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HOUSE BILL 320

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Patricia Roybal Caballero

AN ACT

RELATING TO GAMING; PROVIDING FOR A CHARITY GAMING EVENT
PERMIT.

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

SECTION 1. Section 60-2F-4 NMSA 1978 (being Laws 2009,
Chapter 81, Section 4, as amended) is amended to read:

"60-2F-4. DEFINITIONS.--As used in the New Mexico Bingo
and Raffle Act:

A. "bingo" means a game of chance in which each
player has one or more bingo cards printed with different
numbers on which to place markers when the respective numbers
are drawn and announced by a bingo caller;

B. "bingo caller" means the individual who, in the
game of bingo, draws and announces numbers;

C. "bingo employee" means a person connected

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1 directly with a game of chance such as cashiers, floor sales
2 clerks and pull-tab workers. A bingo employee may or may not
3 be a member of a qualified organization;

4 D. "bingo manager" means the person responsible for
5 overseeing bingo and pull-tab activities conducted pursuant to
6 a bingo license;

7 E. "board" means the gaming control board;

8 F. "charitable organization" means an organization,
9 not for pecuniary profit, that is operated for the relief of
10 poverty, distress or other condition of public concern in New
11 Mexico and that has been granted an exemption from federal
12 income tax as an organization described in Section 501(c) of
13 the United States Internal Revenue Code of 1986, as amended or
14 renumbered;

15 G. "charity gaming event" means a fundraising
16 event, including a "poker run" or "poker tournament", held by a
17 qualified organization in which games of chance, including
18 bingo, raffles, pull-tabs, dice, playing cards and mechanical
19 wheels, are played for entertainment;

20 [~~G.~~] H. "chartered branch, lodge or chapter of a
21 national or state organization" means a branch, lodge or
22 chapter that is a civic or service organization, not for
23 pecuniary profit, and that is authorized by its written
24 constitution, charter, articles of incorporation or bylaws to
25 engage in a fraternal, civic or service purpose in New Mexico;

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1 ~~[H-]~~ I. "distributor" means a person, other than a
2 manufacturer, who provides equipment to a qualified
3 organization but does not manufacture the equipment;

4 ~~[I-]~~ J. "educational organization" means an
5 organization within the state, including recognized student
6 organizations, not organized for pecuniary profit, whose
7 primary purpose is educational in nature and designed to
8 develop the capabilities of individuals by instruction;

9 ~~[J-]~~ K. "environmental organization" means an
10 organization within the state, not organized for pecuniary
11 profit, that is primarily concerned with the protection and
12 preservation of the natural environment;

13 ~~[K-]~~ L. "equipment" means:

- 14 (1) with respect to bingo:
 - 15 (a) the receptacle and numbered objects
16 drawn from it;
 - 17 (b) the master board upon which the
18 numbered objects are placed as drawn;
 - 19 (c) the cards or sheets bearing numbers
20 or other designations to be covered and the objects used to
21 cover them;
 - 22 (d) the board or signs, however
23 operated, used to announce or display the numbers or
24 designations as they are drawn; and
 - 25 (e) all other articles having a

1 significant effect on the outcome of a game and necessary to
2 the operation, conduct and playing of bingo; and

3 (2) with respect to pull-tabs:

4 (a) the pull-tabs;

5 (b) the pull-tab flares; and

6 (c) the dispensing machines;

7 [~~H.~~] M. "fraternal organization" means an
8 organization within the state, not for pecuniary profit, that
9 is a branch, lodge or chapter of a national or state
10 organization and that exists for the common business,
11 brotherhood or other interests of its members;

12 [~~M.~~] N. "game accountant" means the individual in
13 charge of preparing and submitting the quarterly report form;

14 [~~N.~~] O. "game of chance" means that specific kind
15 of game of chance commonly known as bingo, that specific kind
16 of game of chance commonly known as a raffle or that specific
17 game of chance commonly known as pull-tab;

18 [~~Θ.~~] P. "gross receipts" means proceeds received by
19 a bingo licensee from the sale of bingo cards, raffle tickets
20 or pull-tab tickets; the sale of rights in any manner connected
21 with participation in a game of chance or the right to
22 participate in a game of chance, including any admission fee or
23 charge; the sale of playing materials; and all other
24 miscellaneous receipts;

25 [~~P.~~] Q. "lawful purposes" means:

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1 (1) educational, charitable, patriotic,
2 religious or public-spirited purposes that benefit an
3 indefinite number of persons either by bringing their minds or
4 hearts under the influence of education or religion, by
5 relieving their bodies from disease, suffering or constraint,
6 by assisting them in establishing themselves in life, by
7 erecting or maintaining public buildings or works, by providing
8 legal assistance to peace officers or firefighters in defending
9 civil or criminal actions arising out of the performance of
10 their duties or by otherwise lessening the burden of
11 government. "Lawful purposes" includes the erection,
12 acquisition, improvement, maintenance, insurance or repair of
13 property, real, personal or mixed, if the property is used for
14 one or more of the benefits stated in this paragraph; or

15 (2) augmenting the revenue of and promoting
16 the New Mexico state fair;

