

LFC Requester:

Noah Montano

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/5/25

Check all that apply:

Bill Number: HB 241

Original Correction
Amendment Substitute

Sponsor: Rep. Martinez, Rep. Dow,
Rep. De La Cruz, Rep.
Hernandez, and Rep. Jones

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Person Writing

Short Title: Gaming Act Definition
Changes

Analysis: Daniel R. Rubin

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SECTION II: FISCAL IMPACT – N/A

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: The bill would amend the Gaming Control Act, Sections 60-2E-1 et seq. NMSA 1978 at Section 60-2E-3 to add new definitions of “allowable gaming expenses” and “balance of net take.” The definition of the latter incorporates the definition of the former.

FISCAL IMPLICATIONS

None noted.

SIGNIFICANT ISSUES

None noted.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

None noted.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

This bill would clarify the existing rule implementing Section 60-2E-47(G) of the Act.

“Balance of net take” was previously both defined and implemented by rule at 15.1.10.7(H) and 15.1.10.32.D NMAC using identical language. As a potential point of confusion, the above distributions pursuant to 15.1.10.32.D exclude “gaming expenses” as within the scope of “charitable or educational expenses,” which is not inconsistent with its new use as part of the

statutory definition of “balance of net take” but uses the same term. As 15.1.10.32.E and F further delineate charitable and educational purposes, “which purposes do not include gaming expenses” is surplusage in the current rule at 15.1.10.32.D. Deleting it by rule amendment may avoid interpretative confusion.

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None noted.