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HOUSE BILL 322

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Georgene Louis

AN ACT

RELATING TO THE GAMING CONTROL BOARD; PROVIDING THAT MEMBERS OF THE GAMING CONTROL BOARD MAY BE EMPLOYED WHILE SERVING ON THE 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, as amended) is amended to read:

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

A. The "gaming control board" is created and consists of five members. Four members are appointed by the governor with the advice and consent of the senate, and one ex-officio member is the ~~chairman~~ chair of the state racing commission. All members of the board shall be residents of New Mexico and citizens of the United States. One appointed member of the board shall have a minimum of five years of previous

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1 employment in a supervisory and administrative position in a  
2 law enforcement agency; one appointed member of the board shall  
3 be a certified public accountant in New Mexico who has had at  
4 least five years of experience in public accountancy; one  
5 appointed member of the board shall be an attorney who has been  
6 admitted to practice before the supreme court of New Mexico;  
7 and one appointed member of the board shall be a public member  
8 who has knowledge and experience in business management and  
9 financing.

10 B. The appointed members of the board shall be  
11 appointed for terms of five years, except, of the members who  
12 are first appointed, the member with law enforcement experience  
13 shall be appointed for a term of five years; the member who is  
14 a certified public accountant shall be appointed for a term of  
15 four years; the member who is an attorney shall be appointed  
16 for a term of three years; and the public member shall be  
17 appointed for a term of two years. Thereafter, all members  
18 shall be appointed for terms of five years. [No] A person  
19 shall not serve as a board member for more than two consecutive  
20 terms or ten years total.

21 ~~[G. No full-time board member who receives a salary~~  
22 ~~pursuant to Subsection G of this section may be employed in any~~  
23 ~~other capacity or shall in any manner receive compensation for~~  
24 ~~services rendered to any person or entity other than the board~~  
25 ~~while a member of the board.~~

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

7           ~~E.~~ D. The governor shall choose a [~~chairman~~]  
8 chair annually from the board's appointed [~~full-time, salaried~~]  
9 members.

10           ~~F.~~ E. No more than three members of the board  
11 shall be from the same political party.

12           ~~G. The law enforcement, certified public~~  
13 ~~accountant and attorney members of the board shall be full-time~~  
14 ~~state officials and shall receive a salary set by the governor.~~  
15 ~~The public member and ex-officio member of the board shall not~~  
16 ~~receive salaries for their work for the board.]~~

17           F. All appointed members of the board shall receive  
18 per diem and mileage pursuant to the provisions of the Per Diem  
19 and Mileage Act.

20           ~~H.~~ G. The department of public safety shall  
21 conduct background investigations of all members of the board  
22 prior to confirmation by the senate. To assist the department  
23 in the background investigation, a prospective board member  
24 shall furnish a disclosure statement to the department on a  
25 form provided by the department containing that information

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1 deemed by the department as necessary for completion of a  
2 detailed and thorough background investigation. The required  
3 information shall include at least:

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

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

12 (3) complete disclosure of ~~[any]~~ an equity  
13 interest held by the prospective board member or a member of  
14 ~~[his]~~ the prospective board member's immediate family in a  
15 company that is an applicant or licensee or an affiliate,  
16 affiliated company, intermediary company or holding company in  
17 respect to an applicant or licensee; and

18 (4) the names and addresses of members of the  
19 immediate family of the prospective board member.

20 ~~[F.—No]~~ H. A person may not be appointed or  
21 confirmed as a member of the board if that person or member of  
22 ~~[his]~~ that person's immediate family holds an equity interest  
23 in a company that is an applicant or licensee or an affiliate,  
24 affiliated company, intermediary company or holding company in  
25 respect to an applicant or licensee.

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1           ~~[J-]~~ I. A prospective board member shall provide  
2 assistance and information requested by the department of  
3 public safety or the governor and shall cooperate in any  
4 inquiry or investigation of the prospective board member's  
5 fitness or qualifications to hold the office to which ~~[he]~~ the  
6 prospective board member is appointed. The senate shall not  
7 confirm a prospective board member if it has reasonable cause  
8 to believe that the prospective board member has:

9                   (1) knowingly misrepresented or omitted a  
10 material fact required in a disclosure statement;

11                   (2) been convicted of a felony, a gaming-  
12 related offense or a crime involving fraud, theft or moral  
13 turpitude within ten years immediately preceding the date of  
14 submitting a disclosure statement required pursuant to the  
15 provisions of Subsection ~~[H]~~ G of this section;

16                   (3) exhibited a history of willful disregard  
17 for the gaming laws of this or any other state or the United  
18 States; or

19                   (4) had a permit or license issued pursuant to  
20 the gaming laws of this or any other state or the United States  
21 permanently suspended or revoked for cause.

22           ~~[K-]~~ J. At the time of taking office, each board  
23 member shall file with the secretary of state a sworn statement  
24 that ~~[he]~~ the board member is not disqualified under the  
25 provisions of Subsection ~~[F]~~ H of this section."

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SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2015.