

The Legislature  
of the  
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 73

HOUSE BILL 394

Introduced by

REPRESENTATIVE RICK MIERA



# Chapter 73

## 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;

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

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

E. "board" means the gaming control board;

F. "charitable organization" means an

1 organization, not for pecuniary profit, that is operated for  
2 the relief of poverty, distress or other condition of public  
3 concern in New Mexico and that has been granted an exemption  
4 from federal income tax as an organization described in  
5 Section 501(c) of the United States Internal Revenue Code of  
6 1986, as amended or renumbered;

7 G. "chartered branch, lodge or chapter of a  
8 national or state organization" means a branch, lodge or  
9 chapter that is a civic or service organization, not for  
10 pecuniary profit, and that is authorized by its written  
11 constitution, charter, articles of incorporation or bylaws to  
12 engage in a fraternal, civic or service purpose in New Mexico;

13 H. "distributor" means a person, other than a  
14 manufacturer, who provides equipment to a qualified  
15 organization but does not manufacture the equipment;

16 I. "educational organization" means an  
17 organization within the state, including recognized student  
18 organizations, not organized for pecuniary profit, whose  
19 primary purpose is educational in nature and designed to  
20 develop the capabilities of individuals by instruction;

21 J. "environmental organization" means an  
22 organization within the state, not organized for pecuniary  
23 profit, that is primarily concerned with the protection and  
24 preservation of the natural environment;

25 K. "equipment" means:

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

(1) with respect to bingo:

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

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

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

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

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

(2) with respect to pull-tabs:

(a) the pull-tabs;

(b) the pull-tab flares; and

(c) the dispensing machines;

L. "fraternal organization" means an organization within the state, not for pecuniary profit, that is a branch, lodge or chapter of a national or state organization and that exists for the common business, brotherhood or other interests of its members;

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

1           N. "game of chance" means that specific kind of  
2 game of chance commonly known as bingo, that specific kind of  
3 game of chance commonly known as a raffle or that specific  
4 game of chance commonly known as pull-tab;

5           O. "gross receipts" means proceeds received by a  
6 bingo licensee from the sale of bingo cards, raffle tickets or  
7 pull-tab tickets; the sale of rights in any manner connected  
8 with participation in a game of chance or the right to  
9 participate in a game of chance, including any admission fee  
10 or charge; the sale of playing materials; and all other  
11 miscellaneous receipts;

12           P. "lawful purposes" means:

13                   (1) educational, charitable, patriotic,  
14 religious or public-spirited purposes that benefit an  
15 indefinite number of persons either by bringing their minds or  
16 hearts under the influence of education or religion, by  
17 relieving their bodies from disease, suffering or constraint,  
18 by assisting them in establishing themselves in life, by  
19 erecting or maintaining public buildings or works, by  
20 providing legal assistance to peace officers or firefighters  
21 in defending civil or criminal actions arising out of the  
22 performance of their duties or by otherwise lessening the  
23 burden of government. "Lawful purposes" includes the  
24 erection, acquisition, improvement, maintenance, insurance or  
25 repair of property, real, personal or mixed, if the property

1 is used for one or more of the benefits stated in this  
2 paragraph; or

3 (2) augmenting the revenue of and promoting  
4 the New Mexico state fair;

5 Q. "licensee" means any qualified organization to  
6 which a bingo license has been issued by the board or any  
7 person to which a manufacturer's or distributor's license has  
8 been issued by the board;

9 R. "manufacturer" means a person who manufactures,  
10 fabricates, assembles, produces, programs or makes  
11 modifications to equipment for use or play in games of chance  
12 in New Mexico or for sale or distribution outside of New  
13 Mexico;

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

16 T. "permittee" means any person issued a permit by  
17 the board;

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

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

24 W. "progressive pot" means a prize from a pull-tab  
25 or a portion of a prize from a pull-tab that is allowed to

1 carry over from one pull-tab game to the next so that the  
2 carried-over prizes are allowed to accumulate into a larger  
3 prize;

4 X. "pull-tab" means gaming pieces used in a game  
5 of chance that are made completely of paper or paper products  
6 with concealed numbers or symbols that must be exposed by the  
7 player to determine wins or losses or a gaming piece that is  
8 made completely of paper or paper products with an instant-win  
9 component that must be exposed by the player on a concealed  
10 card and can be used in a speed round for additional winnings  
11 utilizing a bingo blower. A "pull-tab" includes a tip board  
12 and can include a progressive pot;

13 Y. "qualified organization" means a bona fide  
14 chartered branch, lodge or chapter of a national or state  
15 organization or any bona fide religious, charitable,  
16 environmental, fraternal, educational or veterans'  
17 organization operating without profit to its members that has  
18 been in existence in New Mexico continuously for a period of  
19 two years immediately prior to conducting a raffle or making  
20 an application for a license under the New Mexico Bingo and  
21 Raffle Act and that has had a membership engaged in carrying  
22 out the objects of the corporation or organization. A  
23 voluntary firefighter's organization is a qualified  
24 organization and a labor organization is a qualified  
25 organization for the purposes of the New Mexico Bingo and

1 Raffle Act if they use the proceeds from a game of chance  
2 solely for scholarship or charitable purposes;

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

7 AA. "religious organization" means an  
8 organization, church, body of communicants or group, not for  
9 pecuniary profit, gathered in common membership for mutual  
10 support and edification in piety, worship and religious  
11 observances or a society, not for pecuniary profit, of  
12 individuals united for religious purposes at a definite place;  
13 and

14 BB. "veterans' organization" means an organization  
15 within the state or any branch, lodge or chapter of a national  
16 or state organization within this state, not for pecuniary  
17 profit, the membership of which consists of individuals who  
18 were members of the armed services or forces of the United  
19 States."

---

20  
21  
22  
23  
24  
25

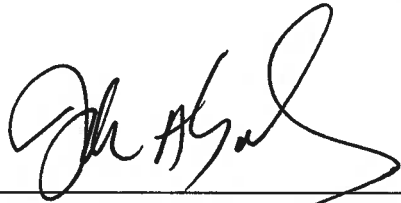




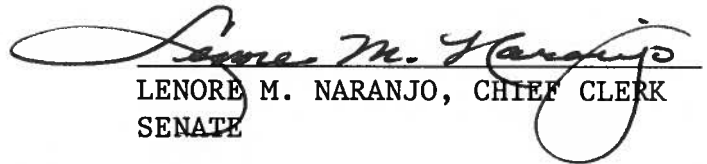
BEN LUJAN, SPEAKER  
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK  
HOUSE OF REPRESENTATIVES

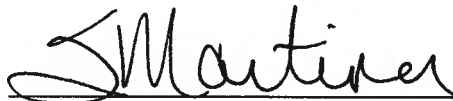


JOHN A. SANCHEZ, PRESIDENT  
SENATE



LENORE M. NARANJO, CHIEF CLERK  
SENATE

Approved by me this 5<sup>th</sup> day of April, 2011



SUSANA MARTINEZ, GOVERNOR  
STATE OF NEW MEXICO

OFFICE OF THE GOVERNOR

5:22 PM MAR 31 2011

55660100

SECRETARY OF STATE

STATE OF NEW MEXICO

RECEIVED