeant, Billy Wells, a Roswell native, proudly displays his Think New Mexico hat while on patrol in Ramadi, Iraq. Billy is a Counterintelligence/Human Intelligence Specialist with the Second Marine Expeditionary Force.

Visit Think New Mexico's Expanded Online Store

While you are at Think New Mexico's website, you can also shop for Think New Mexico apparel in our newly expanded online store. We recently added a number of new items and accessories for every taste and price range. They make ideal gifts for those proud New Mexicans who are living outside the Land of Enchantment, like Billy Wells, whose photograph appears at left. Ten to fifteen percent of the revenue generated by the store goes to support policy initiatives at Think New Mexico. This is a great opportunity to raise Think New Mexico's visibility while completing your wardrobe.

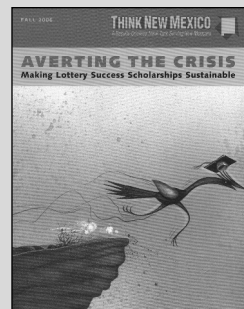
Contribute to Think New Mexico's Endowments

The goal of Think New Mexico's endowment funds at the Albuquerque Community Foundation, the New Mexico Community Foundation, the Santa Fe Community Foundation and the Taos Community Foundation is to generate enough income to offset all of Think New Mexico's annual administrative costs and help insure that Think New Mexico's mission will be sustained in perpetuity. Thanks to your extraordinary generosity and careful investment, the endowment funds are growing steadily. If you are interested in supporting Think New Mexico's endowments and have questions, please contact us at 505.992.1315.

THE YEAR IN REVIEW

Lottery Reform Pays Big Dividends

In early 2007, Governor Bill Richardson signed Think New Mexico's lottery reform legislation, which requires the state lottery to dedicate at least 30% of its revenues to full-tuition college scholarships by 2009. This initiative began with the publication of Think New Mexico's policy report, "Averting the Crisis: Making Lottery Success Scholarships Sustainable," in the fall of 2006. The report made the case for cutting the New Mexico Lottery's bloated operational and administrative budget, ending its practice of engaging in expensive no-bid contracts, and re-allocating the savings to full-tuition scholarships for deserving high school students. As a result of Think New Mexico's legislation and report, which placed a spotlight on the Lottery's no-bid contract with its online game vendor G-Tech, that contract was put out to competitive bid, yielding millions of new dollars for scholarships for New Mexico's students.



THE SANTA FE NEW MEXICAN

JULY 27, 2007

FRIDAY

50 CENTS

By David Miles
The New Mexican

ALBUQUERQUE — The New Mexico Lottery expects to save more than \$35 million over the life of a proposed seven-year contract with a new online gaming vendor selected Thursday by the Lottery Authority's board of directors.

"The reduced rate will allow us to return more revenues to the Legislative Lottery Scholarship fund," said Tom Romero, chief executive officer of the lottery.

The lottery board unanimously picked INTRALOT Inc. to run its online gaming system, and the lottery hopes to sign a contract with the company by September. If the contract is signed, INTRALOT will become the lottery's online gaming vendor in November 2008, when the lottery's contract with GTECH, its current vendor, is set to expire.

INTRALOT Inc. has online-gaming contracts with lotteries in Idaho, Montana and Nebraska. It has headquarters in Duluth, Ga., and it is a subsidiary of INTRALOT, a Greek gaming company with more than 3,600 employees in more than 40 countries.

GTECH, which is based in West Greenwich, R.I., has held the contract since the lottery's inception in 1996. Last year, the Santa Fe-based think tank Think New Mexico published a critical report of GTECH, saying other states get much better rates from the company than New Mexico.

"This confirms our belief that the lottery was spending way too much

"This is wonderful news for New Mexico's high-school students who are working hard, staying in school and earning good grades in the hopes of one day qualifying for full-tuition college scholarships." **FRED NATHAN** *Think New Mexico*

on the GTECH contract, and that they did the right thing by putting the contract out to bid," said Fred Nathan, executive director of Think New Mexico.

