

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

AN ACT

RELATING TO GAMING; AUTHORIZING THE GAMING CONTROL BOARD TO
REGULATE BINGO AND RAFFLE ACTIVITIES; ESTABLISHING A TAX RATE
FOR MANUFACTURERS, DISTRIBUTORS AND COMMERCIAL LESSORS OF
BINGO AND RAFFLE EQUIPMENT; AMENDING AND ENACTING SECTIONS OF
THE NMSA 1978.

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

Section 1. Section 60-2B-3 NMSA 1978 (being Laws 1981,
Chapter 259, Section 3, as amended) is amended to read:

"60-2B-3. DEFINITIONS.--As used in the Bingo and Raffle
Act:

A. "charitable organization" means any
organization, not for pecuniary profit, which is operated for
the relief of poverty, distress or other condition of public
concern in New Mexico and which has been so engaged for three
years immediately prior to making application for a license
under the Bingo and Raffle Act and which has been granted an
exemption from federal income tax by the United States
commissioner of internal revenue as an organization described
in Section 501 (c) of the United States Internal Revenue Code
of 1954, as amended or renumbered;

B. "chartered branch, lodge or chapter of a
national or state organization" means any branch, lodge or
chapter which is a civic or service organization, not for

1 pecuniary profit, and authorized by its written constitution,
2 charter, articles of incorporation or bylaws to engage in a
3 fraternal, civic or service purpose in New Mexico and which
4 has been so engaged for three years immediately prior to
5 making application for a license under the Bingo and Raffle
6 Act;

7 C. "commercial lessor" means an entity that leases
8 space to a qualified organization;

9 D. "distributor" means a person who supplies
10 equipment to a qualified organization but does not
11 manufacture equipment;

12 E. "educational organization" means any
13 organization within the state, not organized for pecuniary
14 profit, whose primary purpose is educational in nature and
15 designed to develop the capabilities of individuals by
16 instruction and which has been in existence in New Mexico for
17 three years immediately prior to making application for a
18 license under the Bingo and Raffle Act;

19 F. "fraternal organization" means any organization
20 within the state, except college and high school
21 fraternities, not for pecuniary profit, which is a branch,
22 lodge or chapter of a national or state organization and
23 exists for the common business, brotherhood or other
24 interests of its members and which has existed in New Mexico
25 for three years immediately prior to making application for a

1 license under the Bingo and Raffle Act;

2 G. "labor organization" means any organization,
3 not for pecuniary profit, within the state, which exists for
4 the purpose, in whole or in part, of dealing with employers
5 concerning grievances, labor disputes, wages, rates of pay,
6 hours of employment or conditions of work and which has
7 existed in New Mexico for that purpose and has been so
8 engaged for three years immediately prior to making
9 application for a license under the Bingo and Raffle Act;

10 H. "qualified organization" means any bona fide
11 chartered branch, lodge or chapter of a national or state
12 organization or any bona fide religious, charitable,
13 environmental, fraternal, educational or veterans'
14 organization operating without profit to its members which
15 has been in existence in New Mexico continuously for a period
16 of three years immediately prior to the making of an
17 application for a license under the Bingo and Raffle Act and
18 which has had, during the entire three-year period, a dues-
19 paying membership engaged in carrying out the objects of the
20 corporation or organization. A voluntary firemen's
21 organization is a qualified organization and a labor
22 organization is a qualified organization for the purpose of
23 the Bingo and Raffle Act if it uses the proceeds from a game
24 of chance solely for scholarship or charitable purposes;

25 I. "environmental organization" means any

1 organization primarily concerned with the protection and
2 preservation of the natural environment and which has existed
3 in New Mexico for three years immediately prior to making
4 application for a license under the Bingo and Raffle Act;

5 J. "religious organization" means any
6 organization, church, body of communicants or group, not for
7 pecuniary profit, gathered in common membership for mutual
8 support and edification in piety, worship and religious
9 observances or a society, not for pecuniary profit, of
10 individuals united for religious purposes at a definite
11 place, which organization, church, body of communicants,
12 group or society has been so gathered or united in New Mexico
13 for three years immediately prior to making application for a
14 license under the Bingo and Raffle Act;

15 K. "veterans' organization" means any organization
16 within the state or any branch, lodge or chapter of a
17 national or state organization within this state, not for
18 pecuniary profit, the membership of which consists of
19 individuals who were members of the armed services or forces
20 of the United States, which has been in existence in New
21 Mexico for three years immediately prior to making
22 application for a license under the Bingo and Raffle Act;

