

NOTICE OF PROPOSED RULEMAKING

The Gaming Control Board hereby gives notice that the Board, at a Regular Board Meeting open to the public, will consider public comments received and determine whether to adopt the described rules below.

The Regular Board Meeting will be held on Wednesday, January 15, 2024 beginning at 9:00 am at the Gaming Control Board, 4900 Alameda Blvd. NE, Albuquerque, NM 87113. Interested individuals may also attend via Zoom as follows:

<https://us06web.zoom.us/j/85909302122?pwd=UKa28nW0AZurFQDYssCfGVWbDmoxf.1>
Meeting ID: 859 0930 2122
Passcode: 8Bh6th

The public comment period for this rulemaking closed with the public comment hearing which occurred on June 11, 2024.

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.”

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 NMSA 1978 to 60-2E-62 NMSA 1978.

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.

Consideration of Subsection D of 15.1.10.32 NMAC - Definitions, included with the public comment notice, has been withdrawn due to the incorrect rule cited in the original notice.

Consideration of Subsections C, D, and F of 15.1.2.9 NMAC - Requests for Disclosure of Confidential Information, included with the public comment notice, has been withdrawn and will be reconsidered at a later date after due notice is given.

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

All written public comments are 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.