Nathan helped push a new law earmarking more lottery revenues to a college scholarship fund through the Legislature this year. He said the proposed contract with INTRALOT would free up more money for the scholarship fund. "This is wonderful news for New Mexico's high-school students who are working hard, staying in school and earning good grades in the hopes of one day qualifying for full-tuition college scholarships," Nathan said.

More than 43,000 students have received Legislative Lottery Scholarships since the lottery's inception in 1996.

Under the current contract, GTECH is paid 8.5 percent of ticket sales from the lottery's online games. It also receives roughly \$14 million a year in fees for maintaining terminals at lottery retailers. GTECH is expected to receive a total of \$6.6 million for the 2007 fiscal year, which ended June 30.

Under the proposed contract with INTRALOT, the company would receive 1.5 percent of total lottery sales, which were roughly \$148 million in the 2007 fiscal year. That means INTRALOT would have received about \$2.2 million in the past year if the proposed contract had been in place — a savings of roughly \$4.4 million over GTECH.

GTECH, which was the only other

vendor that submitted a bid for the new contract, sought 1.78 percent of lottery revenues under its proposal. INTRALOT will provide new touch-screen terminals and other equipment to lottery retailers, including a scanner that allows players to see if their tickets are winners.

Lottery officials Thursday thanked GTECH for its work. Romero noted GTECH was the only firm that bid on the contract in 1996, and board member Herman Tabet said it was unfair to compare the new proposed contract to the current one. "If anybody wonders why the numbers were so high, that was then; this is now," Tabet said.

The lottery board also repealed a policy that allowed the lottery to keep a reserve fund of up to 2 percent of its annual revenues. The change was made to comply with the new lottery-reform law, which took effect July 1.

The measure requires at least 27 percent of lottery revenues to go to a college scholarship fund immediately and boosts that amount to 30 percent starting in 2009. Roughly 24 percent of lottery revenues went to the scholarship fund during the 2006 fiscal year.

"During the 2007 legislative session, we made dramatic changes to cut down on lottery administrative costs, increase openness and transparency in the bidding process, in order to keep more funds available for lottery scholarships," Gov. Bill Richardson said in a written statement. "Our success during the session now translates into millions of more dollars being available for college scholarships."

DAILY NEWS

OCTOBER 2, 2007

Think New Mexico helps foster change in state lottery

SANTA FE – Good news. The New Mexico lottery has been able to meet the new standards prescribed for it by Gov. Bill Richardson and the state legislature.

Last year about this time, we learned that the percentage of money going to New Mexico's lottery scholarships was pitifully low compared to other states. About 23 percent of New Mexico's lottery proceeds have been going to fund tuition scholarships for New Mexico college students, while other states have been funneling in 30 percent and more of their proceeds.

That news came to us last year from Think New Mexico, a think tank composed of distinguished New Mexicans interested in improving our state. They told us that far too much lottery money was being spent on administration of the process and that we were even more out of line in what we were paying a contractor to provide the terminals and operate the lottery.

In July, with a cutback on administrative and advertising costs, the lottery in its first month of operating under the new law, upped its earmarks for scholarships to 27 percent, the goal for the first year.

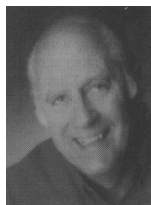
Soon the lottery will be with a new vendor for its machine operation, which will be charging about six percent less, so New Mexico should easily be able to achieve its second-year goal of at least 30 percent of lottery proceeds going to college scholarships.

This huge boon for college students can be credited almost entirely to Think New Mexico. Few others were criticizing the situation. The lottery board wanted to change vendors but wanted to put the savings into even higher salaries and more lavish game promotions. New Mexico is fortunate to have such a powerful public interest group.

And powerful this organization is. Other groups meet and decide on priorities to push in the Legislature, but Think New Mexico gets it done, with a board of influential business officials and political leaders.

In its first year, this young think tank successfully campaigned to make full-day kindergarten accessible to every child in the state. The next year, it was the elimination of the state's regressive tax on groceries.

