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HOUSE BILL 272

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

INTRODUCED BY

Gloria C. Vaughn

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 five years of previous employment in a supervisory and administrative position in a law enforcement agency; one ~~[appointed]~~ member of the board shall be a certified public accountant in New Mexico who has had at least five years of experience in public accountancy; and one ~~[appointed]~~ member of the board shall be an attorney who has been

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1 admitted to practice before the supreme court of New Mexico. The remaining two members
2 shall be representatives of the general public.

3 B. The ~~[appointed]~~ members of the board shall be appointed for terms of five
4 years ~~[except]~~. To provide for staggered terms of the members who are first appointed, the
5 member with law enforcement experience shall be appointed for a term of five years; the
6 member who is a certified public accountant shall be appointed for a term of four years; ~~[and]~~
7 the member who is an attorney shall be appointed for a term of three years; one public member
8 shall be appointed for a term of two years; and one public member shall be appointed for a term
9 of one year. Thereafter ~~[all]~~ those members shall be appointed for terms of five years. No
10 person shall serve as a board member for more than two consecutive terms or ten years total.

11 C. No ~~[person appointed to]~~ member of the board may be employed in any
12 other capacity or shall in any manner receive compensation for services rendered to any person
13 ~~[or entity]~~ other than the board while a member of the board.

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

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

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

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

24 H. The department of public safety shall conduct background investigations of
25 all members of the board prior to appointment by the governor and confirmation by the senate.
To assist the department in the background investigation, a prospective board member shall

1 furnish a disclosure statement to the department on a form provided by the department
2 containing that information deemed by the department as necessary for completion of a detailed
3 and thorough background investigation. The required information shall include [at least]:

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

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

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

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

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

20 J. A prospective board member shall provide assistance and information
21 requested by the department of public safety or the governor and shall cooperate in any inquiry
22 or investigation of the prospective board member's fitness or qualifications to hold the office to
23 which he is appointed. The senate shall not confirm a prospective board member if it has
24 reasonable cause to believe that the prospective board member has:

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

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

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

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

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

12 Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July
13 1, 1999.

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

February 22, 1999

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred

HOUSE BILL 272

has had it under consideration and reports same with recommendation that it **DO PASS**,
and thence referred to the **APPROPRIATIONS AND FINANCE**
COMMITTEE.

Respectfully submitted,

R. David Pederson, Chairman

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 HJC/HB 272

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5 Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

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Date _____

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10 The roll call vote was 10 For 0 Against

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Yes: 10

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Excused: Luna, Sanchez

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Absent: None

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