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HOUSE BILL 541

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Al Park

AN ACT

RELATING TO HORSE RACING; PROVIDING FOR BACKGROUND CHECKS ON
APPLICANTS FOR A LICENSE OR LICENSE RENEWAL.

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

Section 1. Section 60-1-5 NMSA 1978 (being Laws 1973,
Chapter 323, Section 3, as amended) is amended to read:

"60-1-5. LICENSES--QUALIFICATIONS. --

A. All persons engaged in racing, or employed on a
licensee's premises by those engaged in racing, or operating a
horse racing meeting, and persons operating concessions for or
under authority of any licensee or employed by the
concessionaire shall be licensed by the state racing commission
~~[and shall be fingerprinted]~~ after a background check has been
conducted. The commission, in conjunction with the department
of public safety, shall develop policies and procedures for

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1 conducting the background checks. The policies and procedures
2 shall:

3 (1) require two fingerprint cards to be
4 submitted for each applicant for a license or license renewal,
5 one card to be transmitted to the department of public safety
6 for a statewide check and the other to be transmitted to the
7 federal bureau of investigation for a nationwide check;

8 (2) if an application for license or license
9 renewal is denied, provide the applicant with the ability to
10 inspect or challenge the validity of the record upon which the
11 denial was based;

12 (3) provide that arrest record information,
13 received from the department of public safety or the federal
14 bureau of investigation, is privileged and shall not be
15 disclosed to persons not directly involved in the decision
16 affecting the specific applicant or employee; and

17 (4) require the applicant to pay the cost of
18 the background check.

19 B. Racetracks shall be licensed each calendar year.

20 C. The state racing commission may provide by
21 regulation for the issuance of licenses for terms not to exceed
22 five years for horse owners, trainers, jockeys and their
23 employees; veterinarians; and employees of a racetrack. Fees
24 for licenses under this subsection, not to exceed one hundred
25 dollars (\$100), shall be set by regulation of the commission.

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1 D. The state racing commission shall not issue or
2 renew a license and shall revoke or suspend any license issued
3 pursuant to this section if, after due consideration for the
4 proper protection of public health, safety, morals, good order
5 and the general welfare of the inhabitants of this state, it
6 finds that the issuance of the license or the holding of the
7 license is inconsistent with the public interest. The burden
8 of proving his qualifications to receive and hold a license
9 under this section shall be at all times on the applicant or
10 licensee. The state racing commission shall establish by
11 regulation such qualifications for licenses to be issued
12 pursuant to this section as it deems in the public interest.

13 E. Any person who is addicted to or uses narcotic
14 drugs or who has been convicted of a violation of any federal
15 or state narcotics law shall not be licensed on any New Mexico
16 racetrack, unless sufficient evidence of rehabilitation is
17 presented to the state racing commission.

18 F. If the state racing commission finds that any
19 person has done any of the following acts, the person shall not
20 be licensed by the commission for a period of five years from
21 the date of the finding that the person, for the purpose of
22 stimulating or depressing a horse or affecting its speed or
23 stamina in a race or workout:

24 (1) administered, attempted to administer or
25 conspired with others to administer to any horse, in or prior

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1 to a race, any dope, drug, chemical agent, stimulant or
2 depressant, either internally, externally or hypodermically;

3 (2) attempted to use, used or conspired with
4 others to use in any race any electrical or mechanical buzzer,
5 goad, device, implement or instrument, excepting only the
6 ordinary whip and spur, or acted to sponge the nostrils or
7 windpipe of a racehorse; or

8 (3) used any method, injurious or otherwise,
9 for the purpose of stimulating or depressing a horse or
10 affecting its speed or stamina in a race or workout.

11 G. The validity of any license issued by the state
12 racing commission shall be conditioned upon the licensee not
13 engaging in racing, operating a horse [~~race~~] racing meeting or
14 participating as an employee or concessionaire at any racetrack
15 in New Mexico operating or permitting to be operated an
16 organized wagering system not licensed by the commission. Any
17 licensee not complying with that condition shall, after
18 reasonable notice and hearing, have his license revoked, and
19 the license shall not be reissued until the expiration of one
20 year from the date of revocation. "