And now, here's an advanced look at what



Inside the Capitol

By Jay Miller

is coming next. In the 2008 Legislature, Think New Mexico will go after the state's powerful title insurance industry. They are the folks who charge you an arm and a leg when you want to buy a house.

Why is home title insurance so high? It began in 1985, when the industry talked the Legislature into letting the state superintendent of insurance set a single rate schedule for the entire state.

This elimination of competition has been healthy indeed for the industry. Think New Mexico estimates bringing back competition will drop rates by at least 30 percent and save New Mexico homeowners about \$40 million a year. According to the organization, the industry's average loss ratio is 4.6 percent of premium. By comparison, the average payout for property and casualty insurance is 80.4 percent.

Think New Mexico wants to move its title insurance reform package through the coming 2008 session of the Legislature. But it won't be easy.

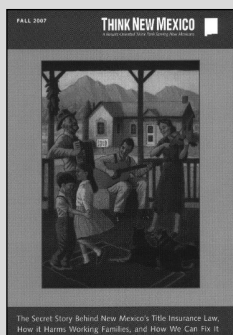
This will be a short, 30-day session, making it difficult for controversial measures, which also will be made to appear very complex by opponents. In addition, the subject doesn't relate closely enough to the state's budget to escape being fought on grounds that it is not germane.

Title insurance lobbyists are likely to argue that deregulating rates simply will allow large companies to form cartels to keep rates high. That's a commonly heard charge against New Mexico gasoline dealers.

To counter that possibility, Think New Mexico will propose having banks and mortgage brokers negotiate the rates, which they can then pass on to home buyers.

It appears Think New Mexico has found another winner. It is a needed reform necessary to making home ownership possible for thousands of working New Mexico families.

Campaign for Title Insurance Reform Launched



In 2007, Think New Mexico began working to help homebuyers by reforming title insurance in New Mexico. We launched this effort with the publication of a policy report entitled, "The Secret Story Behind New Mexico's Title Insurance Law, How it Harms Working Families, and How We Can Fix It." The report and Think New Mexico's subsequent legislation won endorsement from the Public Regulation Commission, the Superintendent of Insurance, the Attorney General and a broad coalition of allies, identified on page 12, as well as newspapers across the state (you can read all 14 of the editorial endorsements on our website). Unfortunately, Think New Mexico was unable to overcome the power of the title insurance lobby during this last legislative session, but we are working with Governor Richardson to bring back the reform legislation next year.



Wednesday 09.12.07

Affordable abodes?

Homebuyers in New Mexico might be turned off by high title insurance premiums.
Reform is needed to help make homeownership possible for families.

By Fred Nathan

New Mexicans pay \$40 million too much a year for title insurance.

It's a burden that contributes to keeping homeownership out of reach for many New Mexico families.

Title insurance premiums are one of the most expensive costs New Mexico families face when they close on a home purchase.

Lenders require homebuyers to purchase title insurance in order to receive a mortgage because title insurance protects the lender against claims arising from disputes over the ownership of the property, such as liens and building restrictions.

New Mexico is one of only three states in which the government sets title insurance rates — in effect, locking out free-market competition that would reduce rates and keep them lower.

The state's fixed-rate schedule got its start in January 1985 when New Mexico's title insurance industry won passage of a law requiring the state Superintendent of Insurance to promulgate a single rate schedule for all title insurers in New Mexico.

Fast forward 20 years and New Mexico's title insurance premiums are some of the priciest in the nation. Meanwhile, title insurance's average loss ratio, or percentage of premiums paid out in claims and administration, is the lowest among all other types of insurance at only 4.6 percent. By contrast, the aver-

age payout for property and casualty insurance (like home and auto policies), is 80.4 percent.

In 2006, title insurance companies collected more than \$133 million in premiums in New Mexico. If title insurance pricing were deregulated so that the industry competed in the free market, Think New Mexico projects that prices for title insurance would drop by at least 30 percent — saving New Mexico homebuyers at least \$40 million each year.