23 L. "voluntary firemen's organization" means any
24 organization for firefighting within the state, not for
25 pecuniary profit, established by the state or any of its

1 political subdivisions, which has been in existence in New
2 Mexico for three years immediately prior to making
3 application for a license under the Bingo and Raffle Act;

4 M. "dues-paying membership" means those members of
5 an organization who pay regular monthly, annual or other
6 periodic dues or who are excused from paying such dues by the
7 charter, articles of incorporation or bylaws of the
8 organization and those who contribute voluntarily to the
9 corporation or organization to which they belong for the
10 support of the corporation or organization;

11 N. "equipment" means:

12 (1) with respect to bingo or lotto:

13 (a) the receptacle and numbered objects
14 drawn from it;

15 (b) the master board upon which the
16 numbered objects are placed as drawn;

17 (c) the cards or sheets bearing numbers
18 or other designations to be covered and the objects used to
19 cover them;

20 (d) the board or signs, however
21 operated, used to announce or display the numbers or
22 designations as they are drawn;

23 (e) the public address system; and

24 (f) all other articles essential to the
25 operation, conduct and playing of bingo or lotto; and

1 (2) with respect to a raffle, implements,
2 devices and machines designed, intended or used for the
3 conduct of raffles and the identification of the winning
4 number or unit and the ticket or other evidence or right to
5 participate in raffles;

6 O. "game of chance" means that specific kind of
7 game of chance commonly known as bingo or lotto in which
8 prizes are awarded on the basis of designated numbers or
9 symbols on a card conforming to numbers or symbols selected
10 at random and that specific kind of game of chance commonly
11 known as a raffle which is conducted by drawing for prizes or
12 the allotment of prizes by chance or by the selling of
13 shares, tickets or rights to participate in the game;

14 P. "gross receipts" means receipts from the sale
15 of shares, tickets or rights in any manner connected with
16 participation in a game of chance or the right to participate
17 in a game of chance, including any admission fee or charge,
18 the sale of equipment or supplies and all other miscellaneous
19 receipts;

20 Q. "lawful purposes" means educational,
21 charitable, patriotic, religious or public-spirited purposes,
22 which terms are defined to be the benefiting of an indefinite
23 number of persons either by bringing their minds or hearts
24 under the influence of education or religion, by relieving
25 their bodies from disease, suffering or constraint, by

1 assisting them in establishing themselves in life, by
2 erecting or maintaining public buildings or works, by
3 providing legal assistance to peace officers or firemen in
4 defending civil or criminal actions arising out of the
5 performance of their duties or by otherwise lessening the
6 burden of government. These terms include the erection,
7 acquisition, improvement, maintenance, insurance or repair of
8 property, real, personal or mixed, if the property is used
9 for one or more of the purposes stated in this subsection;

10 R. "lawful use" means the devotion of the entire
11 net proceeds of a game of chance exclusively to lawful
12 purposes;

13 S. "licensee" means any qualified organization to
14 which a license has been issued by the licensing authority;

15 T. "licensing authority" means the gaming control
16 board;

17 U. "manufacturer" means a person who
18 manufactures, fabricates, assembles, produces, programs or
19 makes modifications to equipment for use or play in New
20 Mexico or for sale or distribution outside of New Mexico;

21 V. "member" means an individual who has qualified
22 for membership in a qualified organization pursuant to its
23 charter, articles of incorporation, bylaws, rules or other
24 written statement;

25 W. "net proceeds" means the receipts less the

1 expenses, charges, fees and deductions as are specifically
2 authorized under the Bingo and Raffle Act;

3 X. "occasion" means a single gathering or session
4 at which a series of successive bingo or lotto games are
5 played;

6 Y. "person" means a natural person, firm,
7 association, corporation or other legal entity; and

8 Z. "premises" means any room, hall, enclosure or
9 outdoor area used for the purpose of playing a game of
10 chance."

11 Section 2. Section 60-2B-4 NMSA 1978 (being Laws 1981,
12 Chapter 259, Section 4, as amended) is amended to read:

13 "60-2B-4. LICENSING AUTHORITY--POWERS--DUTIES--
14 HEARINGS--APPEALS.--

15 A. The licensing authority has the powers and
16 duties as follows:

17 (1) to grant or refuse licenses under the
18 Bingo and Raffle Act. In addition, the licensing authority
19 has the power, on its own motion based on reasonable grounds
20 or on complaint made and after investigation by the licensing
21 authority or by the special investigations division of the
22 department of public safety and public hearing at which the
23 licensee shall be afforded an opportunity to be heard, to
24 assess administrative fines to the licensee and to suspend or
25 revoke any license issued by the licensing authority for any

