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FISCAL IMPACT REPORT

SPONSOR Papen ORIGINAL DATE 01/31/14
LAST UPDATED _____ HB _____

SHORT TITLE Permit Racetrack Ejections for Some Actions SB 149

ANALYST Martinez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal				

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB 100 and SB 116

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

State Racing Commission (SRC)

SUMMARY

Synopsis of Bill

Senate Bill 149 creates a new section in the Horse Racing Act that will provide civil immunity for lawful exclusion for racetrack licensees who eject or exclude from their premises any person whose occupational license has been suspended or revoked by the stewards or the commission for administering a performance-altering substance to a racehorse. The racetrack licensees may prevent that person from reentering the licensed premises unless the suspension or revocation is reversed by the stewards or overturned by the commission or a court of competent jurisdiction.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes.

SIGNIFICANT ISSUES

Currently the NMRC has the statutory authority to administer sanctions against occupational licensees who administer performance altering drugs to a racehorse. But, by petitioning district

courts for a restraining order or injunction on the imposed sanctions, these licensees who were administered sanctions from the State Racing Commission (SRC) for administering performance altering drugs to a racehorse continue to race horses pending disposition of the District Court's order.

The SRC reports that the states racetracks are diligent in helping the SRC impose sanctions but without civil immunity they must defend tort claims filed against them. The bill will provide civil immunity for the lawful exclusion.

The Administrative Office of the Courts writes:

SB 149 would delegate additional authority to the Commission's licensee, the racetrack owner/operator, to decide whether to eject any person from the racetrack licensee's premises if their occupational license has already been suspended or revoked for administering a performance-altering substance. The ejection could be permanent if the track stewards (who are appointed by the Commission), the Commission itself, or the Courts refuse to reverse or overturn the decision on the person's occupational license. Due process concerns could be resolved primarily by administrative authorities, the Commission or its appointed stewards, before seeking judicial relief. While the bill would give racetrack licensees immunity from suits arising from the ejection/exclusion, they would not have unchecked and unreviewable power to control and/or eject other racing participants from their premises.

DUPLICATION

SB 149 duplicates HB 100 and SB 116.

RM/ds