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SENATE BILL 312

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

Billy J. McKibben

AN ACT

RELATING TO GAMING; CHANGING PROVISIONS FOR GAMING AT HORSE  
RACETRACKS.

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

Section 1. Section 60-2E-26 NMSA 1978 (being Laws 1997,  
Chapter 190, Section 28) is amended to read:

"60-2E-26. GAMING OPERATOR LICENSEES--GENERAL  
PROVISIONS--BUSINESS PLAN--PLAYER AGE LIMIT--RESTRICTIONS.--

A. An applicant for licensure as a gaming operator  
shall submit with the application a plan for assisting in the  
prevention, education and treatment of compulsive gambling.  
The plan shall include regular educational training sessions  
for employees. Plan approval is a condition of issuance of  
the license.

B. An applicant for licensure as a gaming operator  
shall submit with the application a proposed business plan.

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1 The plan shall include at least:

2 (1) a floor plan of the area to be used for  
3 gaming [~~machine operations~~];

4 (2) an advertising and marketing plan;

5 (3) the proposed placement and number of  
6 gaming machines;

7 (4) a financial control plan;

8 (5) a security plan;

9 (6) a staffing plan for gaming [~~machine~~  
10 ~~operations~~] activities; and

11 (7) details of any proposed progressive  
12 systems.

13 C. A gaming operator licensee shall be granted a  
14 license to operate a specific number of machines at a gaming  
15 establishment identified in the license application and shall  
16 be granted a license for each gaming machine.

17 D. A gaming operator licensee who desires to  
18 change the number of machines in operation at a gaming  
19 establishment shall apply to the board for an amendment to  
20 his license authorizing a change in the number of machines.

21 E. Gaming [~~machines~~] activities may be available  
22 [~~for play~~] only in an area restricted to persons twenty-one  
23 years of age or older.

24 F. A gaming operator licensee shall erect a  
25 permanent physical barrier to allow for multiple uses of the  
premises by persons of all ages. For purposes of this  
subsection, "permanent physical barrier" means a floor-to-

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1 ceiling wall separating the general areas from the restricted  
2 areas. The entrance to the area where gaming [~~machines are~~  
3 ~~located~~] is conducted shall display a sign that the premises  
4 are restricted to persons twenty-one years of age or older.  
5 Persons under the age of twenty-one shall not enter the area  
6 where gaming [~~machines are located~~] is conducted.

7 G. A gaming operator licensee shall not have  
8 automated teller machines in the area restricted pursuant to  
9 Subsection F of this section.

10 H. A gaming operator licensee shall not provide,  
11 allow, contract or arrange to provide alcohol or food for no  
12 charge or at reduced prices as an incentive or enticement for  
13 patrons to game.

14 I. Only a racetrack licensed by the state racing  
15 commission or a nonprofit organization may apply for or be  
16 issued a gaming operator's license. No other persons are  
17 qualified to apply for or be issued a gaming operator's  
18 license pursuant to the Gaming Control Act."

19 Section 2. Section 60-2E-27 NMSA 1978 (being Laws 1997,  
20 Chapter 190, Section 29) is amended to read:

21 "60-2E-27. GAMING OPERATOR LICENSEES--SPECIAL  
22 CONDITIONS FOR RACETRACKS--NUMBER OF GAMING MACHINES--DAYS  
23 AND HOURS OF OPERATIONS.--

24 A. A racetrack licensed by the state racing  
25 commission pursuant to the Horse Racing Act to conduct live  
horse races or simulcast races may be issued a gaming  
operator's license to operate gaming [~~machines~~] on its

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1 premises where live racing is conducted.

2 B. A racetrack's gaming operator's license shall  
3 automatically become void if:

4 (1) the racetrack no longer holds an active  
5 license to conduct pari-mutuel wagering; or

6 (2) the racetrack fails to maintain a  
7 minimum of three live race days a week with at least nine  
8 live races on each race day during its licensed race meet in  
9 the 1997 calendar year and in the 1998 and subsequent  
10 calendar years, four live race days a week with at least nine  
11 live races on each race day during its licensed race meet.

12 ~~[C. A gaming operator licensee that is a racetrack  
13 may have up to three hundred licensed gaming machines, but  
14 the number of gaming machines to be located on the licensee's  
15 premises shall be specified in the gaming operator's license.~~

16 ~~D. Except as provided in Subsection F of this  
17 section, gaming machines on a racetrack gaming operator  
18 licensee's premises may be played only on days when the  
19 racetrack is either conducting live horse races or  
20 simulcasting horse race meets. A gaming operator licensee  
21 that is a racetrack shall be permitted to conduct such games  
22 on only the aforementioned days for a daily period not to  
23 exceed twelve hours at the discretion of such licensee.~~

24 E.] C. Alcoholic beverages shall not be sold,  
25 served, delivered or consumed in the area restricted pursuant  
to Subsection F of Section [28 of the Gaming Control Act]  
60-2E-26 NMSA 1978.

