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HOUSE BILL 394

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO THE NEW MEXICO BINGO AND RAFFLE ACT; AMENDING THE
DEFINITIONS OF "EDUCATIONAL ORGANIZATION" AND "FRATERNAL
ORGANIZATION" AS USED IN THAT ACT.

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

SECTION 1. Section 60-2F-4 NMSA 1978 (being Laws 2009,
Chapter 81, Section 4) is amended to read:

"60-2F-4. DEFINITIONS.--As used in the New Mexico Bingo
and Raffle Act:

A. "bingo" means a game of chance in which each
player has one or more bingo cards printed with different
numbers on which to place markers when the respective numbers
are drawn and announced by a bingo caller;

B. "bingo caller" means the individual who, in the
game of bingo, draws and announces numbers;

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1 C. "bingo employee" means a person connected
2 directly with a game of chance such as cashiers, floor sales
3 clerks and pull-tab workers. A bingo employee may or may not
4 be a member of a qualified organization;

5 D. "bingo manager" means the person responsible for
6 overseeing bingo and pull-tab activities conducted pursuant to
7 a bingo license;

8 E. "board" means the gaming control board;

9 F. "charitable organization" means an organization,
10 not for pecuniary profit, that is operated for the relief of
11 poverty, distress or other condition of public concern in New
12 Mexico and that has been granted an exemption from federal
13 income tax as an organization described in Section 501(c) of
14 the United States Internal Revenue Code of 1986, as amended or
15 renumbered;

16 G. "chartered branch, lodge or chapter of a
17 national or state organization" means a branch, lodge or
18 chapter that is a civic or service organization, not for
19 pecuniary profit, and that is authorized by its written
20 constitution, charter, articles of incorporation or bylaws to
21 engage in a fraternal, civic or service purpose in New Mexico;

22 H. "distributor" means a person, other than a
23 manufacturer, who provides equipment to a qualified
24 organization but does not manufacture the equipment;

25 I. "educational organization" means an organization

1 within the state, including recognized student organizations,
2 not organized for pecuniary profit, whose primary purpose is
3 educational in nature and designed to develop the capabilities
4 of individuals by instruction;

5 J. "environmental organization" means an
6 organization within the state, not organized for pecuniary
7 profit, that is primarily concerned with the protection and
8 preservation of the natural environment;

9 K. "equipment" means:

10 (1) with respect to bingo:

11 (a) the receptacle and numbered objects
12 drawn from it;

13 (b) the master board upon which the
14 numbered objects are placed as drawn;

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

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

21 (e) all other articles having a
22 significant effect on the outcome of a game and necessary to
23 the operation, conduct and playing of bingo; and

24 (2) with respect to pull-tabs:

25 (a) the pull-tabs;

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1 (b) the pull-tab flares; and

2 (c) the dispensing machines;

3 L. "fraternal organization" means an organization
4 within the state, [~~except college and high school fraternities~~]
5 not for pecuniary profit, that is a branch, lodge or chapter of
6 a national or state organization and that exists for the common
7 business, brotherhood or other interests of its members;

8 M. "game accountant" means the individual in charge
9 of preparing and submitting the quarterly report form;

10 N. "game of chance" means that specific kind of
11 game of chance commonly known as bingo, that specific kind of
12 game of chance commonly known as a raffle or that specific game
13 of chance commonly known as pull-tab;

14 O. "gross receipts" means proceeds received by a
15 bingo licensee from the sale of bingo cards, raffle tickets or
16 pull-tab tickets; the sale of rights in any manner connected
17 with participation in a game of chance or the right to
18 participate in a game of chance, including any admission fee or
19 charge; the sale of playing materials; and all other
20 miscellaneous receipts;

21 P. "lawful purposes" means:

22 (1) educational, charitable, patriotic,
23 religious or public-spirited purposes that benefit an
24 indefinite number of persons either by bringing their minds or
25 hearts under the influence of education or religion, by

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1 relieving their bodies from disease, suffering or constraint,
2 by assisting them in establishing themselves in life, by
3 erecting or maintaining public buildings or works, by providing
4 legal assistance to peace officers or firefighters in defending
5 civil or criminal actions arising out of the performance of
6 their duties or by otherwise lessening the burden of
7 government. "Lawful purposes" includes the erection,
8 acquisition, improvement, maintenance, insurance or repair of
9 property, real, personal or mixed, if the property is used for
10 one or more of the benefits stated in this paragraph; or

11 (2) augmenting the revenue of and promoting
12 the New Mexico state fair;

13 Q. "licensee" means any qualified organization to
14 which a bingo license has been issued by the board or any
15 person to which a manufacturer's or distributor's license has
16 been issued by the board;

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

22 S. "occasion" means a single gathering at which a
23 series of successive bingo games are played;

24 T. "permittee" means any person issued a permit by
25 the board;

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1 U. "premises" means a room, hall, enclosure or
2 outdoor area that is identified on a license issued pursuant to
3 the New Mexico Bingo and Raffle Act and used for the purpose of
4 playing games of bingo or pull-tabs;

5 V. "prize" means cash or merchandise won for
6 participation in a game of chance;

7 W. "progressive pot" means a prize from a pull-tab
8 or a portion of a prize from a pull-tab that is allowed to
9 carry over from one pull-tab game to the next so that the
10 carried-over prizes are allowed to accumulate into a larger
11 prize;

12 X. "pull-tab" means gaming pieces used in a game of
13 chance that are made completely of paper or paper products with
14 concealed numbers or symbols that must be exposed by the player
15 to determine wins or losses or a gaming piece that is made
16 completely of paper or paper products with an instant-win
17 component that must be exposed by the player on a concealed
18 card and can be used in a speed round for additional winnings
19 utilizing a bingo blower. A "pull-tab" includes a tip board
20 and can include a progressive pot;

21 Y. "qualified organization" means a bona fide
22 chartered branch, lodge or chapter of a national or state
23 organization or any bona fide religious, charitable,
24 environmental, fraternal, educational or veterans' organization
25 operating without profit to its members that has been in

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1 existence in New Mexico continuously for a period of two years
2 immediately prior to conducting a raffle or making an
3 application for a license under the New Mexico Bingo and Raffle
4 Act and that has had a membership engaged in carrying out the
5 objects of the corporation or organization. A voluntary
6 firefighter's organization is a qualified organization and a
7 labor organization is a qualified organization for the purposes
8 of the New Mexico Bingo and Raffle Act if they use the proceeds
9 from a game of chance solely for scholarship or charitable
10 purposes;

11 Z. "raffle" means a drawing where multiple persons
12 buy tickets to win a prize and the winner is determined by the
13 drawing of the ticket stub out of a container that holds all
14 the ticket stubs sold for the event;

15 AA. "religious organization" means an organization,
16 church, body of communicants or group, not for pecuniary
17 profit, gathered in common membership for mutual support and
18 edification in piety, worship and religious observances or a
19 society, not for pecuniary profit, of individuals united for
20 religious purposes at a definite place; and

21 BB. "veterans' organization" means an organization
22 within the state or any branch, lodge or chapter of a national
23 or state organization within this state, not for pecuniary
24 profit, the membership of which consists of individuals who
25 were members of the armed services or forces of the United

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