

FORTY- SEVENTH LEGISLATURE  
FIRST SESSION

March 4, 2005

SENATE FLOOR AMENDMENT number \_\_\_1\_\_\_ to SENATE BILL 384, as amended

Amendment sponsored by Senator

1. Strike Senate Judiciary Committee Amendment 4.
2. On page 1, between lines 19 and 20, insert the following:

"Section 1. Section 60-2E-7 NMSA 1978 (being Laws 1997, Chapter 190, Section 9, as amended) is amended to read:

"60-2E-7. BOARD'S POWERS AND DUTIES. --

A. The board shall implement the state's policy on gaming consistent with the provisions of the Gaming Control Act. It has the duty to fulfill all responsibilities assigned to it pursuant to that act, and it has all authority necessary to carry out those responsibilities. It may delegate authority to the executive director, but it retains accountability. The board is an adjunct agency.

B. The board shall:

- (1) employ the executive director;
- (2) make the final decision on issuance, denial, suspension and revocation of all licenses pursuant to and consistent with the provisions of the Gaming Control Act;
- (3) develop, adopt and promulgate all regulations necessary to implement and administer the provisions of the Gaming Control Act;
- (4) conduct itself, or employ a hearing officer to

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conduct, all hearings required by the provisions of the Gaming Control Act and other hearings it deems appropriate to fulfill its responsibilities;

(5) meet at least once each month; [~~and~~]

(6) prepare and submit an annual report in December of each year to the governor and the legislature, covering activities of the board in the most recently completed fiscal year, a summary of gaming activities in the state and any recommended changes in or additions to the laws relating to gaming in the state; and

(7) impose civil fines not to exceed:

(a) five thousand dollars (\$5,000) for violation by a key executive or any other person employed by or working pursuant to a contract with a gaming establishment of the prohibition against disclosure of names of persons who are self-excluded; and

(b) twenty-five thousand dollars (\$25,000) for violation by the gaming operator licensee of the prohibition against disclosure of names of persons who are self-excluded.

C. The board may:

(1) impose civil fines not to exceed twenty-five thousand dollars (\$25,000) for the first violation and fifty thousand dollars (\$50,000) for subsequent violations of any other prohibitory provision of the Gaming Control Act or any prohibitory provision of a regulation adopted pursuant to that act;

(2) conduct investigations;

(3) subpoena persons and documents to compel access

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to or the production of documents and records, including books and memoranda, in the custody or control of [~~any~~] a licensee;

(4) compel the appearance of employees of a licensee or persons for the purpose of ascertaining compliance with provisions of the Gaming Control Act or a regulation adopted pursuant to its provisions;

(5) administer oaths and take depositions to the same extent and subject to the same limitations as would apply if the deposition were pursuant to discovery rules in a civil action in the district court;

(6) sue and be sued subject to the limitations of the Tort Claims Act;

(7) contract for the provision of goods and services necessary to carry out its responsibilities;

(8) conduct audits, relevant to their gaming activities, of applicants, licensees and persons affiliated with licensees;

(9) inspect, examine, photocopy and audit all documents and records of an applicant or licensee relevant to his gaming activities in the presence of the applicant or licensee or his agent;

(10) require verification of income and all other matters pertinent to the gaming activities of an applicant or licensee affecting the enforcement of any provision of the Gaming Control Act;

(11) inspect all places where gaming activities are conducted and inspect all property connected with gaming in those places;

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(12) summarily seize, remove and impound from places inspected any gaming devices, property connected with gaming, documents or records for the purpose of examination or inspection;

(13) inspect, examine, photocopy and audit documents and records, relevant to his gaming activities, of any affiliate of an applicant or licensee that the board knows or reasonably suspects is involved in the financing, operation or management of the applicant or licensee. The inspection, examination, photocopying and audit shall be in the presence of a representative of the affiliate or its agent when practicable; and

(14) except for the powers specified in Paragraphs (1) and (4) of this subsection, carry out all or part of the foregoing powers and activities through the executive director.

D. The board shall monitor all activity authorized in an Indian gaming compact between the state and an Indian nation, tribe or pueblo. The board shall appoint the state gaming representative for the purposes of the compact. "".

3. Renumber succeeding sections accordingly.

4. On page 7, line 10, strike the ending quotation mark and between lines 10 and 11, insert the following new subsections:

"E. The board may adopt rules allowing a person who is a compulsive gambler to be voluntarily excluded from the area where gaming occurs in a gaming establishment and providing for a self-exclusion list.

F. A person who is self-excluded from the area where gaming occurs in a gaming establishment is guilty of trespass pursuant to Section 30-14-1.1 NMSA 1978 if the person enters the area where gaming occurs in a gaming establishment from which the person has been self-excluded.

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G. A gaming operator licensee, a key executive or any other person employed by or working pursuant to a contract with a gaming establishment is prohibited from disclosing the name of a person who is voluntarily self-excluded from the area where gaming occurs in a gaming establishment. The self-exclusion list shall not be subject to inspection under the Inspection of Public Records Act.

H. A person requesting to be voluntarily self-excluded from the area where gaming occurs in a gaming establishment shall be required to execute a valid waiver and release of claims for damages resulting from placement on the self-exclusion list.

I. No gaming operator licensee shall be held liable for an action taken as a result of administering a self-exclusion program in accordance with rules adopted by the board. "".

\_\_\_\_\_

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_