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SENATE BILL 464

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

INTRODUCED BY

John Arthur Smith

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~~] six members. [~~Three~~] Four 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 five

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1 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; and one
8 appointed member shall be a representative of nonprofit gaming
9 operators.

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; and the representative of nonprofit gaming
18 operators shall be appointed for a term of two years.

19 Thereafter ~~all~~ those members shall be appointed for terms of
20 five years. No person shall serve as a board member for more
21 than two consecutive terms or ten years total.

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

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

7 E. The governor shall choose a chairman annually
8 from the board's appointed membership.

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

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

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

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

24 (1) a full set of fingerprints made by a law
25 enforcement agency on forms supplied by the department;

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

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

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

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

21 J. A prospective board member shall provide
22 assistance and information requested by the department of
23 public safety or the governor and shall cooperate in any
24 inquiry or investigation of the prospective board member's
25 fitness or qualifications to hold the office to which he is

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1 appointed. The senate shall not confirm a prospective board
2 member if it has reasonable cause to believe that the
3 prospective board member has:

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

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

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

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

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

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