

1 HOUSE BILL 369

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Jason C. Harper and Matthew McQueen

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO THE LOTTERY; ABOLISHING THE NEW MEXICO STATE  
12 LOTTERY; RENAMING THE LEGISLATIVE LOTTERY TUITION SCHOLARSHIP  
13 ACT AS THE LEGISLATIVE TUITION SCHOLARSHIP ACT; RENAMING THE  
14 LOTTERY TUITION FUND AS THE LEGISLATIVE TUITION SCHOLARSHIP  
15 FUND; AMENDING SECTIONS OF THE NMSA 1978 TO REMOVE REFERENCES  
16 TO THE LOTTERY; REPEALING SECTIONS OF THE NMSA 1978; MAKING AN  
17 APPROPRIATION.

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 SECTION 1. Section 7-2-30.6 NMSA 1978 (being Laws 2012,  
21 Chapter 57, Section 1) is amended to read:

22 "7-2-30.6. OPTIONAL DESIGNATION OF TAX REFUND  
23 CONTRIBUTION--~~[LOTTERY]~~ LEGISLATIVE TUITION SCHOLARSHIP FUND---

24 A. Except as otherwise provided in Subsection C of  
25 this section, any individual whose state income tax liability  
.224528.1

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

underscored material = new  
[bracketed material] = delete

1 after application of allowable credits and tax rebates in any  
2 year is lower than the amount of money held by the department  
3 to the credit of such individual for that tax year may  
4 designate any portion of the income tax refund due to the  
5 individual to be paid to the [~~lottery~~] legislative tuition  
6 scholarship fund. In the case of a joint return, both  
7 individuals must make such a designation.

8 B. The department shall revise the state income tax  
9 form to allow the designation of such contributions in the  
10 following form:

11 "[~~Lottery~~] Legislative Tuition Scholarship Fund -  
12 Check [ ] if you wish to contribute a part or all of  
13 your tax refund to the [~~lottery~~] legislative tuition  
14 scholarship fund to provide tuition assistance for  
15 New Mexico resident undergraduates. Enter here  
16 \$ \_\_\_\_\_ the amount of your contribution."

17 C. The provisions of this section do not apply to  
18 income tax refunds subject to interception under the provisions  
19 of the Tax Refund Intercept Program Act, and any designation  
20 made under the provisions of this section to such refunds is  
21 void."

22 SECTION 2. Section 9-7-11.4 NMSA 1978 (being Laws 2006,  
23 Chapter 8, Section 1) is amended to read:

24 "9-7-11.4. COMPULSIVE GAMBLING COUNCIL--DUTIES--  
25 MEMBERSHIP.--

.224528.1

underscored material = new  
[bracketed material] = delete

1           A. The "compulsive gambling council" is created.  
2 The council is administratively attached to the department  
3 pursuant to the Executive Reorganization Act. The council  
4 consists of the following [~~fifteen~~] fourteen members, all of  
5 whom shall be appointed by and serve at the pleasure of the  
6 governor:

7                   (1) the secretary or the secretary's designee,  
8 who shall serve as chair of the council;

9                   (2) a member of the governor's staff;

10                  (3) a member of the gaming control board;

11                  [~~(4)~~] ~~a member of the board of directors of the~~  
12 ~~New Mexico lottery authority;~~

13                  ~~(5)~~] (4) a member of a fraternal organization  
14 that sponsors gambling;

15                  [~~(6)~~] (5) two persons with expertise in the  
16 field of compulsive gambling;

17                  [~~(7)~~] (6) two Native American representatives  
18 from a tribe or pueblo with gaming operations;

19                  [~~(8)~~] (7) two representatives of the non-  
20 Native-American gaming industry;

21                  [~~(9)~~] (8) two representatives from the  
22 behavioral health profession; and

23                  [~~(10)~~] (9) two representatives from the  
24 general public.

25           B. The council shall meet regularly and at the call

1 of the chair.

2 C. A majority of the council constitutes a quorum.

3 D. Council members shall serve voluntarily and  
4 shall receive no per diem for their services or travel  
5 expenses.