Even in a free-market system, the state must ensure that title insurers do not engage in cartel-like practices to keep their prices high. One factor contributing to this cartel structure is that the title insurance market is highly concentrated. Nationally, five title insurance underwriters make up 93 percent of the total title insurance market, according to Fitch Ratings, an insurance credit-rating bureau.

However, the cartel practices seen in other states can be avoided by leveraging the buying power of banks and mortgage brokers and having lenders, rather than homebuyers, purchase the policies that protect them.

Since lenders participate in thousands of transactions each year, they have the knowledge to comparison-shop and negotiate for lower prices. They can further lower costs by purchasing policies in bulk.

Lenders will, of course, pass the costs along to the homebuyer, but lenders have a tremendous incentive to keep those costs down because lower title costs will decrease the costs of their mortgages, making them more attractive to consumers.

Finally, in addition to the excessive price for title insurance, there are serious concerns about how much protection homebuyers actually receive. Under a 1999 amendment to New Mexico's title insurance law, homebuyers cannot recover damages from title insurers if the insurer negligently fails to find or disclose problems with the title.

As a result, homebuyers are forced to pay the price if their insurer misses a glaring and costly title defect, such as a building restriction or an ownership dispute. Think New Mexico says title insurers should be required to take responsibility for their errors like other businesses. This provision of the title insurance law should be repealed.

Think New Mexico will seek to have its title insurance reform package heard during the 30-day legislative session next year. Our goal is to reform title insurance so it is treated and regulated like any other type of insurance in the state. We believe this is only fair to all the other businesses who play by the rules, and to New Mexico families who are working hard to purchase homes.

LAS CRUCES SUN-NEWS

David McClain – President & Publisher

Jim Lawitz – Editor & Vice President

Walt Rubel
Managing Editor

NM homeowners need a break on title insurance

New Mexico is one of just three states in which title insurance rates are set by the government instead of by the free marketplace. That arrangement has proven to be highly beneficial to the title insurance industry, but not so much for consumers.

A report by the Santa Fe-based public policy group Think New Mexico shows that title insurance rates in New Mexico are among the highest in the nation. The three states (Texas and Florida are the other two) that set title insurance rates by regulation, as opposed to allowing the market to set the rates, are all among the top five for the price of title insurance, according to a 50-state comparison done by Bankrate.com and cited in the Think New Mexico report.

Think New Mexico has called for a reform of the title insurance industry, letting market forces set the price. It estimates that such reforms could mean a combined \$40 million in savings for New Mexico home buyers.

Title insurance is one of dozens of hidden costs new home buyers are hit with at closing. Unlike home owners' insurance, which protects the buyer, title insurance protects the lender. It

ensures that the seller is the actual owner of the house and that there are no claims against the property. Most mortgage companies require title insurance before issuing loans for new homes.

In other states, new home buyers can shop around for the best price. But in New Mexico, prices are fixed by the superintendent of insurance — an unelected position that is attached to the Public Regulation Commission but operates with a huge degree of autonomy.

The cost of title insurance on a \$200,000 home mortgage is nearly a quarter of the median monthly income for a typical New Mexico family, according to the Think New Mexico report. Lowering the cost of title insurance will allow more families to realize the American dream of owning their own home.

It is time that New Mexico home buyers have the same opportunity to comparison shop for title insurance as those living in other states. We encourage Gov. Bill Richardson to put title insurance on the agenda for the 2008 legislative session, and lawmakers to pass this needed reform.

THE SANTA FE
NEW MEXICAN

Sunday, September 9, 2007

William W. Waters,
Editorial Page Editor

Robert Dean,
Managing Editor

Guv, put title insurance on legislative 'call'

Properly done, that reform could save New Mexicans \$40 million a year.

Title-insurance reform for too long has languished in the New Mexico Legislature, dying in one committee or the other at the behest of an industry licensed at its own behest to make bundles of bucks.

How it got that license, along with one absolving property-title insurers from liability for their own negligence, is a murky tale of back-room dealing for which the Roundhouse is renowned.

