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SENATE BILL 421

44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2000

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO GAMING; CHANGING THE MEMBERSHIP OF THE GAMING CONTROL BOARD.

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) is amended to read:

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

A. The "gaming control board" is created and consists of [~~five~~] seven members. [~~Three~~] Five members are appointed by the governor with the advice and consent of the senate, and two members are ex officio: the chairman of the state racing commission and the chairman of the board of the New Mexico lottery authority. All members of the board shall be residents of New Mexico and citizens of the United States.

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1 One appointed member of the board shall have a minimum of
2 five years of previous employment in a supervisory and
3 administrative position in a law enforcement agency; one
4 appointed member of the board shall be a certified public
5 accountant in New Mexico who has had at least five years of
6 experience in public accountancy; [~~and~~] one appointed member
7 of the board shall be an attorney who has been admitted to
8 practice before the supreme court of New Mexico; one
9 appointed member shall be a Native American selected from a
10 list prepared and submitted to the governor containing the
11 names of three persons nominated by agreement of the
12 governing authorities of those nations, tribes and pueblos
13 operating tribal gaming pursuant to compacts with the state;
14 and one appointed member shall be selected from a list
15 prepared and submitted to the governor containing the names
16 of three persons nominated by agreement of the governing
17 authorities of those nonprofit organizations holding gaming
18 operator licenses.

19 B. The appointed members of the board shall be
20 appointed for terms of five years, except, of the members who
21 are first appointed, the member with law enforcement
22 experience shall be appointed for a term of five years; the
23 member who is a certified public accountant shall be
24 appointed for a term of four years; and the member who is an

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1 attorney shall be appointed for a term of three years.
2 Thereafter, all members shall be appointed for terms of five
3 years. No person shall serve as a board member for more than
4 two consecutive terms or ten years total.

5 C. No person appointed to the board may be
6 employed in any other capacity or shall in any manner receive
7 compensation for services rendered to any person or entity
8 other than the board while a member of the board.

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

15 E. The governor shall choose a chairman annually
16 from the board's appointed membership.

17 F. No more than three members of the board shall
18 be from the same political party.

19 G. The appointed members of the board shall be
20 full-time state officials and shall receive a salary set by
21 the governor.

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

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

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

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

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

23 I. No person may be appointed or confirmed as a
24 member of the board if that person or member of his immediate
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1 family holds an equity interest in a company that is an
2 applicant or licensee or an affiliate, affiliated company,
3 intermediary company or holding company in respect to an
4 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 is
10 appointed. The senate shall not confirm a prospective board
11 member if it has reasonable cause to believe that the
12 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
24 to the gaming laws of this or any other state or the United
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1 States permanently suspended or revoked for cause.

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

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