

SIXTH MEETING
of the
MILITARY AND VETERANS' AFFAIRS COMMITTEE

Tuesday, November 19, 2019
State Capitol, Room 311
Santa Fe, NM



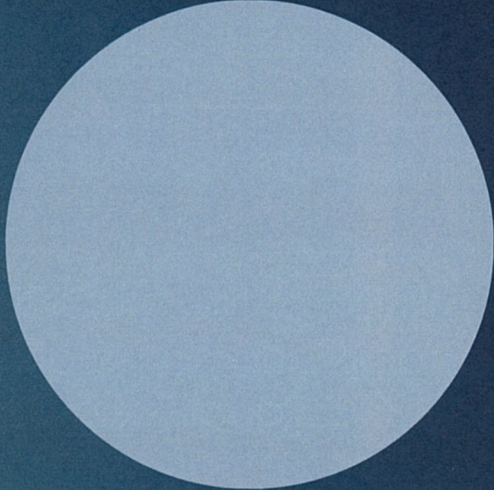
SALE OF PULL-TABS BY VETERANS' ORGANIZATIONS



Presenters:
Daniel S. Peltiér, NMGCB
Terry McGaha, NMGCB
Phillip Sanchez, RLD

OBJECTIVES



- New Mexico Policy on Gaming
 - Authority of Bingo & Raffle Act
 - Qualified Organizations-Veterans'
 - Licensees, Gross Receipts and Bingo Taxes
 - Conduct of Games of Chance
 - New Mexico Senate Bill 177
 - Commercial Gambling
 - Alcohol on Licensed Premises
 - Gambling & Liquor Control
 - Questions
- 

New Mexico Policy on Gaming

60-2E-2

It is the state's policy on gaming that:

Limited gaming activities should be allowed in the state if those activities are strictly regulated to ensure honest and competitive gaming that is free from criminal and corruptive elements and influences.

NMGCB Mission Statement

The mission of the NMGCB is to uphold the integrity of gaming regulations at licensed

racetracks and non-profits organizations, and to monitor tribal gaming activity in the state.

The NMGCB qualifies gaming venues through a rigorous licensing and certification process

designed to ensure a fair and honest gaming environment, while recognizing the importance

of gaming tax revenue to the states economy.

New Mexico Bingo & Raffle Act

60-2F-2

The purpose of the New Mexico Bingo & Raffle Act is to authorize and regulate certain games of chance by licensed non-profit organizations.

CLASSIFICATIONS OF LICENSES AND PERMITS

The board shall establish and may issue the following categories of licenses:

- Bingo License (Bingo & Raffle and Pull-Tab)
- Distributor's License
- Manufacturer's License

The board shall establish and may issue permits for the following employees:

- Bingo Manager
- Bingo Caller
- Bingo Accountant
- Any other bingo employee position for which the board, by rule requires a permit. Cashiers and Cash Handlers will be permitted.

60-2F-5 APPLICATION OF ACT

The New Mexico Bingo and Raffle Act (60-2F-1 NMSA 1978) applies to:

A. unless exempted pursuant to Section 26 (60-2F-26 NMSA 1978) of that act, qualified organizations that conduct games of chance and the games of chance conducted by the qualified organizations;

Note: Any qualified organization is eligible to apply for a bingo license to be issued by the board under the New Mexico Bingo & Raffle Act (60-2F-1 NMSA 1978)

"qualified organization" means a bona fide chartered branch, lodge or chapter of a national or state organization or any bona fide religious, charitable, environmental, fraternal, educational or veterans' organization operating without profit to its members that has been in existence in New Mexico continuously for a period of two years immediately prior to conducting a raffle or making an application for a license under the New Mexico Bingo and Raffle Act and that has had a membership engaged in carrying out the objects of the corporation or organization. A voluntary firefighter's organization is a qualified organization and a labor organization is a qualified organization for the purposes of the New Mexico Bingo and Raffle Act if they use the proceeds from a game of chance solely for scholarship or charitable purposes..."

DEFINITIONS

Bingo: means a game of chance in which each player has one or more bingo cards printed with different numbers on which to place marker when the respective numbers are drawn and announced by a bingo blower.

Raffle: means a drawing where multiple persons buy tickets to win a prize and the winner is determined by the drawing of the ticket stub out of a container that holds all the tickets stubs sold for the event.

