

This is an amendment to 15.1.5 NMAC, Sections 15 and 23, effective 5/06/2025.

15.1.5.15 COMPULSIVE GAMBLING ASSISTANCE PLAN:

A. An applicant for a gaming operator's license shall submit with the application a plan for assisting in the prevention, education, and treatment of compulsive gambling. The plan shall include all information required in 15.1.18 NMAC.

B. No gaming operator's application shall be approved unless the board first approves the applicant's compulsive gambling assistance plan.

C. Failure to implement the compulsive gambling assistance plan or to satisfactorily maintain and administer the plan once implemented shall be grounds for suspension or revocation of the gaming operator's license, assessment of a fine, or both.

D. The ~~board shall establish~~ applicant shall comply with the minimum standards for the content, structure and implementation of, and periodic reporting requirements on, the compulsive gambling assistance plan as listed in 15.1.18.9 NMAC.

E. The board may contract with the state of New Mexico department of health or such other entity deemed qualified by the department of health to provide technical assistance in reviewing and recommending to the board approval of compulsive gambling assistance plans.

[15.1.5.15 NMAC - Rp, 15.1.5.15 NMAC, 6/30/2016, A, 5/06/2025]

15.1.5.23 APPLICATION FEES:

A. The applicant shall pay, in the amount and manner prescribed by this rule, all license fees and fees and costs incurred in connection with the processing and investigation of any application submitted to the board.

B. Applicants shall submit the following nonrefundable fees with an application for licensure or other approval:

- (1) gaming machine manufacturer's license, \$10,000;
- (2) associated equipment manufacturer's license, \$2,500;
- (3) gaming machine distributor's license, \$5,000;
- (4) associated equipment distributor's license, [~~\$1,000~~] \$2,500;
- (5) gaming operator's license for racetrack, [~~\$25,000~~] \$37,500;
- (6) gaming operator's license for nonprofit organization, [~~\$100~~] \$250;
- (7) gaming machine license, [~~\$100~~] \$200 per machine;
- (8) work permit, \$75 work permit update \$25;
- (9) certification of finding of suitability, \$100 [~~for each person requiring investigation;~~]

update to certification of finding of suitability \$50;

- (10) limited use distributor's license, [~~\$1,000~~] \$2,500; and
- (11) replacement fee for identification badge, \$10.

C. In addition to any nonrefundable license or approval fee paid, the applicant shall pay all supplementary investigative fees and costs, as follows:

(1) an applicant for a manufacturer's license, distributor's license, or gaming operator's license for a racetrack shall pay, in advance, an amount equal to the license fee as a deposit on fees and costs of the investigation; upon completion of the investigation and determination of the actual fees and costs, the board shall refund overpayments or charge the applicant for underpayments in an amount sufficient to reimburse the board for actual fees and costs;

(2) all other applicants shall reimburse the board in an amount sufficient to cover actual fees and costs of the investigation upon completion of the investigation; and

(3) all applicants shall fully reimburse the board within 30 days of receipt of notice of actual fees and costs incurred by the board for any underpayment or other amount owed by the applicant.

D. Investigative fees are charged at the rate of [~~\$50~~] \$75 per hour for each hour spent by investigators of the board or the board's agents in conducting an investigation. In addition to fees, costs to be paid by the applicant include transportation, lodging, meals, and other expenses associated with traveling, which expenses shall be reimbursed [~~based on state mileage and per diem rules~~] actual cost, and office expenses, document copying costs, and other reasonable expenses incurred. Checks shall be made payable to the New Mexico gaming control board.

E. In addition to any nonrefundable application and supplementary investigation fees and costs, licensed manufacturers and distributors shall pay a gaming device inspection fee in an amount not to exceed the actual cost of the inspection. The manufacturer or distributor shall pay the estimated cost of the inspection in advance. Upon completion of the inspection and determination of the actual cost, the board shall refund overpayments or charge the manufacturer or distributor for underpayments in an amount sufficient to reimburse the board for the actual cost. The manufacturer or distributor shall fully reimburse the board within 30 days of receipt of notice of underpayment. Lab fees are charged at the rate of [~~\$50~~] \$75 per hour for each hour spent by the board's technical personnel to inspect or test a gaming device.

F. The board may refuse to take final action on any application unless all license, approval, and investigation fees and costs have been paid in full. The board shall deny the application if the applicant refuses or fails to pay all such fees and costs. In addition to any other limitations on reapplication, the applicant shall be debarred from filing any other application with the board until all such fees and costs are paid in full.

G. If the board determines at any time during the application process that the applicant is not qualified, or cannot qualify, to hold the license or other approval sought, the board shall notify the applicant, in writing. The board [~~shall~~] may discontinue investigation and processing of the application and [~~shall~~] may issue a final, written order denying the application.

H. The maximum fee for processing any application shall not exceed \$100,000, regardless of actual costs of supplemental investigations.

I. The board may contract with any state board or agency to conduct any investigation required or permitted to be conducted under the act or board regulations, as determined necessary by the board.

J. Neither the license or approval fees nor any other fees or costs arising in connection with the application or investigation shall be refunded or waived on the grounds that the application was denied or withdrawn or that processing was otherwise terminated.

K. Gaming machine licensing fees may be pro-rated if the license is granted within three months of December 31.

[15.1.5.23 NMAC - Rp, 15.1.5.21 NMAC, 6/30/2016, A, 5/06/2025]