6 E. The council shall:

7 (1) develop and implement a New Mexico  
8 strategic prevention and treatment of compulsive gambling plan;

9 (2) recommend to the department compulsive  
10 gambling prevention and treatment standards;

11 (3) collaborate with the appropriate state  
12 agencies to link compulsive gambling data collection and  
13 referral information to crisis response hotlines or youth and  
14 domestic violence initiatives;

15 (4) collaborate with the department to improve  
16 data collection regarding gambling-related suicide,  
17 bankruptcies and domestic violence;

18 (5) collaborate with the department and the  
19 aging and long-term services department to educate New Mexico  
20 seniors through prevention training and materials regarding the  
21 recognition and treatment of compulsive gambling problems; and

22 (6) develop and recommend to the governor a  
23 voluntary self-exclusion program.

24 F. Beginning in 2008, the council shall submit an  
25 annual report to the governor and the appropriate legislative

.224528.1

underscoring material = new  
[bracketed material] = delete

1 interim committee reporting the key findings and progress on  
2 implementation of the New Mexico strategic prevention and  
3 treatment of compulsive gambling plan.

4 G. Two copies of the annual report shall be filed  
5 with the legislative council service library annually beginning  
6 in August 2008."

7 SECTION 3. Section 12-6-2 NMSA 1978 (being Laws 1969,  
8 Chapter 68, Section 2, as amended) is amended to read:

9 "12-6-2. DEFINITIONS.--As used in the Audit Act:

10 A. "agency" means:

11 (1) any department, institution, board,  
12 bureau, court, commission, district or committee of the  
13 government of the state, including district courts, magistrate  
14 or metropolitan courts, district attorneys and charitable  
15 institutions for which appropriations are made by the  
16 legislature;

17 (2) any political subdivision of the state,  
18 created under either general or special act, that receives or  
19 expends public money from whatever source derived, including  
20 counties, county institutions, boards, bureaus or commissions;  
21 municipalities; drainage, conservancy, irrigation or other  
22 special districts; and school districts;

23 (3) any entity or instrumentality of the state  
24 specifically provided for by law, including the New Mexico  
25 finance authority and the New Mexico mortgage finance authority

.224528.1

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

1 ~~[and the New Mexico lottery authority]~~; and

2 (4) every office or officer of any entity  
3 listed in Paragraphs (1) through (3) of this subsection; and

4 B. "local public body" means a mutual domestic  
5 water consumers association, a land grant, an incorporated  
6 municipality or a special district."

7 SECTION 4. Section 21-21N-1 NMSA 1978 (being Laws 2014,  
8 Chapter 80, Section 1, as amended) is amended to read:

9 "21-21N-1. SHORT TITLE.--Chapter 21, Article 21N NMSA  
10 1978 may be cited as the "Legislative ~~[Lottery]~~ Tuition  
11 Scholarship Act"."

12 SECTION 5. Section 21-21N-2 NMSA 1978 (being Laws 2014,  
13 Chapter 80, Section 2, as amended) is amended to read:

14 "21-21N-2. DEFINITIONS.--As used in the Legislative  
15 ~~[Lottery]~~ Tuition Scholarship Act:

16 A. "community college" means a branch community  
17 college of a four-year state educational institution, a two-  
18 year state educational institution or a community college or  
19 technical and vocational institute established pursuant to  
20 Chapter 21, Article 13 or 16 NMSA 1978, respectively;

21 B. "comprehensive institution" means eastern New  
22 Mexico university, western New Mexico university, New Mexico  
23 highlands university or northern New Mexico college;

24 C. "department" means the higher education  
25 department;

.224528.1

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

1           D. "full time" means fifteen or more credit hours  
2 each semester of the regular academic year in state educational  
3 institutions and twelve or more credit hours each semester of  
4 the regular academic year in community colleges or for legacy  
5 students in any program semester;