Pull-Tab: means gaming pieces used in a game of chance that are made completely of paper or paper products with concealed numbers or symbols that must be exposed by the player to determine wins or losses or a gaming piece that is made completely of paper products with an instant-win component that must be exposed by the player on a concealed card and can be used in a speed round for additional winnings utilizing a bingo blower. A “pull-tab” includes a tip board and can include a progressive pot.

Pull-Tab Dispenser: means a mechanical or electromechanical device that dispenses pull-tabs.

DEFINITIONS CONTINUED...OF INTEREST

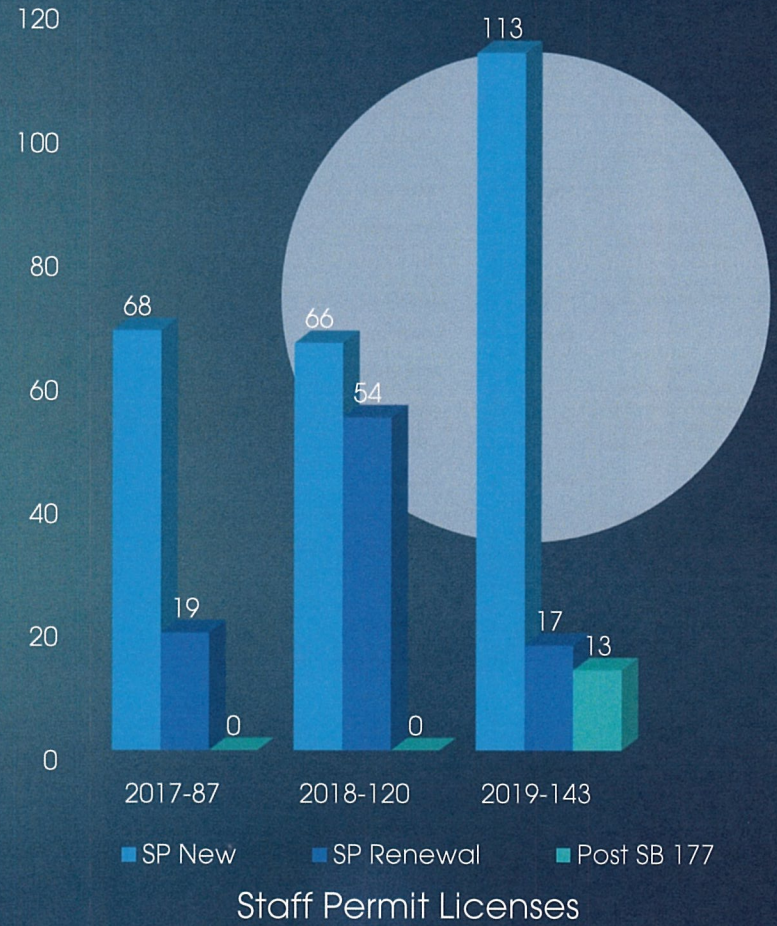
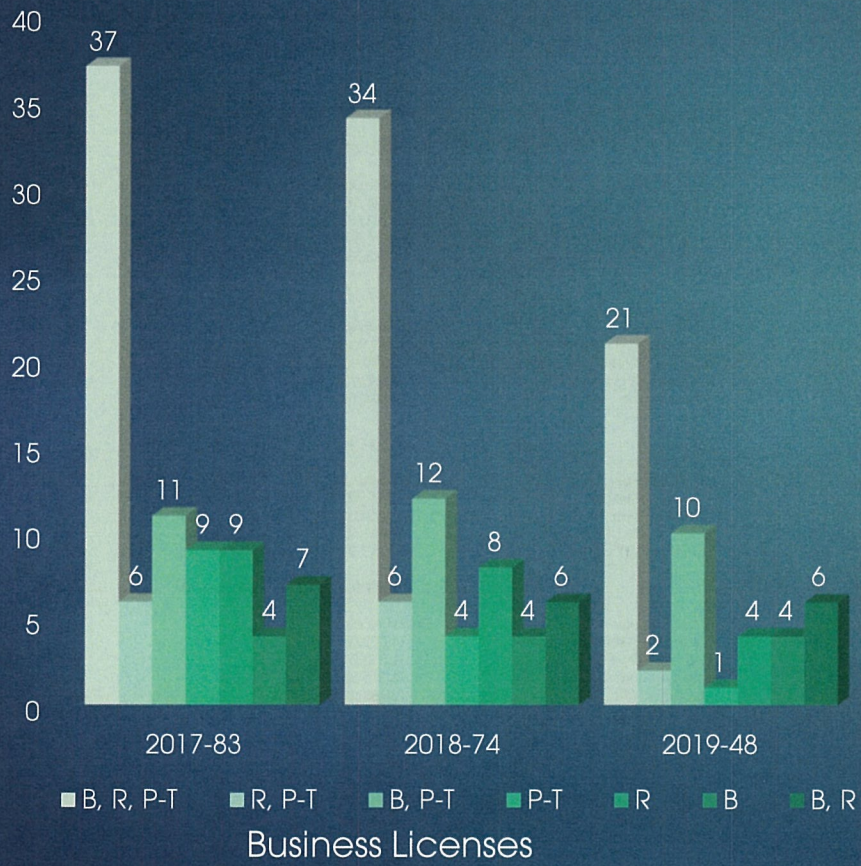
Veterans' Organization: means an organization within the state or any branch, lodge or chapter of a national or state organization within this state, not for pecuniary profit, the membership of which consists of individuals who were members of the armed services or forces of the United States.