17 [Q-] R. "licensee" means any qualified organization
18 to which a bingo license has been issued by the board or any
19 person to which a manufacturer's or distributor's license has
20 been issued by the board;

21 [R-] S. "manufacturer" means a person who
22 manufactures, fabricates, assembles, produces, programs or
23 makes modifications to equipment for use or play in games of
24 chance in New Mexico or for sale or distribution outside of New
25 Mexico;

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1 ~~[S-]~~ T. "occasion" means a single gathering at
2 which a series of successive bingo games are played;

3 ~~[F-]~~ U. "permittee" means any person issued a
4 permit by the board;

5 ~~[U-]~~ V. "premises" means a room, hall, enclosure or
6 outdoor area that is identified on a license issued pursuant to
7 the New Mexico Bingo and Raffle Act and used for the purpose of
8 playing games of bingo or pull-tabs;

9 ~~[V-]~~ W. "prize" means cash or merchandise won for
10 participation in a game of chance;

11 ~~[W-]~~ X. "progressive pot" means a prize from a
12 pull-tab or a portion of a prize from a pull-tab that is
13 allowed to carry over from one pull-tab game to the next so
14 that the carried-over prizes are allowed to accumulate into a
15 larger prize;

16 ~~[X-]~~ Y. "pull-tab" means gaming pieces used in a
17 game of chance that are made completely of paper or paper
18 products with concealed numbers or symbols that must be exposed
19 by the player to determine wins or losses or a gaming piece
20 that is made completely of paper or paper products with an
21 instant-win component that must be exposed by the player on a
22 concealed card and can be used in a speed round for additional
23 winnings utilizing a bingo blower. A "pull-tab" includes a tip
24 board and can include a progressive pot;

25 ~~[Y-]~~ Z. "qualified organization" means a bona fide

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

15 ~~[Z.]~~ AA. "raffle" means a drawing where multiple
16 persons buy tickets to win a prize and the winner is determined
17 by the drawing of the ticket stub out of a container that holds
18 all the ticket stubs sold for the event;

19 ~~[AA.]~~ BB. "religious organization" means an
20 organization, church, body of communicants or group, not for
21 pecuniary profit, gathered in common membership for mutual
22 support and edification in piety, worship and religious
23 observances or a society, not for pecuniary profit, of
24 individuals united for religious purposes at a definite place;
25 and

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1 ~~[BB-]~~ CC. "veterans' organization" means an
2 organization within the state or any branch, lodge or chapter
3 of a national or state organization within this state, not for
4 pecuniary profit, the membership of which consists of
5 individuals who were members of the armed services or forces of
6 the United States."

7 **SECTION 2.** Section 60-2F-26 NMSA 1978 (being Laws 2009,
8 Chapter 81, Section 26) is amended to read:

9 "60-2F-26. EXEMPTIONS.--

10 A. Except as provided in Subsection B of this
11 section, nothing in the New Mexico Bingo and Raffle Act shall
12 be construed to apply to:

13 (1) a drawing or a prize at a fair or fiesta
14 held in New Mexico under the sponsorship or authority of the
15 state or any of its political subdivisions, or for the benefit
16 of a religious organization situated in this state or for
17 charitable purposes when all the proceeds of the sale or
18 drawing shall be expended within New Mexico for the benefit of
19 that political subdivision, religious organization or
20 charitable purpose; ~~[or]~~

21 (2) a bingo or a raffle held by a qualified
22 organization that holds no more than one bingo occasion or one
23 raffle in any three consecutive calendar months and not
24 exceeding four occasions in one calendar year; or

25 (3) a charity gaming event held by a qualified

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1 organization that holds no more than one charity gaming event
2 in any three consecutive calendar months and not exceeding four
3 occasions in one calendar year; provided that:

4 (a) the qualified organization shall
5 apply to the board for a permit for the charity gaming event
6 prior to the event as determined by the board by rule;

7 (b) the qualified organization may
8 accept donations from players in return for chips or tokens to
9 play the games, but no cash shall be returned to a player at
10 any time during or after the event;

11 (c) winners may be awarded prizes or
12 tokens or chips may be used to purchase prizes or to bid on
13 auction items at the event;

14 (d) proceeds from donations shall be
15 used, after bona fide expenses pursuant to Section 60-2F-20
16 NMSA 1978, entirely for the charitable cause determined and
17 advertised by the qualified organization; and

18 (e) if the venue for the charity gaming
19 event is on premises licensed for the sale of alcohol, the
20 licensee shall apply to the alcohol and gaming division of the
21 regulation and licensing department for a temporary suspension
22 of the license for the area shown on a floor plan where alcohol
23 shall not be present, served or consumed.

24 B. Notwithstanding the provisions of Subsection A
25 of this section, no raffle with an individual prize exceeding

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1 seventy-five thousand dollars (\$75,000) shall be held without a
2 ten-day prior notification to the board of the conduct of the
3 event and a subsequent notification to the board of the names,
4 addresses and phone numbers of all prize winners.

5 C. Nothing in the New Mexico Bingo and Raffle Act
6 shall be construed to apply to a lottery established and
7 operated pursuant to the New Mexico Lottery Act or gaming that
8 is licensed and operated pursuant to the Gaming Control Act."