6           E. "fund" means the [~~lottery~~] legislative tuition  
7 scholarship fund;

8           F. "legacy student" means a full-time resident  
9 student who has received for three or more program semesters by  
10 the end of fiscal year 2014 the legislative lottery scholarship  
11 awarded pursuant to the former provisions of Sections 21-1-4.3,  
12 21-13-10 and 21-16-10.1 NMSA 1978 prior to the enactment of the  
13 Legislative Lottery Tuition Scholarship Act;

14           G. "program semesters" means those semesters for  
15 which a legacy or qualified student may receive a tuition  
16 scholarship and excludes the first semester of attendance at a  
17 public post-secondary educational institution;

18           H. "public post-secondary educational institution"  
19 means a four-year state educational institution or a community  
20 college;

21           I. "qualified student" means a full-time student  
22 who graduated from a public or accredited private New Mexico  
23 high school in the state or completed the requirements of a  
24 home-based or non-public-school primary educational program in  
25 the state or received a high school equivalency credential

.224528.1

1 while maintaining residency in New Mexico and who:

2 (1) either:

3 (a) within sixteen months of graduation  
4 from a public school in this state or completion of the  
5 requirements of a home-based or non-public-school primary  
6 educational program or receipt of a high school equivalency  
7 credential, was accepted for entrance to and attended a public  
8 post-secondary educational institution; or

9 (b) within four months of graduation  
10 from a public school in this state or completion of the  
11 requirements of a home-based or non-public-school primary  
12 educational program or receipt of a high school equivalency  
13 credential, began service in the United States armed forces and  
14 within sixteen months of completion of honorable service or  
15 medical discharge from the service, attended a public post-  
16 secondary educational institution; and

17 (2) successfully completed the first semester  
18 at a public post-secondary educational institution with a grade  
19 point average of 2.5 or higher on a 4.0 scale during the first  
20 semester of full-time enrollment;

21 J. "research institution" means the university of  
22 New Mexico, New Mexico state university or New Mexico institute  
23 of mining and technology;

24 K. "state educational institution" means an  
25 institution of higher education enumerated in Article 12,



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

1 Section 11 of the constitution of New Mexico;

2 L. "tribal college" means a tribally, federally or  
3 congressionally chartered post-secondary educational  
4 institution located in New Mexico that is accredited by the  
5 higher learning commission; and

6 M. "tuition scholarship" means the scholarship that  
7 provides tuition assistance per program semester for a  
8 qualified student or legacy student attending a public post-  
9 secondary educational institution or tribal college."

10 SECTION 6. Section 21-21N-3 NMSA 1978 (being Laws 2014,  
11 Chapter 80, Section 3, as amended by Laws 2019, Chapter 33,  
12 Section 1 and by Laws 2019, Chapter 54, Section 2) is amended  
13 to read:

14 "21-21N-3. TUITION SCHOLARSHIPS AUTHORIZED--QUALIFIED  
15 STUDENTS.--

16 A. To the extent that funds are made available by  
17 the legislature from the fund, the boards of regents or  
18 governing bodies of public post-secondary educational  
19 institutions and tribal colleges shall award tuition  
20 scholarships in department-approved amounts to qualified  
21 students and legacy students attending their respective public  
22 post-secondary educational institutions.

23 B. Beginning in fiscal year 2015:

24 (1) a legacy student is eligible to receive a  
25 tuition scholarship until the total number of program semesters

.224528.1

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

1 for which the legislative [~~lottery~~] scholarship is received  
2 pursuant to the former provisions of Sections 21-1-4.3,  
3 21-13-10 and 21-16-10.1 NMSA 1978 or the Legislative [~~Lottery~~]  
4 Tuition Scholarship Act reaches eight; provided that the legacy  
5 student maintains residency in New Mexico, maintains a grade  
6 point average of 2.5 or higher on a 4.0 scale and completes  
7 twelve or more credit hours per program semester; and

8 (2) a qualified student who is not a legacy  
9 student is eligible to receive the tuition scholarship for a  
10 maximum of seven program semesters and in an amount determined  
11 pursuant to the provisions of Section 21-21N-4 NMSA 1978.

