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AN ACT

RELATING TO RAFFLES; ALLOWING THE NEW MEXICO STATE FAIR TO
CONDUCT RAFFLES FOR PROMOTION AND TO AUGMENT REVENUES;
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-2B-3 NMSA 1978 (being Laws 1981,
Chapter 259, Section 3, as amended) is amended to read:

"60-2B-3. DEFINITIONS.--As used in the Bingo and Raffle
Act:

A. "charitable organization" means any
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 so engaged for three
years immediately prior to making application for a license
under the Bingo and Raffle Act and that has been granted an
exemption from federal income tax by the United States
commissioner of internal revenue as an organization described
in Section 501 (c) of the United States Internal Revenue Code
of 1954, as amended or renumbered;

B. "chartered branch, lodge or chapter of a
national or state organization" means any branch, lodge or
chapter that is a civic or service organization, not for
pecuniary profit, and authorized by its written constitution,
charter, articles of incorporation or bylaws to engage in a

1 fraternal, civic or service purpose in New Mexico and that
2 has been so engaged for three years immediately prior to
3 making application for a license under the Bingo and Raffle
4 Act;

5 C. "commercial lessor" means an entity that leases
6 space to a qualified organization;

7 D. "distributor" means a person who supplies
8 equipment to a qualified organization but does not
9 manufacture equipment;

10 E. "educational organization" means any
11 organization within the state, not organized for pecuniary
12 profit, whose primary purpose is educational in nature and
13 designed to develop the capabilities of individuals by
14 instruction and that has been in existence in New Mexico for
15 three years immediately prior to making application for a
16 license under the Bingo and Raffle Act;

17 F. "fraternal organization" means any organization
18 within the state, except college and high school
19 fraternities, not for pecuniary profit, that is a branch,
20 lodge or chapter of a national or state organization and
21 exists for the common business, brotherhood or other
22 interests of its members and that has existed in New Mexico
23 for three years immediately prior to making application for a
24 license under the Bingo and Raffle Act;

25 G. "labor organization" means any organization,

1 not for pecuniary profit, within the state, that exists for
2 the purpose, in whole or in part, of dealing with employers
3 concerning grievances, labor disputes, wages, rates of pay,
4 hours of employment or conditions of work and that has
5 existed in New Mexico for that purpose and has been so
6 engaged for three years immediately prior to making
7 application for a license under the Bingo and Raffle Act;

8 H. "qualified organization" means any bona fide
9 chartered branch, lodge or chapter of a national or state
10 organization or any bona fide religious, charitable,
11 environmental, fraternal, educational or veterans'
12 organization operating without profit to its members that has
13 been in existence in New Mexico continuously for a period of
14 three years immediately prior to the making of an application
15 for a license under the Bingo and Raffle Act and that has
16 had, during the entire three-year period, a dues-paying
17 membership engaged in carrying out the objects of the
18 corporation or organization. A voluntary firemen's
19 organization is a qualified organization and a labor
20 organization is a qualified organization for the purpose of
21 the Bingo and Raffle Act if it uses the proceeds from a game
22 of chance solely for scholarship or charitable purposes;

23 I. "environmental organization" means any
24 organization primarily concerned with the protection and
25 preservation of the natural environment and that has existed

1 in New Mexico for three years immediately prior to making
2 application for a license under the Bingo and Raffle Act;

3 J. "religious organization" means any
4 organization, church, body of communicants or group, not for
5 pecuniary profit, gathered in common membership for mutual
6 support and edification in piety, worship and religious
7 observances or a society, not for pecuniary profit, of
8 individuals united for religious purposes at a definite
9 place, which organization, church, body of communicants,
10 group or society has been so gathered or united in New Mexico
11 for three years immediately prior to making application for a
12 license under the Bingo and Raffle Act;

13 K. "veterans' organization" means any organization
14 within the state or any branch, lodge or chapter of a
15 national or state organization within this state, not for
16 pecuniary profit, the membership of which consists of
17 individuals who were members of the armed services or forces
18 of the United States, that has been in existence in New
19 Mexico for three years immediately prior to making
20 application for a license under the Bingo and Raffle Act;

21 L. "voluntary firemen's organization" means any
22 organization for firefighting within the state, not for
23 pecuniary profit, established by the state or any of its
24 political subdivisions, that has been in existence in New
25 Mexico for three years immediately prior to making

1 application for a license under the Bingo and Raffle Act;

2 M. "dues-paying membership" means those members of
3 an organization who pay regular monthly, annual or other
4 periodic dues or who are excused from paying such dues by the
5 charter, articles of incorporation or bylaws of the
6 organization and those who contribute voluntarily to the
7 corporation or organization to which they belong for the
8 support of the corporation or organization;

9 N. "equipment" means:

10 (1) with respect to bingo or lotto:

11 (a) the receptacle and numbered objects
12 drawn from it;

13 (b) the master board upon which the
14 numbered objects are placed as drawn;

15 (c) the cards or sheets bearing numbers
16 or other designations to be covered and the objects used to
17 cover them;

18 (d) the board or signs, however
19 operated, used to announce or display the numbers or
20 designations as they are drawn;

21 (e) the public address system; and

22 (f) all other articles essential to the
23 operation, conduct and playing of bingo or lotto; and

24 (2) with respect to a raffle, implements,
25 devices and machines designed, intended or used for the

1 conduct of raffles and the identification of the winning
2 number or unit and the ticket or other evidence or right to
3 participate in raffles;

4 O. "game of chance" means that specific kind of
5 game of chance commonly known as bingo or lotto in which
6 prizes are awarded on the basis of designated numbers or
7 symbols on a card conforming to numbers or symbols selected
8 at random and that specific kind of game of chance commonly
9 known as a raffle that is conducted by drawing for prizes or
10 the allotment of prizes by chance or by the selling of
11 shares, tickets or rights to participate in the game;