But now we've got a public-regulation chairman declaring he's fed up with the title-insurance industry driving the policies which are supposed to be regulating it. We've got a governor who won't settle for business as usual when it comes to New Mexico's emaciated middle class. We've got lawsuits filed by someone who smells a rat in the regulatory attic. And we see that Think New Mexico is on the case.

A bipartisan, action-oriented public-policy research group, Think may be thanked for its effective efforts toward the end of sales tax on food, the beginning of full-day kindergarten, lottery reform that's putting more money into scholarships to our state's colleges, and creation of a strategic river reserve.

Now Think thinks it's time to place a three-tined fork in the fat that is title insurance:

- ◆ Deregulate premium rates. Today the state sets them — at the behest of the title-insurance industry — and all companies must charge the same. We're one of only three states where there's no competition in rates. New Mexicans pay more than folks in most states do — and title insurance can amount to 10 percent and more of a family's closing costs.

- ◆ Make the mortgage lenders get their own title insurance. The banks, after all, are the ones demanding title insurance — and in the rare cases where there's a claim, it's the lenders who stand to collect. They could use their mass-buying power to lower the cost of premiums.

- ◆ Repeal an outrageous 1999 law allowing title-insurance companies immunity from their own negligence, including failure to disclose problems with a property's title.

Victor Marshall, a former state senator from Albuquerque, has filed lawsuits seeking some kind of equity — *any* kind of equity — for victims of the good-ol'-boy system that enriches an industry mostly controlled by a handful of companies nationwide — through mom-and-pop local fronts. A Republican, he's especially offended by the rate-fixing. "The consumer," he says, "is getting ripped off."

As for immunity from negligence suits, lawyers statewide are scratching their heads over that one; how did it slip through the legislative process?

The Legislature convenes in January for its biannual "short" session — 30 days dedicated to passing a budget and dealing with whatever else the governor puts on "the call."

Title-insurance reform should be on the call — and in the governor's state-of-the-state speech.

Properly done, that reform could save New Mexicans \$40 million a year in premiums for insurance the very need of which should be part of the debate.

Ben Ray Luján, chairman of the state Public Regulation Commission, declared a few months ago that he's "tired of the industry mandating to us what we are going to do." Count on him to testify for title-insurance reform. New Mexicans should also be able to count on his dad, House Speaker Ben Luján, to make short work of this overdue reform.

Now's the time for Gov. Richardson to serve notice on our senators and representatives: They've been doing this industry's bidding far too long; time to look after the interests of our state's consumers.

LAS VEGAS OPTIC

Serving the community since 1879

Tom McDonald
Editor and Publisher

JANUARY 29, 2007

Mr. Governor, think again

Gov. Bill Richardson and his supporters should do all they can to put homeownership within reach of as many people as possible — especially as the housing market continues to decline.

One of our country's chief goals since the end of World War II has been to expand homeownership, so as many people as possible can enjoy the American Dream. And it makes sense: With an increasing number of homeowners, our society has become happier and more stable.

So we were disappointed when Richardson recently decided against putting proposed reforms of the state's title insurance industry on the legislative agenda. He said the issue was too complex to consider in a short one-month session. We disagree. There should always be enough time to consider an issue that affects the budgets of low- and middle-income New Mexicans, especially in a Legislature that has found enough time in past sessions for issues such as whether to make the bolo tie the official state tie.

Think New Mexico, a Santa Fe-based think tank, presented the results of a study a few months ago that showed how New Mexico's title insurance rates are among the highest in the country. And the group exposed the fallacy of the state's system, in place for two decades, to set the price for title insurance in New Mexico. In other words, we have no price competition.

The title insurance industry, which contributed \$30,000 to Richardson's recent presidential campaign, is quick to point to a study commissioned by the state Public Regulation Commission that found New Mexico's title insurance rates were lower than some states in the region — Texas and Utah — while they were higher than others, including Colorado.