12 C. Except as otherwise provided in this section, a  
13 tuition scholarship may be awarded to a qualified student who:

14 (1) maintains residency in New Mexico;

15 (2) maintains a grade point average of 2.5 or  
16 higher on a 4.0 scale; and

17 (3) completes:

18 (a) for a student attending a four-year  
19 public post-secondary educational institution or a tribal  
20 college, fifteen or more credit hours per program semester; and

21 (b) for a student attending a two-year  
22 public post-secondary educational institution, twelve or more  
23 credit hours per program semester.

24 D. For students with disabilities who may require  
25 accommodations, the department, in consultation with the

.224528.1

underscored material = new  
[bracketed material] = delete

1 student and the office at the public post-secondary educational  
2 institution or the tribal college that serves students with  
3 disabilities, shall review both the definition of "full time"  
4 and the maximum number of consecutive program semesters of  
5 eligibility and adjust either or both as deemed reasonable and  
6 appropriate, based on the student's disability needs. In no  
7 case, however, shall "full time" mean fewer than six credit  
8 hours per semester, and in no case shall eligibility extend  
9 beyond fourteen consecutive program semesters. The definition  
10 of "qualified student" notwithstanding, a New Mexico resident  
11 who had to leave the state to receive an education pursuant to  
12 the federal Individuals with Disabilities Education Act shall  
13 be eligible for a tuition scholarship if the student graduated  
14 from an accredited high school in another state and otherwise  
15 meets the qualifications for a tuition scholarship pursuant to  
16 the definition of "qualified student" and this section."

17 SECTION 7. Section 21-21N-5 NMSA 1978 (being Laws 1995,  
18 Chapter 155, Section 23, as amended) is amended to read:

19 "21-21N-5. [~~LOTTERY~~] LEGISLATIVE TUITION SCHOLARSHIP FUND  
20 CREATED--PURPOSE.--

21 A. The "~~lottery~~ legislative tuition scholarship  
22 fund" is created in the state treasury. The fund shall be  
23 administered by the department. Earnings from investment of  
24 the fund shall accrue to the credit of the fund. The fund  
25 shall maintain an annual average balance of two million dollars

.224528.1

underscored material = new  
[bracketed material] = delete

1 (\$2,000,000), and any balance in the fund at the end of any  
2 fiscal year shall remain in the fund for appropriation by the  
3 legislature as provided in this section.

4 B. Money in the fund shall be appropriated by the  
5 legislature to the department for distribution to New Mexico's  
6 public post-secondary educational institutions and tribal  
7 colleges to provide tuition assistance for qualified students  
8 and legacy students as provided in the Legislative [~~Lottery~~]  
9 Tuition Scholarship Act."

10 SECTION 8. Section 21-21N-6 NMSA 1978 (being Laws 2014,  
11 Chapter 80, Section 6) is amended to read:

12 "21-21N-6. DEPARTMENT RULEMAKING AND REPORTING.--

13 A. The department shall promulgate rules setting  
14 forth explicit criteria in accordance with the Legislative  
15 [~~Lottery~~] Tuition Scholarship Act for:

16 (1) student qualification and continuing  
17 eligibility; and

18 (2) calculating the tuition scholarship award  
19 amount pursuant to Section [~~4 of the Legislative Lottery~~  
20 ~~Tuition Scholarship Act~~] 21-21N-4 NMSA 1978 and guidelines for  
21 the administration of the tuition scholarship program.

22 B. The department shall report by November 1 of each  
23 year to the legislative finance committee and the department of  
24 finance and administration on:

25 (1) the status of the fund;

.224528.1

underscored material = new  
[bracketed material] = delete

1 (2) tuition scholarship program  
2 participation data aggregated for each public post-secondary  
3 educational institution to show:

4 (a) the number of qualified students and  
5 the number of legacy students who received tuition scholarships  
6 in the prior twelve-month period;

7 (b) the total number of students,  
8 including qualified students and legacy students, enrolled in  
9 the prior twelve-month period;

10 (c) for each semester, the amount of  
11 tuition scholarships funded and the amount of tuition costs  
12 that were not offset by the tuition scholarship; and

13 (d) the number of qualified students and  
14 the number of legacy students who graduated with a degree and,  
15 for each qualified student, the number of consecutive semesters  
16 and nonconsecutive semesters attended prior to graduation; and

17 (3) any additional information required or  
18 requested by the legislative finance committee or the  
19 department of finance and administration."