12 P. "gross receipts" means receipts from the sale
13 of shares, tickets or rights in any manner connected with
14 participation in a game of chance or the right to participate
15 in a game of chance, including any admission fee or charge,
16 the sale of equipment or supplies and all other miscellaneous
17 receipts;

18 Q. "lawful purposes" means:

19 (1) educational, charitable, patriotic,
20 religious or public-spirited purposes, which terms are
21 defined to be the benefiting of an indefinite number of
22 persons either by bringing their minds or hearts under the
23 influence of education or religion, by relieving their bodies
24 from disease, suffering or constraint, by assisting them in
25 establishing themselves in life, by erecting or maintaining

1 public buildings or works, by providing legal assistance to
2 peace officers or firemen in defending civil or criminal
3 actions arising out of the performance of their duties or by
4 otherwise lessening the burden of government. These terms
5 include the erection, acquisition, improvement, maintenance,
6 insurance or repair of property, real, personal or mixed, if
7 the property is used for one or more of the purposes stated
8 in this subsection; or

9 (2) to augment the revenue of and promote
10 the New Mexico state fair;

11 R. "lawful use" means the devotion of the entire
12 net proceeds of a game of chance exclusively to lawful
13 purposes;

14 S. "licensee" means any qualified organization to
15 which a license has been issued by the licensing authority;

16 T. "licensing authority" means the gaming control
17 board;

18 U. "manufacturer" means a person who manufactures,
19 fabricates, assembles, produces, programs or makes
20 modifications to equipment for use or play in New Mexico or
21 for sale or distribution outside of New Mexico;

22 V. "member" means an individual who has qualified
23 for membership in a qualified organization pursuant to its
24 charter, articles of incorporation, bylaws, rules or other
25 written statement;

1 W. "net proceeds" means the receipts less the
2 expenses, charges, fees and deductions as are specifically
3 authorized under the Bingo and Raffle Act;

4 X. "New Mexico state fair" means the fair created
5 in Section 16-6-14 NMSA 1978;

6 Y. "occasion" means a single gathering or session
7 at which a series of successive bingo or lotto games are
8 played;

9 Z. "person" means a natural person, firm,
10 association, corporation or other legal entity; and

11 AA. "premises" means any room, hall, enclosure or
12 outdoor area used for the purpose of playing a game of
13 chance."

14 Section 2. Section 60-2B-5 NMSA 1978 (being Laws 1981,
15 Chapter 259, Section 5) is amended to read:

16 "60-2B-5. ORGANIZATIONS ENTITLED TO LICENSES--FEES.--

17 A. Any bona fide chartered branch, lodge or
18 chapter of a national or state organization or any bona fide
19 religious, charitable, labor, environmental, fraternal,
20 educational or veterans' organization that operates without
21 profit to its members and that has been in existence in New
22 Mexico continuously for a period of three years immediately
23 prior to the making of application for a license under the
24 Bingo and Raffle Act and has had, during the making of
25 application for a license under that act and during the

1 entire three-year period, dues-paying membership engaged in
2 carrying out the objects of the corporation or organization
3 is eligible for a license to be issued by the licensing
4 authority under the Bingo and Raffle Act. In the event any
5 license is revoked, the licensee and holder of the license is
6 not eligible to apply for another license under Subsection B
7 of this section until after the expiration of the period of
8 one year from the date of revocation. Any voluntary
9 firemen's organization established by the state or any
10 political subdivision and that has been in existence in New
11 Mexico for three years shall also be an organization entitled
12 to a license under the provisions of that act.

13 B. The licenses provided by the Bingo and Raffle
14 Act shall be issued by the licensing authority to applicants
15 qualified under that act upon payment of a fee of one hundred
16 dollars (\$100). The licenses shall expire at the end of the
17 calendar year in which they are issued by the licensing
18 authority and may be renewed by the licensing authority upon
19 the filing of an application for renewal provided by the
20 licensing authority and the payment of a fee of one hundred
21 dollars (\$100) for the renewal. A license or renewal granted
22 under that act is not transferable.

23 C. The New Mexico state fair:

24 (1) may apply to the licensing authority for
25 and shall be issued a license pursuant to the Bingo and

1 Raffle Act to conduct games of chance on the grounds of the
2 New Mexico state fair during the state fair; and

3 (2) shall pay a licensing fee to the
4 licensing authority of one hundred dollars (\$100) per
5 calendar year at the time of application for or renewal of a
6 license issued pursuant to the Bingo and Raffle Act.

7 D. A qualified organization may conduct a raffle
8 on the grounds of the New Mexico state fair during the state
9 fair only after obtaining express prior approval of the state
10 fair commission and the licensing authority."

11 Section 3. Section 60-2B-13 NMSA 1978 (being Laws 1981,
12 Chapter 259, Section 13, as amended) is amended to read:

13 "60-2B-13. EXEMPTIONS.--Nothing in the Bingo and Raffle
14 Act shall be construed to apply to:

15 A. a drawing or a prize at a fair or fiesta held
16 in New Mexico under the sponsorship or authority of the state
17 or any of its political subdivisions, or for the benefit of a
18 church situated in this state or for charitable purposes when
19 all the proceeds of the sale or drawing shall be expended
20 within New Mexico for the benefit of that church or
21 charitable purpose; or

22 B. bingo or a raffle held by a group or
23 organization as defined in Section 60-2B-3 NMSA 1978 that
24 holds bingo or a raffle only once during three consecutive
25 calendar months and not exceeding four occasions in one

1 calendar year."

2 Section 4. EMERGENCY.--It is necessary for the public
3 peace, health and safety that this act take effect
4 immediately. _____

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