

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 after a background check has been conducted. The commission shall develop policies and procedures for conducting the background checks. The policies and procedures shall:

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

(2) if an application for license or license renewal is denied, provide the applicant with the ability to inspect or challenge the validity of the record upon which the

denial was based;

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

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

B. Racetracks shall be licensed each calendar year.

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

D. The state racing commission shall not issue or renew a license and shall revoke or suspend any license issued pursuant to this section if, after due consideration for the proper protection of public health, safety, morals, good order and the general welfare of the inhabitants of this state, it finds that the issuance of the license or the holding of the license is inconsistent with the public interest. The burden of proving his qualifications to receive and hold a license

under this section shall be at all times on the applicant or licensee. The state racing commission shall establish by regulation such qualifications for licenses to be issued pursuant to this section as it deems in the public interest.

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

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

(1) administered, attempted to administer or conspired with others to administer to any horse, in or prior to a race, any dope, drug, chemical agent, stimulant or depressant, either internally, externally or hypodermically;

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

(3) used any method, injurious or otherwise,

for the purpose of stimulating or depressing a horse or affecting its speed or stamina in a race or workout.

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

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