

NOTICE OF PROPOSED RULEMAKING

The Gaming Control Board hereby gives notice that the Board will conduct a public comment hearing on the described rules below.

The public comment hearing will be held on Tuesday, June 11, 2024 from 9:00 am to 12:00 pm at the Gaming Control Board, 4900 Alameda Blvd. NE, Albuquerque, NM 87113.

The public comment hearing allows members of the public an opportunity to submit data, testimony, and arguments in person on the proposed rule changes detailed below. All comments will be recorded by a court reporter and/or audio recording.

Subsection B of 15.1.2.8 NMAC Confidential Information:

Purpose: Repeal current Rule and replace with cleaned up language in the rule.

Summary of Full Text: Changing “operation of gaming establishments” to “gaming operations.”

Subsections C, D, and F of 15.1.2.9 NMAC – Requests for Disclosure of Confidential Information:

Purpose: Repeal current Rule and replace with provisions to provide more time within which to process requests for disclosure of confidential information to ensure more thorough and thoughtful responses and to avoid mistakes.

Summary of Full Text: Changing “ten (10) working” to “45 calendar” days in subsection C. Changing “working” days to “calendar” days in subsection D. Changing “three” to “seven calendar” days in subsection F.

15.1.3.8 NMAC - Adoption, Amendment and Repeal

Purpose: Repeal current Rule and replace with a correction of the statutory reference in the rule.

Summary: Changing 60-2E-61 to 60-2E-62.

Subsection D of 15.1.10.32 NMAC - Definitions

Purpose: Repeal current Rule and replace with corrections of spelling/grammatical errors.

Summary: Changing “building’s” to “buildings” in definition of “premises”.

Subsection D of 15.1.6.8 NMAC – Suitability of Premises

Purpose: Repeal current Rule and replace to connect rule to statute.

Summary: Adds reference to statutory definition of “permanent physical barrier”.

Subsections B and E of 15.1.6.9 NMAC – Area of Licensed Premises; Restrictions:

Purpose: Repeal current Rule and replace to clarify requirements for gaming premises constructions and reiterates tie to statute.

Summary: Specifies that gaming premises construction needs to be completed in accordance with applicable building codes and a certificate of occupancy has been issued along with Board approval prior to gaming commencing on the licensed premises. Also adds reference to the statutory definition of “permanent physical barrier.”

Subsections A, D, and E of 15.1.6.10 NMAC - Ownership of Premises

Purpose: Repeal current Rule and replace with same version but requiring disclosure of all potential applicable business relationships.

Summary: Requires disclosure of business relationships “in addition to the lease” between the licensee or applicant and the lessor “or owner” of the premises, adds requirement to disclose liens, clarifies that written board approval is required for a change in premises lease, ownership of, or interest in gaming premises.

Subsection B, C, D of 15.1.6.11 NMAC - Modification of Licensed Premises.

Purpose: Repeal current Rule and replace original rule with same version but adding cross-references to other rules and removing certain requirements for premises modifications.

Summary: Adds requirement to comply with 15.1.5.28 NMAC in addition to this rule in Subsection B. Changes “this rule” to “these rules” in Subsection C. Removes requirement that modifications of licensed premises must be approved by the Board prior to such modification in Subsection D.

15.1.6.12 NMAC - Transfer of License to New Premises.

Purpose: Repeal current Rule and replace with new title that better describes the rule and removing redundant language.

Summary: Changes “License” to “Gaming Operations” in the title. Removes “or license” and changes “an unapproved” to “a different” premises in Subsection A. Removes “or the gaming operator’s license” in Subsection B.

Authority: Section 60-2E-7 NMSA1978 and Section 60-2E-8 NMSA 1978.

Details for Obtaining a Copy of Rule and Submitting Oral or Written Comments:

Copies of the proposed rules are available on the Gaming Control Board’s website at <https://www.gcb.nm.gov/rulemaking/> or can be obtained by emailing GCB-PIO@gcb.nm.gov. The proposed rules are also available on the New Mexico Sunshine Portal. Interested individuals may provide comments at the public hearing. Before the public hearing, written comments may be sent to GCB-PIO@gcb.nm.gov, or by regular mail at Attn: Michelle Pato - proposed rule, The Gaming Control Board, 4900 Alameda Blvd. NE, Albuquerque, NM 87113. The deadline to receive written comment is Tuesday, June 11, 2024. All written public comments will be posted on the website throughout the written comment period at: <https://www.gcb.nm.gov/rulemaking/>.

Any person with a disability who needs a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact (505) 841-9700.