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HOUSE BILL 230

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Candy Spence Ezzell

AN ACT

RELATING TO GAMING; AMENDING A SECTION OF THE GAMING CONTROL
ACT TO PROVIDE FOR ADDITIONAL CONDITIONS FOR A GAMING
OPERATOR'S LICENSE TO BECOME AUTOMATICALLY VOID.

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 may be issued a gaming
operator's license to operate gaming machines on its premises
where live racing is conducted.

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1 B. A racetrack's gaming operator's license shall
2 automatically become void if:

3 (1) the racetrack no longer holds an active
4 license to conduct pari-mutuel wagering; [~~or~~]

5 (2) the racetrack paid gaming tax to the state
6 on its net take in an amount greater than eight million dollars
7 (\$8,000,000) in the prior fiscal year pursuant to Section
8 60-2E-47 NMSA 1978 and fails to maintain a minimum of four live
9 race days a week with at least nine live races on each race day
10 during its licensed race meet, except as provided in Subsection
11 F of this section; or

12 (3) the racetrack paid gaming tax to the state
13 on its net take in an amount equal to eight million dollars
14 (\$8,000,000) or less in the prior fiscal year pursuant to
15 Section 60-2E-47 NMSA 1978 and fails to maintain a minimum of
16 three live race days a week with at least ten live races on
17 each day during its licensed race meets, except as provided in
18 Subsection F of this section.

19 C. Unless a larger number is allowed pursuant to
20 Subsection D of this section, a gaming operator licensee that
21 is a racetrack may have up to six hundred licensed gaming
22 machines.

23 D. By execution of an allocation agreement, signed
24 by both the allocating racetrack and the racetrack to which the
25 allocation is made, a gaming operator licensee that is a

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

13 E. Gaming machines on a racetrack gaming operator
14 licensee's premises may be played only on days when the
15 racetrack is either conducting live horse races or simulcasting
16 horse race meets. On days when gaming machines are permitted
17 to be operated, a racetrack gaming operator licensee may offer
18 gaming machines for operation for up to eighteen hours per day;
19 provided that the total number of hours in which gaming
20 machines are operated does not exceed one hundred twelve hours
21 in a one-week period beginning on Tuesday at 8:00 a.m. and
22 ending at 8:00 a.m. on the following Tuesday. A racetrack
23 gaming operator licensee may offer gaming machines for play at
24 any time during a day; provided that the total hours of
25 operation in each day from just after midnight of the previous

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1 day until midnight of the current day does not exceed eighteen
2 hours. A racetrack gaming operator licensee shall determine,
3 within the limitations imposed by this subsection, the hours it
4 will offer gaming machines for operation each day and shall
5 notify the board in writing of those hours.

6 F. Maintaining fewer [~~than four~~] live race days or
7 [~~nine~~] fewer live races on each race day during a licensed race
8 meet does not constitute a failure to maintain the minimum
9 number of live race days or races as required by [~~Paragraph~~]
10 Paragraphs (2) and (3) of Subsection B of this section if the
11 licensee submits to the board written approval by the state
12 racing commission for the licensee to vary the minimum number
13 of live race days or races, and the variance is due to:

14 (1) the inability of a racetrack gaming
15 operator licensee to fill races as published in the licensee's
16 condition book as long as the same type of canceled race is run
17 within the following two race weeks as the race season permits;

18 (2) severe weather or other act, event or
19 occurrence resulting from natural forces;

20 (3) a strike or work stoppage by jockeys or
21 other persons necessary to conduct a race or meet;

22 (4) a power outage, electrical failure or
23 failure or unavailability of any equipment or supplies
24 necessary to conduct a race or meet;

25 (5) hazardous conditions or other threats to

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1 the public health or safety; or

2 (6) any other act, event or occurrence that
3 the board finds is not within the control of the licensee even
4 with the exercise of reasonable diligence or care.

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