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SENATE BILL 473

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO GAMING; REQUIRING A MINIMUM NUMBER OF DAYS
RACETRACKS MUST CONDUCT LIVE RACING; RESTRICTING CERTAIN RACES
TO NEW MEXICO-BRED HORSES.

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

SECTION 1. Section 60-2E-27 NMSA 1978 (being Laws 1997,
Chapter 190, Section 29, as amended) is amended to read:

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

A. A racetrack licensed by the state racing
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 premises
where live racing is conducted.

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

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

5 (2) [~~the racetrack fails to maintain a minimum~~
6 ~~of four live race days a week with at least nine live races on~~
7 ~~each race day during its licensed race meet~~] except as provided
8 in Subsection F of this section, fails to maintain a minimum of
9 three hundred days of live racing per calendar year, with the
10 daily racing card having sixty percent thoroughbred horse
11 races, two of which are restricted to New Mexico-bred horses,
12 and forty percent quarter horse races, all restricted to New
13 Mexico-bred horses.

14 C. Unless a larger number is allowed pursuant to
15 Subsection D of this section, a gaming operator licensee that
16 is a racetrack may have up to six hundred licensed gaming
17 machines.

18 D. By execution of an allocation agreement, signed
19 by both the allocating racetrack and the racetrack to which the
20 allocation is made, a gaming operator licensee that is a
21 racetrack may allocate any number of its authorized gaming
22 machines to another gaming operator licensee that is a
23 racetrack. To be valid, the allocation agreement must bear the
24 written approval of the board and the state racing commission,
25 and this approval shall make specific reference to the meeting

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1 at which the action of approval was taken and the number of
2 votes cast both for and against the approval. By allocating a
3 number of its authorized machines to another racetrack, the
4 allocating racetrack automatically surrenders all rights to
5 operate the number of machines allocated. No racetrack shall
6 operate or be authorized to operate more than seven hundred
7 fifty gaming machines.

8 E. Gaming machines on a racetrack gaming operator
9 licensee's premises may be played only on days when the
10 racetrack is either conducting live horse races or simulcasting
11 horse race meets. On days when gaming machines are permitted
12 to be operated, a racetrack gaming operator licensee may offer
13 gaming machines for operation for up to eighteen hours per day;
14 provided that the total number of hours in which gaming
15 machines are operated does not exceed one hundred twelve hours
16 in a one-week period beginning on Tuesday at 8:00 a.m. and
17 ending at 8:00 a.m. on the following Tuesday. A racetrack
18 gaming operator licensee may offer gaming machines for play at
19 any time during a day; provided that the total hours of
20 operation in each day from just after midnight of the previous
21 day until midnight of the current day does not exceed eighteen
22 hours. A racetrack gaming operator licensee shall determine,
23 within the limitations imposed by this subsection, the hours it
24 will offer gaming machines for operation each day and shall
25 notify the board in writing of those hours.

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1 F. Maintaining fewer than [~~four live race days or~~
2 ~~nine live races on each race day during a licensed race meet~~]
3 three hundred days of live racing in a calendar year does not
4 constitute a failure to maintain the minimum number of live
5 race days or races as required by Paragraph (2) of Subsection B
6 of this section if the licensee submits to the board written
7 approval by the state racing commission for the licensee to
8 vary the minimum number of live race days or races, and the
9 variance is due to:

10 (1) the inability of a racetrack gaming
11 operator licensee to fill races as published in the licensee's
12 condition book;

13 (2) severe weather or other act, event or
14 occurrence resulting from natural forces;

15 (3) a strike or work stoppage by jockeys or
16 other persons necessary to conduct a race or meet;

17 (4) a power outage, electrical failure or
18 failure or unavailability of any equipment or supplies
19 necessary to conduct a race or meet;

20 (5) hazardous conditions or other threats to
21 the public health or safety; or

22 (6) any other act, event or occurrence that
23 the board finds is not within the control of the licensee even
24 with the exercise of reasonable diligence or care.

25 G. Alcoholic beverages shall not be sold, served,

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1 delivered or consumed in the area restricted pursuant to
2 Subsection F of Section 60-2E-26 NMSA 1978."

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