1 violation by the licensee or any officer, director, agent,
2 member or employee of the licensee of the provisions of that
3 act or any rule authorized under that act. Notice of
4 suspension or revocation, as well as notice of the hearing,
5 shall be given by certified mail to the licensee at the
6 address contained in the license. Any license may be
7 temporarily suspended for a period not to exceed thirty days
8 pending any prosecution, investigation or public hearing;

9 (2) to supervise the administration of the
10 Bingo and Raffle Act and to adopt, amend and repeal rules
11 governing the holding, operating and conducting of games of
12 chance, the rental of premises and the purchase of equipment
13 to the end that games of chance shall be held, operated and
14 conducted only by licensees for the purposes and in
15 conformity with the constitution of New Mexico and the
16 provisions of that act;

17 (3) to hear and determine at public hearings
18 all complaints against any licensee and to administer oaths
19 and issue subpoenas to require the presence of persons and
20 production of papers, books and records necessary to the
21 determination of any hearing held;

22 (4) to keep records of all actions and
23 transactions of the licensing authority;

24 (5) to prepare and transmit annually, in the
25 form and manner prescribed by the licensing authority

1 pursuant to the provisions of law, a report accounting to the
2 governor and the legislature for the efficient discharge of
3 all responsibilities assigned by law or directive to the
4 licensing authority;

5 (6) to issue publications of the licensing
6 authority intended for circulation in quantity outside the
7 executive branch in accordance with fiscal rules promulgated
8 by the licensing authority;

9 (7) to adopt rules establishing a system of
10 licensing governing commercial lessors, distributors,
11 manufacturers and qualified organizations;

12 (8) to adopt rules establishing a system of
13 permits for all individuals employed or engaged in the
14 conduct of games of chance or the manufacture or distribution
15 of equipment;

16 (9) to adopt rules establishing reasonable
17 amounts for expenses; and

18 (10) to develop, adopt and promulgate all
19 rules necessary to implement and administer the provisions of
20 the Bingo and Raffle Act.

21 B. Proceedings brought against a licensee for a
22 violation of the Bingo and Raffle Act shall be brought by the
23 licensing authority by serving, in the manner provided in the
24 rules of civil procedure, a complaint upon the licensee and
25 notifying the licensee of the place and date, not less than

1 twenty days after the date of service, at which a hearing
2 shall be held. The complaint shall set forth, in the manner
3 of complaints in civil action, the violations of the Bingo
4 and Raffle Act or the rules of the licensing authority that
5 the licensing authority alleges the licensee has committed.
6 The licensing authority or the department of public safety
7 may stop the operation of a game of chance pending hearing,
8 in which case the hearing shall be held within ten days after
9 notice.

10 C. The licensing authority shall cause the notice
11 of hearing to be served personally upon an officer of the
12 licensee or the member in charge of the conduct of the game
13 of chance or to be sent by registered or certified mail to
14 the licensee at the address shown in the license.

15 D. When proceedings are brought against a licensee
16 for a violation of the Bingo and Raffle Act, the licensing
17 authority shall hear the matter and make written findings in
18 support of its decision. The licensee shall be informed
19 immediately of the decision and, in the event of a suspension
20 or revocation, the effective date of the suspension or
21 revocation.

22 E. For the first violation by a licensee of the
23 Bingo and Raffle Act, the licensing authority may assess an
24 administrative fine of not to exceed one thousand dollars
25 (\$1,000). For a second or subsequent violation by the

1 licensee of that act, the licensing authority may assess an
2 administrative fine of not to exceed two thousand five
3 hundred dollars (\$2,500). The amount of the administrative
4 fine shall be determined by the severity and nature of the
5 violation of the Bingo and Raffle Act and by the number of
6 prior violations of that act.

7 F. When a license is ordered suspended or revoked,
8 the licensee shall surrender the license to the licensing
9 authority on or before the effective date of the suspension
10 or revocation. No license is valid beyond the effective date
11 of the suspension or revocation, whether surrendered or not.

12 G. Upon the finding of a violation of the Bingo
13 and Raffle Act or the rules that would warrant the suspension
14 or revocation of a license, the licensing authority, in
15 addition to any other penalties that may be imposed, may
16 declare the violator ineligible to conduct a game of chance
17 and to apply for a license under that act for a period not
18 exceeding twelve months. The declaration of ineligibility
19 may be extended to include, in addition to the violator, any
20 of its subsidiary organizations, its parent organization or
21 an organization otherwise affiliated with the violator when
22 in the opinion of the licensing authority the circumstances
23 of the violation warrant that action.