Charitable Organization: means an organization, not for pecuniary profit, that is operated for the relief of poverty, distress or other condition of public concern in New Mexico and that has been granted an exemption from federal income tax as an organization described in Section 501(c) of the United States Internal Revenue Code of 1986, as amended or renumbered;

Fraternal Organization: means an organization within the state, except college and high school fraternities, not for pecuniary profit, that is a branch, lodge or chapter of a national or state organization and that exists for the common business, brotherhood or other interests of its members;

Educational Organization: means an organization within the state, not organized for pecuniary profit, whose primary purpose is educational in nature and designed to develop the capabilities of individuals by instruction;

Total Issued Bingo & Raffle Business, and Staff Permit Licenses



2017, 2018 Total Bingo Licensees Gross Receipts and Paid Taxes

CY-2017	# of Licensees	Gross Receipts	Total Prizes	Taxes Paid
Jan-Mar	68	\$ 5,136,643.09	\$ 3,660,391.94	\$ 25,221.61
Apr-Jun	67	\$ 4,841,095.88	\$ 3,729,297.23	\$ 23,296.15
Jul-Sep	64	\$ 5,748,604.80	\$ 4,498,083.85	\$ 26,292.63
Oct-Dec	58	\$ 5,423,648.97	\$ 4,296,586.41	\$ 26,464.42
Totals		\$ 21,149,992.74	\$16,184,359.43	\$ 101,274.81
Bingo		Gross Receipts	Prizes	
Jan-Mar (1st Qtr)		\$ 2,682,526.78	\$ 2,056,551.51	
Apr-Jun (2nd Qtr)		\$ 2,443,627.30	\$ 2,039,005.43	
Jul-Sep (3rd Qtr)		\$ 2,375,865.83	\$ 2,045,461.90	
Oct-Dec (4th Qtr)		\$ 2,177,528.68	\$ 1,897,678.67	
Totals		\$ 9,679,548.59	\$ 8,038,697.51	
Pull-tab		Gross Receipts	Prizes	
Jan-Mar (1st Qtr)		\$ 2,374,888.27	\$ 1,575,493.50	
Apr-Jun (2nd Qtr)		\$ 2,232,118.80	\$ 1,604,254.75	
Jul-Sep (3rd Qtr)		\$ 2,273,469.02	\$ 1,542,939.90	
Oct-Dec (4th Qtr)		\$ 2,033,757.42	\$ 1,385,871.38	
Totals		\$ 8,914,233.51	\$ 6,108,559.53	
Raffle		Gross Receipts	Prizes	
Jan-Mar (1st Qtr)		\$ 59,872.50	\$ 28,346.93	
Apr-Jun (2nd Qtr)		\$ 47,715.00	\$ 6,219.25	
Jul-Sep (3rd Qtr)		\$ 86,302.10	\$ 14,361.85	
Oct-Dec (4th Qtr)		\$ 88,302.00	\$ 7,853.66	
Totals		\$ 282,191.60	\$ 56,781.69	
Pull Tab Dispensers		Dispenser Receipts	Payouts	
Jan-Mar (1st Qtr)		\$ -	\$ -	
Apr-Jun (2nd Qtr)		\$ 94,620.40	\$ 79,817.80	
Jul-Sep (3rd Qtr)		\$ 988,580.00	\$ 895,320.20	
Oct-Dec (4th Qtr)		\$ 1,094,069.00	\$ 1,005,182.70	
Totals		\$ 2,177,269.40	\$ 1,980,320.70	
Daubers sales, etc.		Gross Receipts		
Jan-Mar		\$ 11,244.54		
Apr-Jun		\$ 11,237.38		
Jul-Sep		\$ 14,742.85		
Oct-Dec		\$ 10,800.79		
Totals		\$ 48,025.56		
Promotions		Gross Receipts		
Jan-Mar		\$ 8,111.00		
Apr-Jun		\$ 11,777.00		
Jul-Sep		\$ 9,645.00		
Oct-Dec		\$ 19,191.08		
Totals		\$ 48,724.08		