However, the study's author, Dante DiGregorio, a University of New Mexico assistant professor, is calling for reforms to title insurance and supports legislation to have price competition. He believes such competition will make some real estate transactions more affordable.

Think New Mexico's report concluded that consumers could save millions of dollars if there was price competition in the title insurance market. If that's the case, there's no reason to stall reforms to the industry.

We urge Richardson to reconsider his decision and place the reforms on the legislative agenda.



Coalition in Support of Title Insurance Reform

BUSINESS

Independent Brokers Network (real estate)
NM Roofing Contractors Association

CIVIC/CONSUMER

AARP New Mexico
Nature Conservancy in New Mexico
New Mexico Land Conservancy
New Mexicans for Enforceable Title Insurance
Senior Citizens' Law Office

GOVERNMENT

New Mexico Attorney General Gary King
New Mexico Public Regulation Commission
New Mexico Superintendent of Insurance
Morris Chavez
New Mexico Mortgage Finance Authority
Santa Fe County Commission

HOUSING GROUPS

Enterprise Community Partners
Habitat for Humanity of Artesia
Habitat for Humanity of Gallup
YES Housing Inc.

MEDIA

Alamogordo Daily News
Albuquerque Journal
Albuquerque Tribune
Carlsbad Current-Argus
Deming Headlight
Farmington Daily Times
Las Cruces Sun-News
Las Vegas Daily Optic
Rio Grande Sun
Santa Fe New Mexican
Silver City Sun-News

RELIGIOUS ORGANIZATIONS

Archbishop Michael Sheehan
New Mexico Conference of Catholic Bishops

TITLE INSURANCE COMPANIES & EXPERTS

Birny Birnbaum, Exec. Director, Center for Economic Justice
Dante DiGregorio, Anderson School of Management, UNM
Donald Letherer, former NM Superintendent of Insurance
Title Guaranty & Insurance (of Los Alamos National Bank)

Board Profile: Edward L. Lujan



If anyone could retire and rest on his innumerable laurels, it is Edward Lujan. But that is just not his style.

In fact, Edward had to lie about his age in order to get his first job at age 12: washing windows at the Montgomery Ward store in Santa Fe. "They wanted those windows sparkling clean every day, and they paid 40 cents an hour," Edward says now.

Hard work as well as giving back to the community continues to define Edward. This can be seen in his dedication to promoting economic development, his devotion to education, his commitment to preserving Hispanic culture, and his passion for public service.

Edward is chairman of the board of the family-run Manuel Lujan Agencies, which was founded by his father in 1925 as a one-room operation. It is now the largest privately owned insurance agency in New Mexico. Edward has promoted economic development in New Mexico as Chairman of the Economic Development Commission, the Governor's Business Advisory Council and the Board of the Albuquerque Economic Forum.

His devotion to education is perhaps best illustrated by the fact that he is the only person on the planet who has served on both the board of the University of New Mexico Foundation and the New Mexico State University Foundation. (His bachelor's of science in agriculture, his master's in education, and his honorary doctorate are all from NMSU.)

Edward's deep belief in the need to preserve and share Hispanic culture explains why he was one of the major driving forces behind building the National Hispanic Cultural Center in Albuquerque. He was Chairman of the NHCC for many years and is now Chairman Emeritus of the board.

Edward knows a little bit about government, too. His father was Mayor of Santa Fe and his brother, Manuel Jr., was Congressman from Albuquerque and Secretary of the Interior. Edward himself is a former Chairman of the Republican Party in New Mexico.

"One of the most enjoyable things I do now is to serve on the board of Think New Mexico," says Edward, "It has been a pleasure to be a part of this hard-working group of New Mexicans from different perspectives who develop positive solutions that really make a difference."

