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HOUSE BILL 1263

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MIMI STEWART

AN ACT

RELATING TO CAMPAIGN CONTRIBUTIONS; PROHIBITING POLITICAL
CONTRIBUTIONS FROM CASINO, LOTTERY OR VIDEO GAMBLING INTERESTS;
PROVIDING A PENALTY; DECLARING AN EMERGENCY.

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

Section 1. A new section of the Campaign Reporting Act is
enacted to read:

"[NEW MATERIAL] PROHIBITING CONTRIBUTIONS FROM CASINO,
LOTTERY OR VIDEO GAMBLING INTERESTS-- FINDINGS AND PURPOSE--
PENALTY. --

A. The legislature finds there is a compelling state
interest in preserving the integrity of the political process by
prohibiting political campaign contributions from
representatives of casino, lottery or video gambling interests.
The purpose of this section is to prevent even the appearance of

1 political corruption and to respond appropriately to the
2 substantial public interest in preventing undue pressure on
3 government from casino, lottery and video gambling interests.

4 B. No distributor, manufacturer or operator of video
5 gaming machines, or person who owns or operates a casino, or
6 person who sells or leases any instant-win, on-line or video
7 lottery game in any state, or any Indian nation, tribe or pueblo
8 or member of the governing body of any Indian nation, tribe or
9 pueblo that owns, operates or seeks to own or operate a casino,
10 video gaming machine or other gaming interest described in this
11 subsection, shall directly or through an agent, representative
12 or employee contribute to a candidate, political committee or
13 person holding an office elected or to be elected at an election
14 covered by the Campaign Reporting Act; provided, however, that
15 the provisions of this subsection do not apply to:

16 (1) a minority owner of one percent or less of
17 an entity that owns or operates a casino, video gaming machine
18 or gaming interest described in this subsection;

19 (2) any individual member of any Indian nation,
20 tribe or pueblo who is not acting on behalf of any Indian
21 nation, tribe or pueblo that owns, operates or seeks to own or
22 operate a casino, video gaming machine or other gaming interest
23 described in this subsection; or

24 (3) a lobbyist registered pursuant to the
25 Lobbyist Regulation Act, provided the lobbyist ensures that no

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1 contribution he makes is made in any part on behalf of any
2 person or entity who owns, operates, represents or seeks to own,
3 operate or represent a casino, video gaming machine or other
4 gaming interest described in this subsection.

5 C. For purposes of this section:

6 (1) "distributor" means any person who acquires
7 video gaming machines or associated equipment from a
8 manufacturer and sells, leases or distributes the video gaming
9 machines or associated equipment in New Mexico;

10 (2) "manufacturer" means any person who
11 assembles or produces video gaming machines or associated
12 equipment for sale or use;

13 (3) "operator" means any person who owns a
14 business where video gaming machines or associated equipment are
15 located; and

16 (4) "video gaming machine" means an electronic,
17 electromechanical or mechanical machine that, upon the insertion
18 of coins or currency, is available to play or simulate the play
19 of a game of chance and that records game credits that may be
20 redeemed for cash or other prizes or pays out cash or coins
21 directly to the player.

22 D. Any person who knowingly and willfully violates
23 the provisions of this section is guilty of a fourth degree
24 felony and shall be punished by a fine of not more than five
25 thousand dollars (\$5,000) or by imprisonment for a definite term

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1 not to exceed eighteen months or both. "

2 Section 2. Section 1-19-36 NMSA 1978 (being Laws 1979,
3 Chapter 360, Section 12, as amended) is amended to read:

4 "1-19-36. PENALTIES--CRIMINAL ENFORCEMENT.--

5 A. Unless otherwise provided in the Campaign
6 Reporting Act, any person who knowingly and willfully violates
7 any provision of the Campaign Reporting Act is guilty of a
8 misdemeanor and shall be punished by a fine of not more than one
9 thousand dollars (\$1,000) or by imprisonment for not more than
10 one year or both.

11 B. The Campaign Reporting Act may be enforced by the
12 attorney general or the district attorney in the county where
13 the candidate resides, where a political committee has its
14 principal place of business or where the violation occurred. "

15 Section 3. EMERGENCY.--It is necessary for the public
16 peace, health and safety that this act take effect immediately.

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