CY-2018	# of Licensees	Gross Receipts	Total Prizes	Taxes Paid
Jan-Mar	57	\$ 4,948,421.19	\$ 3,640,626.73	\$ 22,126.64
Apr-Jun	56	\$ 5,410,916.12	\$ 4,122,848.48	\$ 28,072.37
Jul-Sep	54	\$ 5,716,484.21	\$ 4,402,587.83	\$ 26,365.53
Oct-Dec	50	\$ 5,397,400.41	\$ 4,182,928.86	\$ 59,701.68
Totals		\$ 21,473,221.93	\$16,348,991.90	\$ 136,266.22
Bingo		Gross Receipts	Prizes	
Jan-Mar (1st Qtr)		\$ 2,290,262.97	\$ 1,826,866.95	
Apr-Jun (2nd Qtr)		\$ 2,283,207.93	\$ 1,852,926.60	
Jul-Sep (3rd Qtr)		\$ 2,319,362.08	\$ 1,908,472.05	
Oct-Dec (4th Qtr)		\$ 2,028,157.79	\$ 1,695,028.32	
Totals		\$ 8,920,990.77	\$ 7,283,293.92	
Pull-tab		Gross Receipts	Prizes	
Jan-Mar (1st Qtr)		\$ 2,388,926.17	\$ 1,629,385.76	
Apr-Jun (2nd Qtr)		\$ 2,442,193.85	\$ 1,678,258.49	
Jul-Sep (3rd Qtr)		\$ 2,602,911.80	\$ 1,797,628.26	
Oct-Dec (4th Qtr)		\$ 2,314,975.55	\$ 1,592,372.61	
Totals		\$ 9,749,007.37	\$ 6,697,645.12	
Raffle		Gross Receipts	Prizes	
Jan-Mar (1st Qtr)		\$ 70,293.00	\$ 33,809.82	
Apr-Jun (2nd Qtr)		\$ 9,359.00	\$ 5,329.69	
Jul-Sep (3rd Qtr)		\$ 25,056.95	\$ 6,459.32	
Oct-Dec (4th Qtr)		\$ 87,094.30	\$ 31,206.93	
Totals		\$ 191,803.25	\$ 76,805.76	
Dispenser		Dispenser Receipts	Payouts	
Jan-Mar (1st Qtr)		\$ 170,454.00	\$ 150,564.20	
Apr-Jun (2nd Qtr)		\$ 653,069.00	\$ 586,333.70	
Jul-Sep (3rd Qtr)		\$ 746,031.00	\$ 690,028.20	
Oct-Dec (4th Qtr)		\$ 949,315.50	\$ 864,321.00	
Totals		\$ 2,518,869.50	\$ 2,291,247.10	
Daubers sales, etc.		Gross Receipts		
Jan-Mar (1st Qtr)		\$ 11,902.05		
Apr-Jun (2nd Qtr)		\$ 12,093.24		
Jul-Sep (3rd Qtr)		\$ 13,315.38		
Oct-Dec (4th Qtr)		\$ 13,288.27		
Totals		\$ 50,598.94		
Promotions		Gross Receipts		
Jan-Mar (1st Qtr)		\$ 16,583.00		
Apr-Jun (2nd Qtr)		\$ 10,993.10		
Jul-Sep (3rd Qtr)		\$ 9,807.00		
Oct-Dec (4th Qtr)		\$ 4,569.00		
Totals		\$ 41,952.10		

