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**SENATE BILL 797**

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

**INTRODUCED BY**

**Pete Campos**

**AN ACT**

**RELATING TO GAMING; CHANGING PROVISIONS REGARDING GAMING  
ACTIVITIES AT HORSE RACETRACKS; AMENDING SECTIONS OF THE  
GAMING CONTROL ACT.**

**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.**

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

3 The plan shall include at least:

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

6                   (2) an advertising and marketing plan;

7                   (3) the proposed placement and number of  
8 gaming machines;

9                   (4) a financial control plan;

10                  (5) a security plan;

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

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

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

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

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

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

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

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

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

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

25 "60-2E-27. GAMING OPERATOR LICENSEES--SPECIAL CONDITIONS

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1 FOR RACETRACKS-- NUMBER OF GAMING MACHINES-- DAYS AND HOURS OF  
2 OPERATIONS. --

3 A. A racetrack licensed by the state racing  
4 commission pursuant to the Horse Racing Act to conduct live  
5 horse races or simulcast races may be issued a gaming  
6 operator's license to operate gaming machines on its premises  
7 where live racing is conducted.

8 B. A racetrack's gaming operator's license shall  
9 automatically become void if:

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

12 (2) the racetrack fails to maintain a minimum  
13 of [~~three live race days a week with at least nine live races~~  
14 ~~on each race day during its licensed race meet in the 1997~~  
15 ~~calendar year and in the 1998 and subsequent calendar years,~~  
16 ~~four live race days a week with at least nine live races on~~  
17 ~~each race day] thirty-six live races in each calendar week  
18 during its licensed race meet.~~

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

24 D. By execution of an allocation agreement, signed  
25 by both the allocating racetrack and the racetrack to whom the

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1 allocation is made, a gaming operator licensee that is a  
2 racetrack may allocate any number of its authorized gaming  
3 machines to another gaming operator licensee that is a  
4 racetrack. To be valid, the allocation agreement must bear  
5 the written approval of the board and the state racing  
6 commission, and this approval shall make specific reference to  
7 the meeting at which the action of approval was taken and the  
8 number of votes cast both for and against the approval. By  
9 allocating a number of its authorized machines to another  
10 racetrack, the allocating racetrack automatically surrenders  
11 all rights to operate the number of machines allocated. No  
12 racetrack shall operate or be authorized to operate more than  
13 one thousand two hundred gaming machines.

14           ~~[D.]~~ E. Gaming machines on a racetrack gaming  
15 operator licensee's premises may be played only on days when  
16 the racetrack is either conducting live horse races or  
17 simulcasting horse race meets. A gaming operator licensee  
18 that is a racetrack shall be permitted to conduct such games  
19 on only the aforementioned days for a daily period not to  
20 exceed ~~[twelve]~~ sixteen hours at the discretion of such  
21 licensee.

22           ~~[E.]~~ F. Alcoholic beverages shall not be sold,  
23 served, delivered or consumed in the area restricted pursuant  
24 to Subsection F of Section 60-2E-26 NMSA 1978. "

25           Section 3. EFFECTIVE DATE.--The effective date of the

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provisions of this act is July 1, 2001.

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