

1 SENATE BILL 167

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Mary Kay Papen

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10 AN ACT

11 RELATING TO HORSE RACING; PROVIDING FOR THE ESTABLISHMENT OF
12 RACETRACK DEPOSIT WAGERING ACCOUNTS; ALLOWING PATRONS TO USE
13 RACETRACK DEPOSIT WAGERING ACCOUNTS TO PLACE WAGERS ON LIVE AND
14 SIMULCAST HORSE RACES FROM OUTSIDE A RACETRACK.

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

17 SECTION 1. A new section of the Horse Racing Act is
18 enacted to read:

19 "[NEW MATERIAL] RACETRACK DEPOSIT WAGERING ACCOUNTS--
20 ESTABLISHMENT--USE AND LIMITATIONS--FEES AND TAXES.--

21 A. A racetrack licensee may offer to establish for
22 a patron a racetrack deposit wagering account at the licensee's
23 licensed premises through which wagers are debited and payouts
24 are credited to a sum of money previously deposited in the
25 account by the patron. The account may be used to place a

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1 wager on live horse races being conducted or simulcast horse
2 races being televised or projected on the licensed premises.
3 The commission shall promulgate rules for the establishment and
4 administration of racetrack deposit wagering accounts prior to
5 a racetrack deposit wagering account being created.

6 B. No wager shall be accepted from a patron
7 using a racetrack deposit wagering account if the amount to be
8 wagered is greater than the amount on deposit in the patron's
9 account.

10 C. A patron with a racetrack deposit wagering
11 account may place a wager from any location by any type of
12 telephonic or electronic media approved by the commission that
13 is used in accordance with rules promulgated by the commission;
14 provided that the wager is received and accepted only at the
15 licensed premises where the account is established.

16 D. The gross daily handle attributable to, and
17 gross amount wagered through, racetrack deposit wagering
18 accounts shall be accounted for and subject to the same
19 relevant fees and taxes imposed by the Horse Racing Act."

20 SECTION 2. Section 60-1A-15 NMSA 1978 (being Laws 2007,
21 Chapter 39, Section 15) is amended to read:

22 "60-1A-15. PARI-MUTUEL WAGERING AUTHORIZED--GAMBLING
23 STATUTES DO NOT APPLY.--

24 A. A racetrack licensee may conduct pari-mutuel
25 wagering on live horse races or on simulcasted horse races.

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1 B. Pari-mutuel wagering may be conducted only on
2 the licensed premises where a live horse race is conducted,
3 [~~or~~] where a simulcast horse race is televised or projected on
4 the racing grounds of the licensed premises of a racetrack
5 licensee or through the use of a racetrack deposit wagering
6 account pursuant to Section 1 of this 2018 act.

7 C. The sale to patrons present on the licensed
8 premises of a racetrack licensee or to patrons using a
9 racetrack deposit wagering account pursuant to Section 1 of
10 this 2018 act of pari-mutuel tickets or certificates is not
11 gambling or commercial gambling as defined in Section 30-19-2
12 or 30-19-3 NMSA 1978.

13 D. Placing a wager while on the licensed premises
14 of a racetrack licensee or through the use of a racetrack
15 deposit wagering account pursuant to Section 1 of this 2018 act
16 is not placing a bet pursuant to Section 30-19-1 NMSA 1978.

17 E. The licensed premises of a horse racetrack is
18 not a gambling place as defined in Section 30-19-1 NMSA 1978."

19 **SECTION 3.** Section 60-1A-16 NMSA 1978 (being Laws 2007,
20 Chapter 39, Section 16) is amended to read:

21 "60-1A-16. SIMULCASTING.--

22 A. All simulcasting of horse races shall have prior
23 approval of the commission, and the commission shall adopt
24 rules concerning the simulcasting of horse races as provided in
25 this section.

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1 B. A racetrack licensee shall not be allowed to
2 simulcast horse races unless that racetrack licensee offers at
3 least seventeen days per year of pari-mutuel wagering on live
4 horse races run on the premises of the racetrack licensee.

5 C. The commission may permit exporting of a horse
6 race being run by a racetrack licensee to another racetrack
7 licensee within New Mexico or exporting of a horse race from a
8 racetrack licensee to another location holding a pari-mutuel or
9 gaming license that allows simulcasting of a horse race from
10 outside of the state or jurisdiction that licenses that out-of-
11 state facility.

12 D. The commission may permit importing by a
13 racetrack licensee of horse races that are being run at
14 racetracks outside of the state licensed by a host state.

15 E. Pari-mutuel wagering on simulcast horse races
16 shall be prohibited except on the licensed premises of a
17 racetrack licensee, or through the use of a racetrack deposit
18 wagering account pursuant to Section 1 of this 2018 act, during
19 the licensee's race meet at the horse racetrack or when the
20 racetrack licensee is importing a race meet from another New
21 Mexico-licensed horse racetrack.

22 F. A New Mexico-licensed horse racetrack that is
23 within a radius of eighty miles of any other New Mexico-
24 licensed horse racetrack with a race meet in progress may only
25 conduct pari-mutuel wagering on imported horse races if there

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1 is a written agreement between the two racetrack licensees
2 allowing pari-mutuel wagering on imported horse races during
3 the period of time that the live horse races are taking place."

4 SECTION 4. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2018.