2017 Veteran's Bingo Licensees

Bingo Licensee Name	Bingo Receipts	Pull Tab Receipts	Raffle Receipts	Dispenser Receipts	Dauber/Misc.	Total Gross Receipts	Total Taxes	Bingo Payouts	Pull Tab Payouts	Raffle Payouts	Dispenser Payouts	Total Payouts	Net Receipts
ALP # 10	\$ 279,518.20	\$ 52,094.90	\$ -		\$ 1,557.50	\$ 333,170.60	\$ 1,665.85	\$ 187,411.07	\$ 53,100.00	\$ -	\$ -	\$ 240,511.07	\$ 92,659.53
ALP # 117	\$ 114,538.00	\$ 235,187.79	\$ -		\$ 75.00	\$ 349,800.79	\$ 1,749.00	\$ 120,445.00	\$ 164,813.58	\$ -	\$ -	\$ 285,258.58	\$ 64,542.21
ALP # 24	\$ 58,127.00	\$ -	\$ -		\$ -	\$ 58,127.00	\$ 290.64	\$ 41,485.00	\$ -	\$ -	\$ -	\$ 41,485.00	\$ 16,642.00
ALP # 25	\$ 241,680.00	\$ 500,399.00	\$ -		\$ 3,181.50	\$ 745,260.50	\$ 3,726.30	\$ 233,754.00	\$ 349,795.00	\$ -	\$ -	\$ 583,549.00	\$ 161,711.50
ALP # 36	\$ 21,157.00	\$ -	\$ -		\$ -	\$ 21,157.00	\$ 105.79	\$ 12,658.00	\$ -	\$ -	\$ -	\$ 12,658.00	\$ 8,499.00
ALP # 49	\$ -	\$ 3,695.25	\$ -		\$ -	\$ 3,695.25	\$ 18.48	\$ -	\$ 3,063.75	\$ -	\$ -	\$ 3,063.75	\$ 631.50
ALP # 77 Auxillary	\$ 57,237.00	\$ -	\$ 1,937.00		\$ 253.95	\$ 59,427.95	\$ 297.14	\$ 50,154.00	\$ -	\$ 853.00	\$ -	\$ 51,007.00	\$ 8,420.95
ALP 118	\$ 5,690.00	\$ 64,351.00	\$ 1,959.00		\$ 515.10	\$ 72,515.10	\$ 362.58	\$ 5,897.00	\$ 51,192.00	\$ 1,939.00	\$ -	\$ 59,028.00	\$ 13,487.10
ALP 44	\$ -	\$ 12,241.00	\$ -		\$ -	\$ 12,241.00	\$ 61.21	\$ -	\$ 9,465.00	\$ -	\$ -	\$ 9,465.00	\$ 2,776.00
ALP 72	\$ -	\$ 13,890.00	\$ -		\$ -	\$ 13,890.00	\$ 69.45	\$ -	\$ 9,420.00	\$ -	\$ -	\$ 9,420.00	\$ 4,470.00
ALP 77	\$ -	\$ -	\$ 12,131.00		\$ -	\$ 12,131.00	\$ 60.66	\$ -	\$ -	\$ 6,081.63	\$ -	\$ 6,081.63	\$ 6,049.34
ALP 99	\$ -	\$ 12,367.00	\$ -		\$ -	\$ 12,367.00	\$ 61.84	\$ -	\$ 12,204.00	\$ -	\$ -	\$ 12,204.00	\$ 163.16
DAV # 6	\$ 118,584.00	\$ 292,277.00	\$ -	\$ 194,668.00	\$ -	\$ 605,529.00	\$ 3,027.65	\$ 117,300.00	\$ 202,923.00	\$ -	\$ 202,731.30	\$ 522,954.30	\$ 82,574.70
VFW # 1793	\$ 61,674.00	\$ -	\$ -		\$ 277.00	\$ 61,951.00	\$ 309.76	\$ 49,450.00	\$ -	\$ -	\$ -	\$ 49,450.00	\$ 12,501.00
VFW # 2182	\$ 177,253.00	\$ -	\$ 5,694.00		\$ 1,632.00	\$ 184,579.00	\$ 922.90	\$ 125,968.25	\$ -	\$ 5,147.00	\$ -	\$ 131,115.25	\$ 53,463.75
VFW # 2951	\$ -	\$ -	\$ 90.00		\$ -	\$ 90.00	\$ 0.45	\$ -	\$ -	\$ 45.00	\$ -	\$ 45.00	\$ 45.00
VFW # 3015	\$ 174,753.00	\$ 243,419.00	\$ -		\$ 1,051.00	\$ 419,223.00	\$ 2,096.12	\$ 173,833.00	\$ 170,920.00	\$ -	\$ -	\$ 344,753.00	\$ 74,470.00
VFW # 7686	\$ 366,122.55	\$ 323,548.52	\$ -		\$ 3,571.34	\$ 693,242.41	\$ 3,466.21	\$ 531,507.75	\$ 109,856.50	\$ -	\$ -	\$ 641,364.25	\$ 51,878.16
VFW # 8703	\$ 296,517.50	\$ 780,011.00	\$ -		\$ 1,987.50	\$ 1,078,516.00	\$ 5,392.58	\$ 236,400.00	\$ 548,502.00	\$ -	\$ -	\$ 784,902.00	\$ 293,614.00
VFW 1389	\$ -	\$ 31,566.00	\$ -		\$ 106.00	\$ 31,672.00	\$ 158.36	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 31,672.00
VFW 5890	\$ -	\$ 70,373.00	\$ -		\$ -	\$ 70,373.00	\$ 351.87	\$ -	\$ 51,021.00	\$ -	\$ -	\$ 51,021.00	\$ 19,352.00
Totals	\$ 1,972,851.25	\$ 2,635,420.46	\$ 21,811.00	\$ 194,668.00	\$ 14,207.89	\$ 4,838,958.60	\$ 24,194.79	\$ 1,886,263.07	\$ 1,736,275.83	\$ 14,065.63	\$ 202,731.30	\$ 3,839,335.83	\$ 999,622.77