24 H. Upon receipt by a licensee of a complaint
25 signed by the licensing authority and notice of a hearing,

1 the licensee shall answer, in the manner of civil actions,
2 the complaint and inform the licensing authority whether oral
3 argument is desired and whether the licensee desires to
4 produce witnesses.

5 I. At the request of any party and for good cause
6 shown, the licensing authority shall issue subpoenas for the
7 attendance of witnesses and the production of books, records
8 and other documents, but in no case shall a subpoena be made
9 returnable more than five days after service.

10 J. Whenever oral testimony of witnesses is taken
11 at the hearing, the licensing authority shall have a
12 certified reporter present to prepare a record of the
13 proceedings. The original transcript shall be filed with the
14 licensing authority. Any party is entitled to secure a copy
15 from the reporter at the party's own expense.

16 K. Hearings may be convened by the licensing
17 authority from time to time at the request of any party, but
18 only for good cause shown. Hearings shall be held and
19 concluded with reasonable dispatch and without unnecessary
20 delay. The licensing authority shall decide any matter
21 within thirty days of the hearing.

22 L. Upon the determination of any matter heard, the
23 licensing authority shall state its findings. All parties
24 shall be notified by the licensing authority of the action of
25 the licensing authority and shall be furnished a copy of the

1 findings.

2 M. Applicants for a license or the licensee may be
3 represented by counsel.

4 N. Any person appearing before the licensing
5 authority in a representative capacity shall be required to
6 show his authority to act in that capacity.

7 O. No person shall be excused from testifying or
8 producing any book or document in any investigation or
9 hearing when ordered to do so by the licensing authority upon
10 the ground that testimony or documentary evidence required of
11 the person may tend to incriminate or subject the person to
12 penalty or forfeiture, but no person may be prosecuted,
13 punished or subjected to any penalty or forfeiture on account
14 of any matter or thing concerning which the person, under
15 oath, testified or produced documentary evidence, except that
16 the person shall not be exempt from prosecution or punishment
17 for any perjury committed by the person in the person's
18 testimony.

19 P. If a person subpoenaed to attend in any
20 investigation or hearing fails to obey the command of the
21 subpoena without reasonable cause or if a person in
22 attendance in any investigation or hearing refuses, without
23 lawful cause, to be examined or to answer a legal or
24 pertinent question or to exhibit any book, account, record or
25 other document when ordered to do so by the representative of

1 the licensing authority holding the hearing or by either the
2 licensing authority or the department of public safety
3 performing the investigation, the licensing authority may
4 apply to any judge of the district court, upon proof by
5 affidavit of the facts, for an order returnable in not less
6 than five nor more than ten days directing the person to show
7 cause before the judge why the person should not comply with
8 the subpoena or order.

9 Q. Upon return of the order, the judge before whom
10 the matter comes for hearing shall examine the person under
11 oath. If the judge determines after giving the person an
12 opportunity to be heard that the person refused without
13 lawful excuse to comply with the subpoena of the licensing
14 authority or refused without lawful authority to comply with
15 the order of the licensing authority or the department of
16 public safety holding the investigation, the judge may order
17 the person to comply with the subpoena or order forthwith,
18 and any failure to obey the order of the judge may be
19 punished as a contempt of the district court.

20 R. Every witness is entitled to be paid for
21 attendance or attendance and travel by the party on whose
22 behalf he is subpoenaed, at the rates prescribed by law,
23 before being required to testify.

24 S. The decision of the licensing authority in
25 suspending or revoking any license under the Bingo and Raffle

1 Act shall be subject to review. A licensee aggrieved by a
2 decision of the licensing board may appeal to the district
3 court pursuant to the provisions of Section 39-3-1.1 NMSA
4 1978.

5 T. No proceeding to vacate, reverse or modify any
6 final order rendered by the licensing authority shall operate
7 to stay the execution or effect of any final order unless the
8 district court, on application and three days' notice to the
9 licensing authority, allows the stay. In the event a stay is
10 ordered, the petitioner shall be required to execute his bond
11 in a sum the court may prescribe, with sufficient surety to
12 be approved by the judge or clerk of the court, which bond
13 shall be conditioned upon the faithful performance by the
14 petitioner of his obligation as a licensee and upon the
15 prompt payment of all damages arising from or caused by the
16 delay in the taking effect or enforcement of the order
17 complained of and for all costs that may be assessed or
18 required to be paid in connection with the proceedings."