Statement of Income and Expenditures

INCOME

Businesses	14,100
Foundation Grants	274,657
Individuals	126,927
Investment, Interest & Misc. Income	46,804
Total Income	\$462,488

EXPENDITURES

Audit/Accounting	4,601
Benefits-Health Insurance	43,309
Benefits-Pension Plan & Fees	13,596
Computer Consulting, Internet, Website	1,490
Contract Services, Internship	2,135
Depreciation	4,316
Educational Outreach	2,500
Graphic Design	In-kind
Insurance	4,026
Investment Management Fees	1,353
Legal Fees	0
Marketing	2,389
Miscellaneous	(34)
Payroll Taxes	15,797
Postage	20,066
Printing & Bulk Copying	38,256
Professional Fundraising	0
Rent/Utilities	17,315
Research	234
Salaries	180,199
Security/Janitorial	451
Stewardship/ Board Expenses	100
Supplies	1,520
Telephone	2,808
Training/Subscriptions/Dues	1,000
Travel	949
Total Expenses	\$358,376

Note: These financial statements do not include in-kind contributions and materials from 2007, which totaled \$13,406.

Think New Mexico's fundraising expense as a percentage of income in 2007 was 5.7%. Think New Mexico's administrative overhead ("management and general"), as a percentage of income in 2007 was 7.0%.





FINANCIAL SUMMARY

Year Ended Dec. 31, 2007

Balance Sheet

ASSETS

Cash and Cash Equivalents	289,081
Endowment Funds	123,002
Grants Receivable	81,000
Investments	471,954
Prepaid Expenses	2,660
Property and Equipment, Net of Accumulated Depreciation	4,416
Total Assets	\$972,113

LIABILITIES


Accounts Payable	2,500
Accrued Expenses	4,246
Total Liabilities	\$ 6,746

NET ASSETS

Unrestricted	823,967
Temporarily Restricted	141,400
Total Net Assets	\$965,367
Total Liabilities and Net Assets	\$972,113

Source for pages 14-15: Financial Statements for the year ended December 31, 2007 and Think New Mexico's IRS Form 990 for 2007. Independent auditors: Bishop and Loggains, LLC CPA.

IMAGE: Plastering an adobe home in Chamisal. Photo by Russell Lee, courtesy Library of Congress, LC-USF 34-37082.

A black and white photograph of a woman in a white headscarf and apron, using a trowel to plaster an adobe wall. She is standing on a wooden platform, and the wall is made of rough, textured adobe. The background shows a simple wooden structure, possibly a doorway or window frame.

FOUNDATION PARTNERS

(JANUARY 1, 2007 — MAY 1, 2008)

The Arcadia Fund of the
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ECMC Foundation

EMA Foundation

Feinberg Foundation, Inc.

The Foster Foundation, Inc.

The Frost Foundation

Furth Family Foundation

R. H. & Esther F. Goodrich Foundation

Las Campanas Community Philanthropic Fund
of the Santa Fe Community Foundation

LEF Foundation

The Linton Foundation

The Livingry Fund of the Tides Foundation

Lykes/Knapp Family Foundation

McCune Charitable Foundation

Messengers of Healing Winds Foundation

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Family Foundation

Stewart R. Mott Charitable Trust

Mumford Family Foundation, Inc.

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Henry Oliver III Family Foundation

Oppenheimer Brothers Foundation

Proteus Foundation

Santa Fe Community Foundation

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Ronald M. Simon Family Foundation

The Solis-Cohen Spigel Family Foundation

Thaw Charitable Trust

Thornburg Charitable Foundation

Edith M. Timken Family Foundation

United Way of Santa Fe

Doris Goodwin Walbridge Foundation, Inc.

Wallace Genetic Foundation

A woman plastering an adobe home in
Paguete, New Mexico, near Laguna Pueblo,
1925. Photo by Edward S. Curtis, courtesy of
Library of Congress, LC-USZ62-80166.

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"I have rarely felt so passionately about the work of a non-profit, and I am spreading the word to friends. You do such important work in such a reasonable, measured, and intelligent fashion...When I read about your projects, I feel like there will be authentic, long-term benefits to the working poor and for all New Mexicans." *Stephanie Lipkowitz, Academic Coordinator, Albuquerque Academy, June 20, 2007*

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Our thanks to Sarcon Construction, a New Mexico general contractor, for establishing a donor-advised fund at the Santa Fe Community Foundation in 2007 that earmarks 50 percent of the earnings for Think New Mexico. Peter Brill, President of Sarcon Construction, is seen here (bottom row, second from the right) with the rest of the wonderful Sarcon team.

