

HOUSE BILL 253

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

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AN ACT

RELATING TO GAMING; CHANGING THE OPERATING HOURS FOR A  
NONPROFIT ORGANIZATION GAMING OPERATOR LICENSEE; CHANGING THE  
NET TAKE PERCENTAGE FOR A NONPROFIT ORGANIZATION GAMING  
OPERATOR LICENSEE.

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

SECTION 1. Section 60-2E-28 NMSA 1978 (being Laws 1997,  
Chapter 190, Section 30, as amended) is amended to read:

"60-2E-28. GAMING OPERATOR LICENSEES--SPECIAL CONDITIONS  
FOR NONPROFIT ORGANIZATIONS--NUMBER OF GAMING MACHINES--DAYS  
AND HOURS OF OPERATIONS.--

A. A nonprofit organization may be issued a gaming  
operator's license to operate licensed gaming machines on its  
premises to be played only by active and auxiliary members.

B. No more than fifteen gaming machines may be

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1 offered for play on the premises of a nonprofit organization  
2 gaming operator licensee.

3 C. ~~[No]~~ A gaming machine on the premises of a  
4 nonprofit organization gaming operator licensee may not award a  
5 prize that exceeds four thousand dollars (\$4,000).

6 D. Gaming machines may be played on the premises of  
7 a nonprofit organization gaming operator licensee [~~from 12:00~~  
8 ~~noon until 12:00 midnight every day~~] for any consecutive twelve  
9 hours per day that the nonprofit chooses."

10 SECTION 2. Section 60-2E-47 NMSA 1978 (being Laws 1997,  
11 Chapter 190, Section 49, as amended) is amended to read:

12 "60-2E-47. GAMING TAX--IMPOSITION--ADMINISTRATION.--

13 A. An excise tax is imposed on the privilege of  
14 engaging in gaming activities in the state. This tax shall be  
15 known as the "gaming tax".

16 B. The gaming tax is an amount equal to ten percent  
17 of the gross receipts of manufacturer licensees from the sale,  
18 lease or other transfer of gaming devices in or into the state,  
19 except receipts of a manufacturer from the sale, lease or other  
20 transfer to a licensed distributor for subsequent sale or lease  
21 may be excluded from gross receipts; ten percent of the gross  
22 receipts of distributor licensees from the sale, lease or other  
23 transfer of gaming devices in or into the state; ten percent of  
24 the net take of a gaming operator licensee that is a nonprofit  
25 organization; and twenty-six percent of the net take of every

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1 other gaming operator licensee. For the purposes of this  
2 section, "gross receipts" means the total amount of money or  
3 the value of other consideration received from selling, leasing  
4 or otherwise transferring gaming devices.

5 C. The gaming tax imposed on a licensee is in lieu  
6 of all state and local gross receipts taxes on that portion of  
7 the licensee's gross receipts attributable to gaming  
8 activities.

9 D. The gaming tax is to be paid on or before the  
10 fifteenth day of the month following the month in which the  
11 taxable event occurs. The gaming tax shall be administered and  
12 collected by the taxation and revenue department in cooperation  
13 with the board. The provisions of the Tax Administration Act  
14 apply to the collection and administration of the tax.

15 E. In addition to the gaming tax, a gaming operator  
16 licensee that is a racetrack shall pay twenty percent of its  
17 net take to purses to be distributed in accordance with rules  
18 adopted by the state racing commission. An amount not to  
19 exceed twenty percent of the interest earned on the balance of  
20 any fund consisting of money for purses distributed by  
21 racetrack gaming operator licensees pursuant to this subsection  
22 may be expended for the costs of administering the  
23 distributions. A racetrack gaming operator licensee shall  
24 spend no less than one-fourth percent of the net take of its  
25 gaming machines to fund or support programs for the treatment

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1 and assistance of compulsive gamblers.

2 F. A nonprofit gaming operator licensee shall  
3 distribute at least [~~sixty~~] thirty percent of the balance of  
4 its net take, after payment of the gaming tax and any income  
5 taxes, for charitable or educational purposes."

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