19 Section 3. Section 60-2B-9 NMSA 1978 (being Laws 1981,
20 Chapter 259, Section 9, as amended) is amended to read:

21 "60-2B-9. REPORTS REQUIRED--CRITERIA.--

22 A. On April 15, July 15, October 15 and January 15
23 of each year, the licensee shall file with the licensing
24 authority upon forms prescribed by the licensing authority a
25 duly verified statement covering the preceding calendar

1 quarter showing the amount of the gross receipts derived
2 during that period from games of chance, the expenses
3 incurred or paid and a brief description of the
4 classification of the expenses, the name and address of each
5 person to whom has been paid two hundred fifty dollars (\$250)
6 or more and the purpose of the expenditure, the net proceeds
7 derived from each game of chance and the uses to which the
8 net proceeds have been or are to be applied. It is the duty
9 of each licensee to maintain and keep the books and records
10 necessary to substantiate the particulars of each report.

11 B. If a licensee fails to file reports within the
12 time required or if the reports are not properly verified or
13 not fully, accurately and truthfully completed, any existing
14 license may be suspended until the default has been
15 corrected.

16 C. All money collected or received from the sale
17 of admission, extra regular cards, special game cards, sale
18 of supplies and all other receipts from the games of bingo
19 shall be deposited in a special account of the licensee which
20 shall contain only such money. All expenses for the game
21 shall be withdrawn from the account by consecutively numbered
22 checks duly signed by specified officers of the licensee and
23 payable to a specific person or organization. There shall be
24 written on the check the nature of the expense for which the
25 check is drawn. No check shall be drawn to "cash" or a

1 fictitious payee.

2 D. No part of the net profits, after they have
3 been given over to another organization, shall be used by the
4 donee organization to pay any person for services rendered or
5 materials purchased in connection with the conducting of
6 games of bingo by the donor organization.

7 E. No item of expense shall be incurred or paid in
8 connection with holding, operating or conducting any game of
9 chance pursuant to any license except bona fide expenses of a
10 reasonable amount as determined by the licensing authority.

11 Expenses may be incurred only for the following purposes:

12 (1) the purchase of goods, wares and
13 merchandise furnished;

14 (2) payment for services rendered that are
15 reasonably necessary for repairs of equipment, operating or
16 conducting the game of bingo;

17 (3) for rent if the premises are rented or
18 for janitorial services if not rented;

19 (4) for accountant's fees;

20 (5) for license fees; and

21 (6) for utilities."

22 Section 4. A new section of the Bingo and Raffle Act is
23 enacted to read:

24 "BINGO AND RAFFLE TAX.--

25 A. A bingo and raffle tax equal to three percent

1 of the net proceeds of any game of chance held, operated or
2 conducted for or by a qualified organization shall be imposed
3 on the qualified organization pursuant to the Bingo and
4 Raffle Act.

5 B. No other state or local gross receipts tax
6 shall apply to a qualified organization's gross receipts or
7 net proceeds generated by a game of chance authorized by the
8 Bingo and Raffle Act.

9 C. The tax imposed pursuant to this section shall
10 be submitted monthly to the taxation and revenue department
11 on or before the twenty-fifth day of the month following the
12 month in which the gross receipts or net proceeds that are
13 taxable were generated by the taxpayer.

14 D. The taxation and revenue department shall
15 administer the tax imposed in this section pursuant to the
16 Tax Administration Act.

17 E. For purposes of this section, "gross receipts"
18 means the total amount of money or the value of consideration
19 received from selling, leasing or otherwise transferring
20 equipment or leasing premises for use by or for a qualified
21 organization for offering games of chance pursuant to the
22 Bingo and Raffle Act."

23 Section 5. Section 60-2B-13 NMSA 1978 (being Laws 1981,
24 Chapter 259, Section 13) is amended to read:

25 "60-2B-13. EXEMPTIONS.--Nothing in the Bingo and Raffle

1 Act shall be construed to apply to:

2 A. a drawing or a prize at a fair or fiesta held
3 in New Mexico under the sponsorship or authority of the state
4 or any of its political subdivisions, or for the benefit of a
5 church situated in this state or for charitable purposes when
6 all the proceeds of the sale or drawing shall be expended
7 within New Mexico for the benefit of that church or
8 charitable purpose, provided the fair or fiesta has been held
9 on an annual basis for not less than two years immediately
10 preceding and for a period of not more than fourteen
11 consecutive calendar days in each year; or

12 B. bingo or a raffle held by a group or
13 organization as defined in Section 60-2B-3 NMSA 1978 that
14 holds bingo or a raffle only once during three consecutive
15 calendar months and not exceeding four occasions in one
16 calendar year."