2018 Veteran's Bingo Licensees

Bingo Licensee Name	Bingo Receipts	Pull Tab Receipts	Raffle Receipts	Dispenser Receipts	Dauber/Misc.	Total Gross Receipts	Total Taxes	Bingo Payouts	Pull Tab Payouts	Raffle Payouts	Total Payouts	Net Receipts
ALP #36	\$ 9,102.00	\$ -	\$ -	\$ -	\$ -	\$ 9,102.00	\$ 45.51	\$ 7,138.00	\$ -	\$ -	\$ 7,138.00	\$ 1,964.00
ALP #10	\$ 301,070.37	\$ 54,169.00	\$ -	\$ -	\$ 1,738.00	\$ 356,977.37	\$ 1,784.89	\$ 202,848.74	\$ 38,739.96	\$ -	\$ 241,588.70	\$ 115,388.67
ALP #24	\$ 65,500.00	\$ -	\$ -	\$ -	\$ -	\$ 65,500.00	\$ 327.50	\$ 43,575.00	\$ -	\$ -	\$ 43,575.00	\$ 21,925.00
ALP #77	\$ -	\$ -	\$ 14,405.00	\$ -	\$ -	\$ 14,405.00	\$ 72.03	\$ -	\$ -	\$ 8,227.76	\$ 8,227.76	\$ 6,177.24
ALP #118	\$ 7,981.00	\$ 40,136.00	\$ 386.00	\$ -	\$ (435.38)	\$ 48,067.62	\$ 240.34	\$ 7,981.00	\$ 33,613.00	\$ 386.00	\$ 41,980.00	\$ 6,087.62
ALP #117	\$ 141,482.00	\$ 263,760.89	\$ -	\$ -	\$ -	\$ 405,242.89	\$ 2,026.21	\$ 127,990.00	\$ 147,263.81	\$ -	\$ 275,253.81	\$ 129,989.08
ALP #25	\$ 253,961.00	\$ 608,254.00	\$ -	\$ -	\$ 3,728.50	\$ 865,943.50	\$ 4,329.72	\$ 254,824.00	\$ 411,866.00	\$ -	\$ 666,690.00	\$ 199,253.50
ALP #77 Auxillary	\$ 44,889.96	\$ -	\$ 1,722.00	\$ -	\$ 232.75	\$ 46,844.71	\$ 234.22	\$ 38,737.00	\$ -	\$ 715.00	\$ 39,452.00	\$ 7,392.71
AV #6	\$ 108,347.00	\$ 304,515.00	\$ -	\$ -	\$ -	\$ 412,862.00	\$ 2,064.31	\$ 117,300.00	\$ 211,628.00	\$ -	\$ 328,928.00	\$ 83,934.00
/FW #7686	\$ 517,107.35	\$ 1,434,239.25	\$ 16,471.95	\$ -	\$ 4,474.00	\$ 1,955,820.60	\$ 9,779.10	\$ 526,499.00	\$ 1,009,350.50	\$ -	\$ 1,535,849.50	\$ 419,971.10
/FW #1389	\$ -	\$ 11,885.00	\$ -	\$ -	\$ -	\$ 11,885.00	\$ 59.43	\$ -	\$ 6,586.00	\$ -	\$ 6,586.00	\$ 5,299.00
/FW #2182	\$ 138,034.00	\$ -	\$ 4,577.00	\$ -	\$ 1,414.00	\$ 144,025.00	\$ 720.13	\$ 87,982.75	\$ -	\$ -	\$ 90,380.75	\$ 53,644.25
/FW #3015	\$ 168,527.00	\$ 247,331.00	\$ -	\$ -	\$ -	\$ 417,036.50	\$ 2,085.18	\$ 152,234.00	\$ 174,266.00	\$ -	\$ 326,500.00	\$ 90,536.50
/FW #8703	\$ 311,811.00	\$ 843,079.00	\$ 20,100.00	\$ -	\$ 2,883.00	\$ 1,177,873.00	\$ 5,889.37	\$ 252,470.00	\$ 594,065.00	\$ 10,525.00	\$ 857,060.00	\$ 320,813.00
/FW# 1793	\$ 26,445.00	\$ -	\$ -	\$ -	\$ 154.50	\$ 26,599.50	\$ 133.00	\$ 19,759.00	\$ -	\$ -	\$ 19,759.00	\$ 6,840.50
Totals	\$ 2,094,257.68	\$ 3,807,369.14	\$ 57,661.95	\$ -	\$ 14,189.37	\$ 5,958,184.69	\$ 29,790.92	\$ 1,839,338.49	\$ 2,627,378.27	\$ 19,853.76	\$ 4,488,968.52	\$ 1,469,216.17