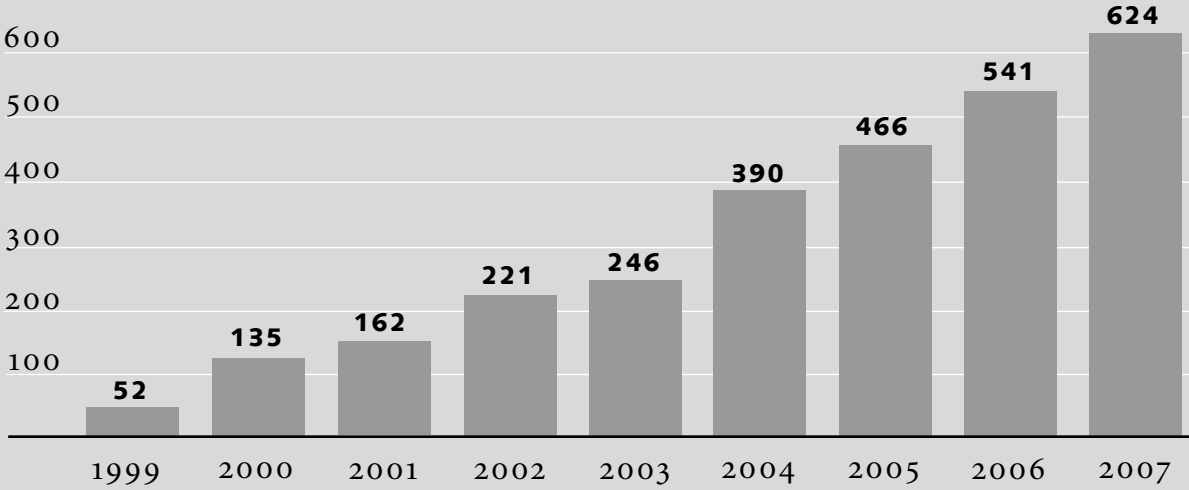
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"I am a great admirer of your work with Think New Mexico. You are doing a great service to our residents through the numerous initiatives you have fostered....Please consider me a friend and ally as you continue this important work for the betterment of conditions for the future of the kids and families of New Mexico." *Chris Baca, President & CEO, Youth Development, Inc., December 20, 2007*

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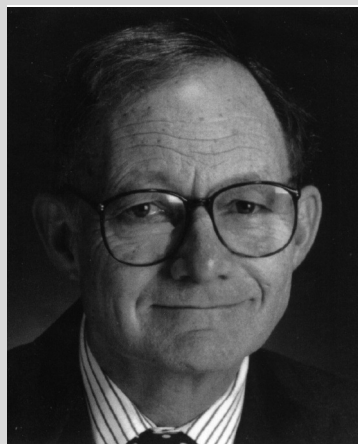
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Anthony Day 1933–2007

Santa Fe resident Anthony “Tony” Day was editorial writer and editorial page editor for the *Los Angeles Times* from 1971 through the mid-1980’s. The paper’s publisher, Otis Chandler, hired Tony, then the Washington D.C. Bureau Chief of the *Philadelphia Bulletin*, to transform the *Times*’ editorial page and make it nonpartisan and independent. That is exactly what Tony did, and along the way the paper won a Pulitzer Prize for its editorials on government secrecy.

Tony died on September 2, 2007. Think New Mexico was profoundly honored that his wife, Lynn, and his son, John, a lawyer at Rothstein, Donatelli, Hughes, Dahlstrom, Schoenburg & Bienvenu, requested that in lieu of flowers donations be made to Think New Mexico, “a think tank that Tony admired.”

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committed citizens can change the world. Indeed,
it is the only thing that ever has. – Margaret Mead**

