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SENATE BILL 225

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

John Arthur Smith

AN ACT

**RELATING TO GAMING; EXPANDING THE AUTHORIZED GAMING ACTIVITIES
AT RACETRACKS; AMENDING SECTIONS OF THE NMSA 1978.**

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

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1 shall submit with the application a proposed business plan.

2 The plan shall include at least:

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

5 (2) an advertising and marketing plan;

6 (3) the proposed placement and number of
7 gaming [~~machines~~] devices;

8 (4) a financial control plan;

9 (5) a security plan;

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

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

14 C. A gaming operator licensee shall be granted a
15 license to operate a specific number of [~~machines~~] games at a
16 gaming establishment identified in the license application.

17 [~~and~~] He shall be granted a license for each gaming machine.

18 D. A gaming operator licensee who desires to
19 change the number or type of [~~machines~~] games in operation at
20 a gaming establishment shall apply to the board for an
21 amendment to his license authorizing a change in the number or
22 type of [~~machines~~] games.

23 E. Gaming [~~machines may~~] shall be available [~~for~~
24 ~~play~~] only by persons twenty-one years of age or older and
25 only in an area restricted to persons twenty-one years of age

. 134176. 2

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1 or older.

2 F. A gaming operator licensee shall erect a
3 permanent physical barrier to allow for multiple uses of the
4 premises by persons of all ages. For purposes of this
5 subsection, "permanent physical barrier" means a
6 floor-to-ceiling wall separating the general areas from the
7 restricted areas. The entrance to the area where gaming
8 [~~machines are located~~] is permitted shall display a sign that
9 the premises are restricted to persons twenty-one years of age
10 or older. Persons under the age of twenty-one shall not enter
11 the area where gaming [~~machines are located~~] is permitted.

12 G. A gaming operator licensee shall not have
13 automated teller machines in the area restricted pursuant to
14 Subsection F of this section.

15 H. A gaming operator licensee shall not provide,
16 allow, contract or arrange to provide alcohol or food for no
17 charge or at reduced prices as an incentive or enticement for
18 patrons to game.

19 I. Only a racetrack licensed by the state racing
20 commission [~~or a nonprofit organization~~] may apply for or be
21 issued a gaming operator's license authorizing all gaming
22 activities. Only a nonprofit organization may apply for or be
23 issued a gaming operator's license permitting and restricted
24 to the operation of gaming machines. No other persons are
25 qualified to apply for or be issued a gaming operator's

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1 license pursuant to the Gaming Control Act. "

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

4 "60-2E-27. GAMING OPERATOR LICENSEES--SPECIAL CONDITIONS
5 FOR RACETRACKS [~~NUMBER OF GAMING MACHINES~~]- - DAYS AND HOURS OF
6 OPERATIONS. - -

7 A. A racetrack licensed by the state racing
8 commission pursuant to the Horse Racing Act to conduct live
9 horse races or simulcast races may be issued a gaming
10 operator's license to [~~operate gaming machines~~] conduct gaming
11 on its premises where live racing is conducted.

12 B. A racetrack's gaming operator's license shall
13 automatically become void if:

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

16 (2) the racetrack fails to maintain a minimum
17 of three live race days a week with at least nine live races
18 on each race day during its licensed race meet in the 1997
19 calendar year and in the 1998 and subsequent calendar years,
20 four live race days a week with at least nine live races on
21 each race day during its licensed race meet.

22 C. [~~A gaming operator licensee that is a racetrack~~
23 ~~may have up to three hundred licensed gaming machines, but~~]
24 The number of gaming machines to be located on the racetrack
25 gaming operator licensee's premises shall be specified in the

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1 gaming operator's license.

2 D. Gaming [~~machines~~] on a racetrack gaming
3 operator licensee's premises may be [~~played~~] conducted only on
4 days when the racetrack is either conducting live horse races
5 or simulcasting horse race meets. A gaming operator licensee
6 that is a racetrack shall be permitted to conduct [~~such games~~]
7 gaming activities on only the aforementioned days [~~for a daily~~
8 ~~period not to exceed twelve hours at the discretion of such~~
9 ~~licensee~~].

10 E. Alcoholic beverages shall not be sold, served,
11 delivered or consumed in the area restricted pursuant to
12 Subsection F of Section 60-2E-26 NMSA 1978. "

13 Section 3. Section 60-2E-61 NMSA 1978 (being Laws 1997,
14 Chapter 190, Section 63) is amended to read:

15 "60-2E-61. LIEN ON WINNINGS FOR DEBT COLLECTED BY HUMAN
16 SERVICES DEPARTMENT--PAYMENT TO DEPARTMENT--PROCEDURE. --

17 A. The human services department, acting as the
18 state's child support enforcement agency pursuant to Title
19 IV-D of the Social Security Act, shall periodically certify to
20 the board the names and social security numbers of persons
21 owing a debt to or collected by the human services department.

22 B. Prior to [~~the payment of a gaming machine~~]
23 paying a person winnings in an amount in excess of six hundred
24 dollars (\$600), the board shall check the name of the winner
25 against the list of names and social security numbers of

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1 persons owing a debt to or collected by the human services
2 department.

3 C. If the winner is on the list of persons owing a
4 debt to or collected by the agency, the board shall make a
5 good-faith attempt to notify the human services department,
6 and the department then has a lien against the winnings in the
7 amount of the debt owed to or collected by the agency. The
8 board has no liability to the human services department or the
9 person on whose behalf the department is collecting the debt
10 if the board fails to match a winner's name to a name on the
11 list or is unable to notify the department of a match. The
12 department shall provide the board with written notice of a
13 support lien promptly within five working days after the board
14 notifies the department of a match.

15 D. If the amount won is to be paid directly by the
16 board, the amount of the debt owed to or collected by the
17 human services department shall be held by the board for a
18 period of thirty days from the board's confirmation of the
19 amount of the debt to allow the department to institute any
20 necessary garnishment or wage withholding proceedings. If a
21 garnishment or withholding proceeding is not initiated within
22 the thirty-day period, the board shall release the amount won
23 to the winner.

24 E. The human services department, in its
25 discretion, may release or partially release the support lien

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1 upon written notice to the board.

2 F. A support lien under this section is in
3 addition to any other lien created by law. "

4 Section 4. EFFECTIVE DATE. -- The effective date of the
5 provisions of this act is July 1, 2001.

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