CONDUCT OF GAMES OF CHANCE

A. For Games of Bingo

- A bingo licensee may hold, operate or conduct no more than 260 occasions in any 12-month period
- Occasions shall not be conducted more than 6 times in any 1 calendar week, with no occasion lasting more than 4 hours and not more than 3 occasions conducted in 1 calendar day by any one licensee
- The aggregate amount of all prizes offered or given in all bingo games played on a single occasion shall not exceed \$2,500 exclusive of pull-tabs, raffles and door prizes

B. For a Raffle

- All raffle tickets sold shall be represented in the container from which the winner is drawn
- The drawing shall be open to the public
- Each raffle ticket shall display all information as directed by the board
- When any merchandise prize is awarded in a raffle, its value shall be its current retail price

C. For Games of Pull-Tabs

- Pull-tabs shall be sold only on the premises
- Winners shall be paid only on the premises
- When any merchandise prize is awarded in a pull-tab game, its value shall be its current retail price. No merchandise prize shall be redeemable or converted into cash

RECENT CHANGES TO BINGO & RAFFLE ACT-2019 (SENATE BILL 177)

60-2F-15.1 PERSONS PERMITTED TO CONDUCT PULL-TAB GAMES (PREMISES)

A. Only a veterans' or fraternal organization or a 501(c)(3) organization that is a bingo licensee may operate pull-tab dispensers when the organization is not concurrently operating a bingo occasion.

B. The bingo licensee shall designate a bingo manager to be in charge and primarily responsible for the conduct of all games of pull-tabs. The bingo manager shall supervise all activities for which the bingo manager is in charge. The bingo manager shall be familiar with the provisions of the state laws, the rules of the board and the provisions of the bingo license. The bingo manager need not be present on the premises continuously while a veterans' or fraternal organization or a 501(c)(3) organization that is a bingo licensee is operating pull-tab games.

- NMGCB currently updating New NMAC regarding bingo operations

GAMBLING AND LIQUOR CONTROL

30-19-3. Commercial Gambling

Commercial gambling consists of either:

- A. participating in the earnings of or operating a gambling place;
- B. receiving, recording or forwarding bets or offers to bet;
- C. possessing facilities with the intent to receive, record or forward bets or offers to bet;
- D. for gain, becoming a custodian of anything of value, bet or offered to be bet;
- E. conducting a lottery where both the consideration and the prize are money, or whoever with intent to conduct a lottery, possesses facilities to do so; or
- F. setting up for use, for the purpose of gambling, or collecting the proceeds of, any gambling device.

30-19-6. Permissive Lottery

- B. Nothing in Chapter 30, Article 19 NMSA 1978 shall be construed to apply to any activity:
 - (1) regulated by the New Mexico Bingo and Raffle Act (60-2F-1 NMSA 1978); or
 - (2) specifically exempted from regulation by the provisions of the New Mexico Bingo and Raffle Act.

