

**LFC Requester:**

Noah Montano

## AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** February 12, 2025

*Check all that apply:*

**Bill Number:** SB 328

Original  Correction   
Amendment  Substitute

**Sponsor:** Sen. Antonio Maestas

**Agency Name and Code Number:** 305 – New Mexico Department of Justice

**Person Writing**

**Short Title:** Racetrack & Gaming Operator Licensing

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### SECTION II: FISCAL IMPACT

#### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

#### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

#### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis: The bill amends the Horse Racing Act, Section 60-1A NMSA.

Section 1 amends Subsection 60-1A-4 as follows: (1) replaces “who” with “whom” in Section 60-1A-4(A)(2) and (2) replaces “assign” with “approve” in Section 60-1A-4(B)(1).

Section 2 strikes Subsections 60-1A-6(A) and 60-1A-6(B), eliminating the existing categories of class A and class B licenses and eliminates classifications of racetracks creating each track as the same license classification.

Section 3 adds new language to the Horse Racing Act and defines any communication or document of an applicant for a license or a licensee is confidential and does not impose liability for defamation or constitute grounds for a civil action. Subsection C provides for ways that confidentiality is maintained by the Board including creating rules on how to maintain confidentiality of license applications.

Section 4 sets out the requirements of a motion requiring the board to release newly defined confidential information including the timing of hearing and service of notice requirements to the board, attorney general and all affected persons.

Section 5 amends Subsection 60-1A-8 as follows: replaces “one year” with “three years” in Section 60-1A-8(C). This amendment revises the validity of racetrack license from one year to three years.

Section 6 amends Subsection 60-1A-18 as follows: (1) strikes all references to “class A”; (2) strikes Subsection 60-1A-18(C). This revision conforms to the revisions in Section 2 above.

Section 7 amends Subsection 60-1A-19 as follows: (1) strikes all references “New Mexico Horsemen’s Association”; (2) makes conforming changes related to Section 2 above (removing references to class A and class B racetrack licensee); (3) amends the beneficiary of Sections 60-1A-19(E) and 60-1A-19(F) from the New Mexico Horsemen’s Association to the commission or an organization designed by the commission that is under the absolute control of the commission.

Section 8 amends Subsection 60-1A-20 as follows: makes conforming changes related to Section 2 above (removing references to class A and class B racetrack licensee).

Section 9 amends Subsection 60-1A-21 as follows: strikes all references and sections pertaining to “New Mexico Horsemen’s Association”

Section 10 amends Subsection 60-2E-14 as follows: (1) replaces “on” with “using” in Section 60-2E-14(E) (clarifying which form to use); (2) replaces “annually” to “every three years” in 60-2E-14(F) to conform with amendments in Section 5 above; and (3) inserts a new 60-2E-14(G) requiring that all certifications of findings of suitability and work permits issued by the board shall be reviewed for renewal every three years.

Section 11 amends Subsection 60-2E-27 as follows: (1) amends Section 60-2E-27(A) to define conditions for a racetrack operator to obtain a gaming operator’s license; (2) amends Section 60-2E-27(B) to define when a racetrack operator’s gaming operator’s license becomes void; and (3) amends Section 60-2E-27(E) to expand when gaming machines may be played on gaming operator licensee’s premises.

## **FISCAL IMPLICATIONS**

Section 4 requires that the attorney general be served with notice of a motion to release newly defined confidential information. The presumption is the New Mexico Department of Justice (“NMDOJ”) will have a role, and the bill does not further define any such role. Additional roles of the NMDOJ could result in fiscal implications to the NMDOJ.

## **SIGNIFICANT ISSUES**

N/A

## **PERFORMANCE IMPLICATIONS**

Section 4 requires that the attorney general be served with notice of a motion to release newly defined confidential information. The presumption is the New Mexico Department of Justice (“NMDOJ”) will have a role, and the bill does not further define any such role.

## **ADMINISTRATIVE IMPLICATIONS**

Section 4 requires that the attorney general be served with notice of a motion to release newly defined confidential information. The presumption is the New Mexico Department of Justice (“NMDOJ”) will have a role, and the bill does not further define any such role. Any such role would need to be defined and would likely create more resources for the NMDOJ.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

There are several companion bills in this session: (1) HB367 Add Days of Live Horse Racing; (2) SB92 Horse Racing & Jockey Insurance Fund; and (3) Horse Racing Group, Gaming & Audits. Several of these bills amend the same Article of the NMSA: Chapter 60, Article 1A Horse Racing Act. Section 2 of SB323 states, pursuant to the federal Interstate Horseracing Act of 1978, the New Mexico horsemen's association established in 1966 is designated as the horsemen's group required by that act. Section 7 of SB328 removes references to New Mexico Horsemen’s Association.

This bill revises several parts of Section 60-2E-27 which were revised in SB367. A reconciliation between the two bills is recommended.

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo

**AMENDMENTS**

N/A