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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.

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

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

(2) the racetrack paid gaming tax to the
state on its net take in an amount greater than eight million
dollars (\$8,000,000) in the prior fiscal year pursuant to
Section 60-2E-47 NMSA 1978 and fails to maintain a minimum of
four live race days a week with at least nine live races on

1 each race day during its licensed race meet, except as
2 provided in Subsection F of this section; or

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

10 C. Unless a larger number is allowed pursuant to
11 Subsection D of this section, a gaming operator licensee that
12 is a racetrack may have up to six hundred licensed gaming
13 machines.

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

1 all rights to operate the number of machines allocated. No
2 racetrack shall operate or be authorized to operate more than
3 seven hundred fifty gaming machines.

4 E. Gaming machines on a racetrack gaming operator
5 licensee's premises may be played only on days when the
6 racetrack is either conducting live horse races or
7 simulcasting horse race meets. On days when gaming machines
8 are permitted to be operated, a racetrack gaming operator
9 licensee may offer gaming machines for operation for up to
10 eighteen hours per day; provided that the total number of
11 hours in which gaming machines are operated does not exceed
12 one hundred twelve hours in a one-week period beginning on
13 Tuesday at 8:00 a.m. and ending at 8:00 a.m. on the following
14 Tuesday. A racetrack gaming operator licensee may offer
15 gaming machines for play at any time during a day; provided
16 that the total hours of operation in each day from just after
17 midnight of the previous day until midnight of the current
18 day does not exceed eighteen hours. A racetrack gaming
19 operator licensee shall determine, within the limitations
20 imposed by this subsection, the hours it will offer gaming
21 machines for operation each day and shall notify the board in
22 writing of those hours.

23 F. Maintaining fewer live race days or fewer live
24 races on each race day during a licensed race meet does not
25 constitute a failure to maintain the minimum number of live

1 race days or races as required by Paragraphs (2) and (3) of
2 Subsection B of this section if the licensee submits to the
3 board written approval by the state racing commission for the
4 licensee to vary the minimum number of live race days or
5 races, and the variance is due to:

6 (1) the inability of a racetrack gaming
7 operator licensee to fill races as published in the
8 licensee's condition book as long as the same type of
9 canceled race is run within the following two race weeks as
10 the race season permits;

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

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

15 (4) a power outage, electrical failure or
16 failure or unavailability of any equipment or supplies
17 necessary to conduct a race or meet;

18 (5) hazardous conditions or other threats to
19 the public health or safety; or

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

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