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SENATE BILL 210

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO GAMING; REPLACING THE EX-OFFICIO MEMBER OF THE
GAMING CONTROL BOARD WHO IS THE CHAIRMAN OF THE BOARD OF THE
NEW MEXICO LOTTERY AUTHORITY WITH AN APPOINTED PERSON
KNOWLEDGEABLE ABOUT AND EXPERIENCED IN BUSINESS; AMENDING A
SECTION OF THE GAMING CONTROL ACT; DECLARING AN EMERGENCY.

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 members. [~~Three~~] Four members are appointed
by the governor with the advice and consent of the senate, and
[~~two members are~~] one ex-officio member is the chairman of the
state racing commission [~~and the chairman of the board of the~~

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1 ~~New Mexico lottery authority~~. All members of the board shall
2 be residents of New Mexico and citizens of the United States.
3 One appointed member of the board shall have a minimum of five
4 years of previous employment in a supervisory and
5 administrative position in a law enforcement agency; one
6 appointed member of the board shall be a certified public
7 accountant in New Mexico who has had at least five years of
8 experience in public accountancy; ~~and~~ one appointed member
9 of the board shall be an attorney who has been admitted to
10 practice before the supreme court of New Mexico; and one
11 appointed member of the board shall be a public member who has
12 knowledge and experience in 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
16 experience shall be appointed for a term of five years; the
17 member who is a certified public accountant shall be appointed
18 for a term of four years; ~~and~~ the member who is an attorney
19 shall be appointed for a term of three years; and the public
20 member shall be appointed for a term of two years.

21 Thereafter, all members shall be appointed for terms of five
22 years. No person shall serve as a board member for more than
23 two consecutive terms or ten years total.

24 C. No ~~person appointed to the board~~ full-time
25 board member who receives a salary pursuant to Subsection G of

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1 this section may be employed in any other capacity or shall in
2 any manner receive compensation for services rendered to any
3 person or entity other than the board while a member of the
4 board.

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

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

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

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

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

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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
6 and thorough background investigation. The required
7 information 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 equity
17 interest held by the prospective board member or a member of
18 his immediate family in a company that is an applicant or
19 licensee or an affiliate, affiliated company, intermediary
20 company or holding company in respect to an applicant or
21 licensee; and

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

24 I. No person may be appointed or confirmed as a
25 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
25 States permanently suspended or revoked for cause.

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

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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