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SENATE BILL 433

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Don Kidd

AN ACT

RELATING TO GAMING; NEW MEXICO STATE FAIR INCLUDED IN CATEGORY  
OF RACETRACKS THAT CAN APPLY FOR A GAMING OPERATOR'S LICENSE;  
DECLARING AND EMERGENCY.

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, including the New Mexico state  
fair, which holds a license from the state racing commission  
to conduct horse races, may be issued a gaming operator's

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1 license to operate gaming machines on its premises where live  
2 racing is conducted.

3 B. A racetrack's gaming operator's license shall  
4 automatically become void if:

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

7 (2) the racetrack fails to maintain a minimum  
8 of three live race days a week with at least nine live races  
9 on each race day during its licensed race meet in the 1997  
10 calendar year and in the 1998 and subsequent calendar years,  
11 four live race days a week with at least nine live races on  
12 each race day during its licensed race meet.

13 C. A gaming operator licensee that is a racetrack  
14 may have up to six hundred licensed gaming machines, but the  
15 number of gaming machines to be located on the licensee's  
16 premises shall be specified in the gaming operator's license.

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

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

7 E. Gaming machines on a racetrack gaming operator  
8 licensee's premises may be played only on days when the  
9 racetrack is either conducting live horse races or  
10 simulcasting horse race meets. A gaming operator licensee  
11 that is a racetrack shall be permitted to conduct such games  
12 on only the aforementioned days for a daily period not to  
13 exceed twelve hours at the discretion of such licensee.

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

17 Section 2. EMERGENCY.--It is necessary for the public  
18 peace, health and safety that this act take effect  
19 immediately.