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SENATE BILL 12

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

John Arthur Smith

FOR THE LOTTERY OVERSIGHT COMMITTEE

AN ACT

RELATING TO GAMING; CHANGING THE MEMBERSHIP ON THE GAMING CONTROL 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) is amended to read:

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

A. The "gaming control board" is created and consists of five members. [~~Three~~] The members are appointed by the governor with the advice and consent of the senate [~~and two members are ex officio: the chairman of the state racing commission and the chairman of the board of the New Mexico lottery authority~~]. 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

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

10 B. The ~~appointed~~ members of the board shall be
11 appointed for terms of five years ~~except~~. To provide for
12 staggered terms of the members who are first appointed, the
13 member with law enforcement experience shall be appointed for
14 a term of five years; the member who is a certified public
15 accountant shall be appointed for a term of four years; ~~and~~
16 the member who is an attorney shall be appointed for a term of
17 three years; one public member shall be appointed for a term
18 of two years; and one public member shall be appointed for a
19 term of one year. Thereafter ~~all~~ those members shall be
20 appointed for terms of five years. No person shall serve as a
21 board member for more than two consecutive terms or ten years
22 total.

23 C. No ~~person appointed to~~ member of the board
24 may be employed in any other capacity or shall in any manner
25 receive compensation for services rendered to any person ~~or~~

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1 ~~entity~~] other than the board while a member of the board.

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

8 E. The governor shall choose a chairman annually
9 from the board's [~~appointed~~] membership.

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

12 G. The [~~appointed~~] members of the board shall be
13 full-time state officials and shall receive a salary set by
14 the governor.

15 H. The department of public safety shall conduct
16 background investigations of all members of the board prior to
17 appointment by the governor and confirmation by the senate.

18 To assist the department in the background investigation, a
19 prospective board member shall furnish a disclosure statement
20 to the department on a form provided by the department
21 containing that information deemed by the department as
22 necessary for completion of a detailed and thorough background
23 investigation. The required information shall include [~~at~~
24 ~~least~~]:

- 25 (1) a full set of fingerprints made by a law

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1 enforcement agency on forms supplied by the department;

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

8 (3) complete disclosure of any equity
9 interest held by the prospective board member or a member of
10 his immediate family in a company that is an applicant or
11 licensee or an affiliate, affiliated company, intermediary
12 company or holding company in respect to an applicant or
13 licensee; and

14 (4) the names and addresses of members of the
15 immediate family of the prospective board member.

16 I. No person may be appointed or confirmed as a
17 member of the board if that person or member of his immediate
18 family holds an equity interest in a company that is an
19 applicant or licensee or an affiliate, affiliated company,
20 intermediary company or holding company in respect to an
21 applicant or licensee.

22 J. A prospective board member shall provide
23 assistance and information requested by the department of
24 public safety or the governor and shall cooperate in any
25 inquiry or investigation of the prospective board member's

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1 fitness or qualifications to hold the office to which he is
2 appointed. The senate shall not confirm a prospective board
3 member if it has reasonable cause to believe that the
4 prospective board member has:

5 (1) knowingly misrepresented or omitted a
6 material fact required in a disclosure statement;

7 (2) been convicted of a felony, a gaming
8 related offense or a crime involving fraud, theft or moral
9 turpitude within ten years immediately preceding the date of
10 submitting a disclosure statement required pursuant to the
11 provisions of Subsection H of this section;

12 (3) exhibited a history of willful disregard
13 for the gaming laws of this or any other state or the United
14 States; or

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

18 K. At the time of taking office, each board member
19 shall file with the secretary of state a sworn statement that
20 he is not disqualified under the provisions of Subsection I of
21 this section. "

22 Section 2. EFFECTIVE DATE. --The effective date of the
23 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
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5 February 17, 1999
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8 Mr. President:

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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

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13 SENATE BILL 12
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 FINANCE COMMITTEE.

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19 Respectfully submitted,
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Shannon Robinson, Chairman

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 3 For 2 Against

Yes: 3

No: Garcia, Robinson

Excused: Boitano, Feldman, Ingle, Leavell

Absent: None

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 22, 1999
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8 Mr. President:
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10 Your FINANCE COMMITTEE, to whom has been referred
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12 SENATE BILL 12
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14 has had it under consideration and reports same with
15 recommendation that it DO PASS.
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18 Respectfully submitted,
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23 _____
24 Ben D. Altamirano, Chairman
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Adopted _____ Not

1 Adopted _____

2 (Chief Clerk)

(Chief Clerk)

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6 Date _____

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9 The roll call vote was 8 For 0 Against

10 Yes: 8

11 No: 0

12 Excused: Carraro, Ingle, McKibben, Rodriguez, Tsosie

13 Absent: None

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 12, 1999
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8 Mr. Speaker:
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10 Your JUDICIARY COMMITTEE, to whom has been referred
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12 SENATE BILL 12
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14 has had it under consideration and reports same with
15 recommendation that it DO PASS.

16 Respectfully submitted,
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21 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HJC/SB 12

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Luna, Stewart, Sanchez

Absent: None

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