20 SECTION 9. Section 21-21N-7 NMSA 1978 (being Laws 2015,  
21 Chapter 84, Section 2, as amended) is amended to read:

22 "21-21N-7. [~~LOTTERY~~] LEGISLATIVE TUITION SCHOLARSHIP  
23 STUDENT COMMUNITY OUTREACH PILOT PROJECT--TUITION SCHOLARSHIP  
24 RECIPIENTS--ADDITIONAL REQUIREMENTS--MENTORING--TRAINING.--

25 A. The "~~lottery~~] legislative tuition scholarship

.224528.1

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

1 student community outreach pilot project" is created as a six-  
2 year study that encourages students who receive a tuition  
3 scholarship pursuant to the Legislative [~~Lottery~~] Tuition  
4 Scholarship Act at participating public post-secondary  
5 educational institutions or tribal colleges to volunteer to  
6 provide community outreach, chiefly through mentoring public  
7 school students. Tuition scholarship students are not required  
8 to participate to maintain their tuition scholarship. The  
9 purpose of the pilot project is to demonstrate that:

10 (1) both mentors and mentees receive similar  
11 benefits, including improved grades and on-time graduation and  
12 a renewed sense of confidence, purpose and community and civic  
13 engagement;

14 (2) this service improves the community in  
15 which the student volunteer works and the public school student  
16 lives;

17 (3) mentoring by young adults can help  
18 disadvantaged public school students narrow the achievement  
19 gap; improve cognitive, social and behavioral skills; and lead  
20 to higher test scores and success in school; and

21 (4) mentoring can also help the student  
22 volunteer improve the student volunteer's skills, test scores  
23 and success in college and inculcate civic and social  
24 engagement in community life.

25 B. The pilot project shall be administered by the

.224528.1

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

1 department and shall be conducted with at least three public  
2 post-secondary educational institutions around the state,  
3 ideally with at least one from the research institutions, at  
4 least one from the comprehensive universities or tribal  
5 colleges and at least one from the branch and independent  
6 community colleges and with at least five hundred tuition  
7 scholarship students. Preference for the pilot project shall  
8 be given to institutions in areas with high poverty rates and  
9 in public schools with eighty-five percent or more of the  
10 students eligible for free or reduced-fee lunch and high  
11 English language learner populations. The department may  
12 expand the pilot project during its term to more participants.

13 C. The department shall certify a list of nonprofit  
14 community- and education-oriented organizations that maintain  
15 relationships with public schools with which student volunteers  
16 may work. The organizations shall identify public schools in  
17 their areas that are interested in having mentors and shall  
18 develop a mentoring training program for student volunteers.  
19 The organizations shall also identify community-based outreach  
20 or specific community-based projects appropriate for students  
21 in their first program semester or students unable to mentor  
22 during the school year.

23 D. A participating community- and education-  
24 oriented organization shall monitor and evaluate the work of  
25 the student volunteers and the time spent mentoring or

.224528.1

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

1 participating in community-based projects as well as the  
2 progress of the public school students being mentored.

3 E. The department shall determine application  
4 requirements and procedures for public post-secondary  
5 educational institutions, tribal colleges, nonprofit community-  
6 and education-oriented organizations and student volunteers to  
7 apply for the pilot project, criteria to evaluate applications  
8 and quantitative and qualitative measures of the pilot  
9 project's efficacy.