60-7A-19. Commercial Gambling on Licensed Premises.

A. It is a violation of the Liquor Control Act (60-3A-1 NMSA 1978) for a licensee to knowingly allow commercial gambling on the licensed premises.

B. In addition to any criminal penalties, a person who violates Subsection A of this section may have the person's license suspended or revoked or a fine imposed, or both, pursuant to the Liquor Control Act.

C. As used in this section:

(1) "commercial gambling" means:

(a) participating in the earnings of or operating a gambling place;

(b) receiving, recording or forwarding bets or offers to bet;

(c) possessing facilities with the intent to receive, record or forward bets or offers to bet;

(d) for gain, becoming a custodian of anything of value bet or offered to be bet;

(e) conducting a lottery where both the consideration and the prize are money, or whoever with intent to conduct a lottery possesses facilities to do so; or

(f) setting up for use for the purpose of gambling, or collecting the proceeds of, a gambling device or game; and

(2) "commercial gambling" does not mean:

(a) activities authorized pursuant to the New Mexico Lottery Act (6-24-1 NMSA 1978);

(b) the conduct of activities pursuant to Subsection B of Section 30-19-6 NMSA 1978 on the licensed premises of the holder of a club license; and

(c) gaming authorized pursuant to the Gaming Control Act (60-2E-1 NMSA 1978) on the premises of a gaming operator licensee licensed pursuant to that act.

RLD RULE:

15.10.54.9 GAMES OF CHANCE:

A. An entity holding a valid club license issued under the act may conduct any activities on the licensed premises that are excluded from the definition of commercial gambling pursuant to Subsection C of Section 60-7A-19 of the Act.

B. Except as noted in A, above, any club licensee may only conduct commercial gambling or other games of chance on what is otherwise a licensed premises if the licensee either:

(1) temporarily suspends the license for the entire premises, or

(2) temporarily suspends the portion of the licensed premises on which the games of chance will occur, subject to the following conditions:

(a) games of chance may be conducted in areas of the licensed premises that are physically segregated from areas in which alcoholic beverages are being sold, served, or consumed. The areas must be separated by walls or other physical obstructions limiting movement of members and their guest between the areas; and

(b) no alcohol may be sold, served, or consumed within the physical area in which games of chance are being conducted; and

(c) appropriate signs must be posted within the areas in which games of chance are being conducted advising members and their guests that alcoholic beverages may not be sold, served, or consumed within those areas; and

(d) members and their guests are prohibited from participating in games of chance in areas in which alcoholic beverages are being sold, served, or consumed.

C. Nothing in this rule shall be construed to authorize any forms of gambling within any licensed premises other than as specifically provided herein and in the act.

D. Any temporary suspension described in Subsection B of 15.10.54.9 NMAC, above, must be requested by application provided by the division, and approved in writing by the division prior to the date of the suspension.

New Mexico ABC's review of pull-tabs on licensed premises with an extensive review of NM Statutes and Administrative Rules, has concluded the following:

- Rule 15.10.54.9(A) allows for any activities that are excluded from the definition of commercial gambling pursuant to NMSA 1978, Section 60-7A-19(C).
- NMSA 1978, Section 60-7A-19(C)(2)(b) states "commercial gambling" does not mean the conduct of activities pursuant to NMSA 1978, Section 30-19-6(b), on the licensed premises of the holder of a club license.
- NMSA 1978, Section 30-19-6(b) that NMSA 1978, Chapter 30, Article 19 does not apply to any activity regulated by the New Mexico Bingo and Raffle Act (60-2F-1 through 60-2F-26).
- Therefore, pull-tab games pursuant to 60-2F-15.1 are not commercial gambling or "other games of chance" and are thus regulated by 15.10.54.9(A) and not 15.10.54.9(B) which requires the separation of activities from alcohol sale, service, and consumption.
 - Rule 15.10.54.9(B), requiring the segregation of games of chance and consumption of alcohol, as written, applies to all gambling and games of chance that do not fall under Rule 15.10.54.9(A).

For purposes of the Liquor Control Act...bingo, pull tabs, raffles and gaming permitted under the BRA and GCA are exempt from the LCA's rules regarding walls and physical barriers. Pull-tab dispensers are allowed to be placed in the bar area of clubs where patrons can purchase, play, and redeem pull-tabs. Bartenders who have a staff permit can make payouts at the bar.



Questions?