17 Section 6. Section 60-2E-7 NMSA 1978 (being Laws 1997,
18 Chapter 190, Section 9, as amended) is amended to read:

19 "60-2E-7. BOARD'S POWERS AND DUTIES.--

20 A. The board shall implement the state's policy on
21 gaming consistent with the provisions of the Gaming Control
22 Act and the Bingo and Raffle Act. It has the duty to fulfill
23 all responsibilities assigned to it pursuant to those acts,
24 and it has all authority necessary to carry out those
25 responsibilities. It may delegate authority to the executive

1 director, but it retains accountability. The board is an
2 adjunct agency.

3 B. The board shall:

4 (1) employ the executive director;

5 (2) make the final decision on issuance,
6 denial, suspension and revocation of all licenses pursuant to
7 and consistent with the provisions of the Gaming Control Act
8 and the Bingo and Raffle Act;

9 (3) develop, adopt and promulgate all
10 regulations necessary to implement and administer the
11 provisions of the Gaming Control Act and the Bingo and Raffle
12 Act;

13 (4) conduct itself, or employ a hearing
14 officer to conduct, all hearings required by the provisions
15 of the Gaming Control Act and other hearings it deems
16 appropriate to fulfill its responsibilities;

17 (5) meet at least once each month; and

18 (6) prepare and submit an annual report in
19 December of each year to the governor and the legislature,
20 covering activities of the board in the most recently
21 completed fiscal year, a summary of gaming activities in the
22 state and any recommended changes in or additions to the laws
23 relating to gaming in the state.

24 C. The board may:

25 (1) impose civil fines not to exceed

1 twenty-five thousand dollars (\$25,000) for the first
2 violation and fifty thousand dollars (\$50,000) for subsequent
3 violations of any prohibitory provision of the Gaming Control
4 Act or any prohibitory provision of a regulation adopted
5 pursuant to that act;

6 (2) conduct investigations;

7 (3) subpoena persons and documents to compel
8 access to or the production of documents and records,
9 including books and memoranda, in the custody or control of a
10 licensee;

11 (4) compel the appearance of employees of a
12 licensee or persons for the purpose of ascertaining
13 compliance with provisions of the Gaming Control Act or a
14 regulation adopted pursuant to its provisions;

15 (5) administer oaths and take depositions to
16 the same extent and subject to the same limitations as would
17 apply if the deposition were pursuant to discovery rules in a
18 civil action in the district court;

19 (6) sue and be sued subject to the
20 limitations of the Tort Claims Act;

21 (7) contract for the provision of goods and
22 services necessary to carry out its responsibilities;

23 (8) conduct audits, relevant to their gaming
24 activities, of applicants, licensees and persons affiliated
25 with licensees;

1 (9) inspect, examine, photocopy and audit
2 all documents and records of an applicant or licensee
3 relevant to his gaming activities in the presence of the
4 applicant or licensee or his agent;

5 (10) require verification of income and all
6 other matters pertinent to the gaming activities of an
7 applicant or licensee affecting the enforcement of any
8 provision of the Gaming Control Act;

9 (11) inspect all places where gaming
10 activities are conducted and inspect all property connected
11 with gaming in those places;

12 (12) summarily seize, remove and impound
13 from places inspected any gaming devices, property connected
14 with gaming, documents or records for the purpose of
15 examination or inspection;

16 (13) inspect, examine, photocopy and audit
17 documents and records, relevant to his gaming activities, of
18 any affiliate of an applicant or licensee that the board
19 knows or reasonably suspects is involved in the financing,
20 operation or management of the applicant or licensee. The
21 inspection, examination, photocopying and audit shall be in
22 the presence of a representative of the affiliate or its
23 agent when practicable; and

24 (14) except for the powers specified in
25 Paragraphs (1) and (4) of this subsection, carry out all or

1 part of the foregoing powers and activities through the
2 executive director.

3 D. The board shall monitor all activity authorized
4 in an Indian gaming compact between the state and an Indian
5 nation, tribe or pueblo. The board shall appoint the state
6 gaming representative for the purposes of the compact."=====

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25