10 F. In addition to other requirements and  
11 qualifications in the Legislative [~~Lottery~~] Tuition Scholarship  
12 Act, a tuition scholarship student who participates in the  
13 pilot project shall provide at least two hours per week of  
14 community outreach with public school students in the area of  
15 the public post-secondary educational institution or tribal  
16 college the student attends. The community outreach shall  
17 consist of:

- 18 (1) partnering with community-based  
19 organizations and assisting with community-based projects;  
20 (2) mentoring public school students; or  
21 (3) mentoring first-year college students.

22 G. The following schedule of community outreach for  
23 student volunteers is:

- 24 (1) students in their first program semester  
25 shall partner with a community-based organization to assist it

.224528.1



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

1 in community outreach or specific community-based projects;

2 (2) students in their sophomore and junior  
3 years shall mentor students in grades kindergarten through  
4 twelve; and

5 (3) students in their senior year shall mentor  
6 freshmen college students.

7 H. If a tuition scholarship student who wants to  
8 participate is unable to perform the community outreach service  
9 during the school year because of class load, work requirements  
10 or other reasons, the student volunteer may volunteer for an  
11 approved community outreach project that will be available for  
12 the student to participate in during semester breaks or the  
13 summer for a total of at least thirty-two hours.

14 I. Public schools that choose to participate in the  
15 pilot project shall identify willing students who would benefit  
16 from participation. The student's teacher or school principal  
17 shall work with the nonprofit organization and the student  
18 volunteer to determine what activities and types of engagement  
19 would benefit the mentee student.

20 J. The department shall establish reporting and  
21 evaluation requirements for all participants in the pilot  
22 project. The department shall provide interim and final  
23 reports annually to the governor and the legislature.

24 K. The participating public post-secondary  
25 educational institutions, tribal colleges, nonprofit community-

.224528.1

underscoring material = new  
[bracketed material] = delete

1 and education-oriented organizations and public schools shall  
2 actively seek public and private grants and donations for any  
3 costs of the pilot project. Grants and donations shall be kept  
4 and expended as other grants and donations of the institution,  
5 tribal college, organization or public school."

6 SECTION 10. Section 44-9-2 NMSA 1978 (being Laws 2007,  
7 Chapter 40, Section 2, as amended) is amended to read:

8 "44-9-2. DEFINITIONS.--As used in the Fraud Against  
9 Taxpayers Act:

10 A. "claim" means a request or demand for money,  
11 property or services when all or a portion of the money,  
12 property or services requested or demanded issues from or is  
13 provided or reimbursed by the state or a political subdivision;

14 B. "employer" includes an individual, corporation,  
15 firm, association, business, partnership, organization, trust,  
16 charter school and the state and any of its agencies,  
17 institutions or political subdivisions;

18 C. "knowingly" means that a person, with respect to  
19 information, acts:

20 (1) with actual knowledge of the truth or  
21 falsity of the information;

22 (2) in deliberate ignorance of the truth or  
23 falsity of the information; or

24 (3) in reckless disregard of the truth or  
25 falsity of the information;

.224528.1

underscoring material = new  
[bracketed material] = delete

1 D. "person" means an individual, corporation, firm,  
2 association, organization, trust, business, partnership,  
3 limited liability company, joint venture or any legal or  
4 commercial entity;

5 E. "political subdivision" means a political  
6 subdivision of the state or a charter school; and

7 F. "state" means the state of New Mexico or any of  
8 its branches, agencies, departments, boards, commissions,  
9 officers, institutions or instrumentalities, including the New  
10 Mexico finance authority and the New Mexico mortgage finance  
11 authority [~~and the New Mexico lottery authority~~]."

12 SECTION 11. Section 60-7A-19 NMSA 1978 (being Laws 1981,  
13 Chapter 39, Section 96, as amended) is amended to read:

14 "60-7A-19. COMMERCIAL GAMBLING ON LICENSED PREMISES.--

15 A. It is a violation of the Liquor Control Act for  
16 a licensee to knowingly allow commercial gambling on the  
17 licensed premises.

18 B. In addition to any criminal penalties, a person  
19 who violates Subsection A of this section may have the person's  
20 license suspended or revoked or a fine imposed, or both,  
21 pursuant to the Liquor Control Act.

