

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 610

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Sharon Clahchischilliage

AN ACT

RELATING TO THE GAMING CONTROL BOARD; INCREASING THE  
MEMBERSHIP; PROVIDING FOR NATIVE AMERICAN REPRESENTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 60-2E-5 NMSA 1978 (being Laws 1997,  
Chapter 190, Section 7, as amended) is amended to read:

"60-2E-5. GAMING CONTROL BOARD CREATED.--

A. The "gaming control board" is created and  
consists of [~~five~~] seven members. Four members are appointed  
by the governor with the advice and consent of the senate, two  
members are appointed by the governor from a list of names  
provided by the tribal gaming agencies and one ex-officio  
member is the [~~chairman~~] chair of the state racing commission.  
All members of the board shall be residents of New Mexico and  
citizens of the United States. One appointed member of the

.192973.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 board shall have a minimum of five years of previous employment  
2 in a supervisory and administrative position in a law  
3 enforcement agency; one appointed member of the board shall be  
4 a certified public accountant in New Mexico who has had at  
5 least five years of experience in public accountancy; one  
6 appointed member of the board shall be an attorney who has been  
7 admitted to practice before the supreme court of New Mexico;  
8 the two appointed members from the list of names provided by  
9 tribal gaming agencies shall have knowledge of federal, state  
10 and tribal gaming laws; and one appointed member of the board  
11 shall be a public member who has knowledge and experience in  
12 business management and financing.

13 B. The appointed members of the board shall be  
14 appointed for terms of five years, except, of the members who  
15 are first appointed, the member with law enforcement experience  
16 shall be appointed for a term of five years; the member who is  
17 a certified public accountant shall be appointed for a term of  
18 four years; the member who is an attorney shall be appointed  
19 for a term of three years; and the public member shall be  
20 appointed for a term of two years. Thereafter, all members  
21 shall be appointed for terms of five years. [~~No~~] A person  
22 shall not serve as a board member for more than two consecutive  
23 terms or ten years total.

24 C. [~~No~~] A full-time board member who receives a  
25 salary pursuant to Subsection G of this section may not be

.192973.1

underscored material = new  
[bracketed material] = delete

1 employed in any other capacity or shall not in any manner  
2 receive compensation for services rendered to any person or  
3 entity other than the board while a member of the board.

4 D. A vacancy on the board of an appointed member  
5 shall be filled within thirty days by the governor with the  
6 advice and consent of the senate for the unexpired portion of  
7 the term in which the vacancy occurs. A person appointed to  
8 fill a vacancy shall meet all qualification requirements of the  
9 office established in this section.

10 E. The governor shall choose a [~~chairman~~] chair  
11 annually from the board's appointed full-time, salaried  
12 members.

13 F. No more than [~~three~~] four members of the board  
14 shall be from the same political party.

15 G. The law enforcement, certified public accountant  
16 and attorney members of the board shall be full-time state  
17 officials and shall receive a salary set by the governor. The  
18 public member, [~~and~~] ex-officio member [~~of the board~~] and  
19 members appointed from the list provided by the tribal gaming  
20 agencies shall not receive salaries for their work for the  
21 board. All appointed members of the board shall receive per  
22 diem and mileage pursuant to the provisions of the Per Diem and  
23 Mileage Act.

24 H. The department of public safety shall conduct  
25 background investigations of all members of the board prior to

.192973.1

underscored material = new  
[bracketed material] = delete

1 confirmation by the senate. To assist the department in the  
2 background investigation, a prospective board member shall  
3 furnish a disclosure statement to the department on a form  
4 provided by the department containing that information deemed  
5 by the department as necessary for completion of a detailed and  
6 thorough background investigation. The required information  
7 shall include at least:

8 (1) a full set of fingerprints made by a law  
9 enforcement agency on forms supplied by the department;

10 (2) complete information and details with  
11 respect to the prospective board member's antecedents, habits,  
12 immediate family, character, criminal record, business  
13 activities, financial affairs and business associates covering  
14 at least a ten-year period immediately preceding the date of  
15 submitting the disclosure statement;

16 (3) complete disclosure of ~~[any]~~ an equity  
17 interest held by the prospective board member or a member of  
18 ~~[his]~~ the prospective board member's immediate family in a  
19 company that is an applicant or licensee or an affiliate,  
20 affiliated company, intermediary company or holding company in  
21 respect to an applicant or licensee; and

22 (4) the names and addresses of members of the  
23 immediate family of the prospective board member.

24 I. ~~[No]~~ A person may not be appointed or confirmed  
25 as a member of the board if that person or member of ~~[his]~~ that

.192973.1

underscoring material = new  
[bracketed material] = delete

1 person's immediate family holds an equity interest in a company  
2 that is an applicant or licensee or an affiliate, affiliated  
3 company, intermediary company or holding company in respect to  
4 an applicant or licensee.

5 J. A prospective board member shall provide  
6 assistance and information requested by the department of  
7 public safety or the governor and shall cooperate in any  
8 inquiry or investigation of the prospective board member's  
9 fitness or qualifications to hold the office to which [~~he~~] the  
10 prospective board member is appointed. The senate shall not  
11 confirm a prospective board member if it has reasonable cause  
12 to believe that the prospective board member has:

13 (1) knowingly misrepresented or omitted a  
14 material fact required in a disclosure statement;

15 (2) been convicted of a felony, a gaming-  
16 related offense or a crime involving fraud, theft or moral  
17 turpitude within ten years immediately preceding the date of  
18 submitting a disclosure statement required pursuant to the  
19 provisions of Subsection H of this section;

20 (3) exhibited a history of willful disregard  
21 for the gaming laws of this or any other state or the United  
22 States; or

23 (4) had a permit or license issued pursuant to  
24 the gaming laws of this or any other state or the United States  
25 permanently suspended or revoked for cause.

.192973.1

underscoring material = new  
~~[bracketed material]~~ = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

K. At the time of taking office, each board member shall file with the secretary of state a sworn statement that ~~[he]~~ the board member is not disqualified under the provisions of Subsection I of this section."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2013.