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## FISCAL IMPACT REPORT

SPONSOR Louis ORIGINAL DATE 2/15/15  
LAST UPDATED \_\_\_\_\_ HB 322  
SHORT TITLE Gaming Control Board Members and Employees SB \_\_\_\_\_  
ANALYST Elkins

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		(\$344.0)	(\$344.0)	(\$688.0)	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Gaming Control Board (GCB)

### SUMMARY

#### Synopsis of Bill

House Bill 322 amends the Gaming Control Act by allowing members of the board to be employed while serving on the board. Currently, the law enforcement, certified public accountant, and attorney members of the board are full-time state officials and receive a salary set by the governor. HB 322 would change the three full-time board member positions to volunteer positions. Also, the bill removes 60-2E-5(C) NMSA 1978, which prohibits the three boards members who are full-time state officials from being employed in any other capacity.

### FISCAL IMPLICATIONS

Replacing the three full-time salaried board member positions with volunteer board member positions will have an estimated operating budget savings of \$344 thousand. GCB will have to pay members per diem to attend the required once a month meeting.

### SIGNIFICANT ISSUES

The Gaming Control Board has the following concerns:

Disadvantages of using volunteer board members include the degree of commitment that the board members can devote to agency business. Particularly, the change to a volunteer board would impair the ability to issue Emergency Orders when necessary.

The issuance of an emergency order and the hearing related to an order are very time sensitive. The Gaming Control Board has used emergency orders to promote voluntary closures of gaming licensees pending resolution. Without full-time salaried board members, the use of emergency orders would become problematic to implement on any particular day, and the process would become untimely, and perhaps dysfunctional.

Volunteer board members have their primary commitment to their occupation and only a secondary commitment to public service. In the event that the proposed legislation passes, the Gaming Control Board could lose board members that provide invaluable insight into such areas of expertise as the law, accounting, and law enforcement.

Employing full-time salaried board members protects the impartiality of the Gaming Control Board so those same persons do not have any financial interests other than protecting the public and the state.

CE/bb/je