

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 620

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO GAMING; PROVIDING FOR NATIVE AMERICAN
REPRESENTATION 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, as amended) is amended to read:

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

A. The "gaming control board" is created and
consists of five members. Four members are appointed by the
governor with the advice and consent of the senate, and one ex-
officio member is the chairman of the state racing commission.
All members of the board shall be residents of New Mexico and
citizens of the United States and one of the members shall be a
member of a tribe. One appointed member of the board shall
have a minimum of five years of previous employment in a

underscored material = new
[bracketed material] = delete

1 supervisory and administrative position in a law enforcement
2 agency; one appointed member of the board shall be a certified
3 public accountant in New Mexico who has had at least five years
4 of experience in public accountancy; one appointed member of
5 the board shall be an attorney who has been admitted to
6 practice before the supreme court of New Mexico; and one
7 appointed member of the board shall be a public member who has
8 knowledge and experience in business management and financing.

9 B. The appointed members of the board shall be
10 appointed for terms of five years, except, of the members who
11 are first appointed, the member with law enforcement experience
12 shall be appointed for a term of five years; the member who is
13 a certified public accountant shall be appointed for a term of
14 four years; the member who is an attorney shall be appointed
15 for a term of three years; and the public member shall be
16 appointed for a term of two years. Thereafter, all members
17 shall be appointed for terms of five years. [No] A person
18 shall not serve as a board member for more than two consecutive
19 terms or ten years total.

20 C. [No] A full-time board member who receives a
21 salary pursuant to Subsection G of this section may not be
22 employed in any other capacity or shall not in any manner
23 receive compensation for services rendered to any person or
24 entity other than the board while a member of the board.

25 D. A vacancy on the board of an appointed member

underscored material = new
~~[bracketed material] = delete~~

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

6 E. The governor shall choose a chairman annually
7 from the board's appointed full-time, salaried members.

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

10 G. The law enforcement, certified public accountant
11 and attorney members of the board shall be full-time state
12 officials and shall receive a salary set by the governor. The
13 public member and ex-officio member of the board shall not
14 receive salaries for their work for the board. All appointed
15 members of the board shall receive per diem and mileage
16 pursuant to the provisions of the Per Diem and Mileage Act.

17 H. The department of public safety shall conduct
18 background investigations of all members of the board prior to
19 confirmation by the senate. To assist the department in the
20 background investigation, a prospective board member shall
21 furnish a disclosure statement to the department on a form
22 provided by the department containing that information deemed
23 by the department as necessary for completion of a detailed and
24 thorough background investigation. The required information
25 shall include at least:

. 144924. 1

underscored material = new
[bracketed material] = delete

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

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

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

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

16 I. ~~[No]~~ A person may not be appointed or confirmed
17 as a member of the board if that person or member of his
18 immediate family holds an equity interest in a company that is
19 an 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

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 to
16 the gaming laws of this or any other state or the United States
17 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 L. As used in this section, "tribe" means an Indian
23 nation, tribe or pueblo that is fully or partially contained in
24 the state."