22 C. As used in this section:

23 (1) "commercial gambling" means:

24 (a) participating in the earnings of or  
25 operating a gambling place;

.224528.1

underscored material = new  
[bracketed material] = delete

1 (b) receiving, recording or forwarding  
2 bets or offers to bet;

3 (c) possessing facilities with the  
4 intent to receive, record or forward bets or offers to bet;

5 (d) for gain, becoming a custodian of  
6 anything of value bet or offered to be bet;

7 (e) conducting a lottery where both the  
8 consideration and the prize are money, or whoever with intent  
9 to conduct a lottery possesses facilities to do so; or

10 (f) setting up for use for the purpose  
11 of gambling, or collecting the proceeds of, a gambling device  
12 or game; and

13 (2) "commercial gambling" does not mean:

14 [~~(a)~~] ~~activities authorized pursuant to~~  
15 ~~the New Mexico Lottery Act;~~

16 ~~(b)]~~ (a) the conduct of activities  
17 pursuant to Subsection B of Section 30-19-6 NMSA 1978 on the  
18 licensed premises of the holder of a club license; and

19 ~~(c)]~~ (b) gaming authorized pursuant to  
20 the Gaming Control Act on the premises of a gaming operator  
21 licensee licensed pursuant to that act."

22 SECTION 12. Section 60-2F-26 NMSA 1978 (being Laws 2009,  
23 Chapter 81, Section 26) is amended to read:

24 "60-2F-26. EXEMPTIONS.--

25 A. Except as provided in Subsection B of this

.224528.1

underscoring material = new  
[bracketed material] = delete

1 section, nothing in the New Mexico Bingo and Raffle Act shall  
2 be construed to apply to:

3 (1) a drawing or a prize at a fair or fiesta  
4 held in New Mexico under the sponsorship or authority of the  
5 state or any of its political subdivisions, or for the benefit  
6 of a religious organization situated in this state or for  
7 charitable purposes when all the proceeds of the sale or  
8 drawing shall be expended within New Mexico for the benefit of  
9 that political subdivision, religious organization or  
10 charitable purpose; or

11 (2) a bingo or a raffle held by a qualified  
12 organization that holds no more than one bingo occasion or one  
13 raffle in any three consecutive calendar months and not  
14 exceeding four occasions in one calendar year.

15 B. Notwithstanding the provisions of Subsection A  
16 of this section, no raffle with an individual prize exceeding  
17 seventy-five thousand dollars (\$75,000) shall be held without a  
18 ten-day prior notification to the board of the conduct of the  
19 event and a subsequent notification to the board of the names,  
20 addresses and phone numbers of all prize winners.

21 ~~[C. Nothing in the New Mexico Bingo and Raffle Act~~  
22 ~~shall be construed to apply to a lottery established and~~  
23 ~~operated pursuant to the New Mexico Lottery Act or gaming that~~  
24 ~~is licensed and operated pursuant to the Gaming Control Act.]"~~

25 SECTION 13. APPROPRIATION.--Forty-six million dollars

.224528.1

underscored material = new  
[bracketed material] = delete

1 (\$46,000,000) is appropriated from the general fund to the  
2 legislative tuition scholarship fund for expenditure in fiscal  
3 year 2024 and subsequent fiscal years to provide tuition  
4 scholarships pursuant to the Legislative Tuition Scholarship  
5 Act. Any unexpended or unencumbered balance remaining at the  
6 end of a fiscal year shall not revert to the general fund.

7 SECTION 14. REPEAL.--

8 A. Sections 6-24-1 through 6-24-22 and 6-24-24  
9 through 6-24-34 NMSA 1978 (being Laws 1995, Chapter 155,  
10 Sections 1 through 22 and 24 through 34, as amended) are  
11 repealed.

12 B. Section 7-9-87 NMSA 1978 (being Laws 1995,  
13 Chapter 155, Section 35) is repealed.

14 C. Section 7-27-5.21 NMSA 1978 (being Laws 1995,  
15 Chapter 155, Section 36) is repealed.

16 SECTION 15. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2023.