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HOUSE BILL 612

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO HORSE RACETRACK LICENSING; PROVIDING FOR SELECTION  
OF A NEW RACETRACK LICENSEE BY AUCTION AFTER MARCH 5, 2008;  
DECLARING AN EMERGENCY.

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

Section 1. A new section of the Horse Racing Act is  
enacted to read:

"[NEW MATERIAL] RACETRACK LICENSES ISSUED AFTER MARCH 5,  
2008--PUBLIC AUCTION REQUIRED.--

A. The commission shall not issue a racetrack  
license after March 5, 2008 except to a person bidding the  
highest amount in a public auction held for the purpose of  
selecting the person to be granted the racetrack license,  
provided that there are at least two qualified applicants for a  
racetrack license. If only one qualified person has filed an

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1 application for an available racetrack license, the commission  
2 shall proceed to determine whether to issue the racetrack  
3 license, notwithstanding the provisions of this section, as  
4 provided in other sections of the Horse Racing Act.

5 B. A person applying for a racetrack license shall  
6 submit an application to the commission by a date set by the  
7 commission after March 5, 2008, provided that the date set is  
8 no sooner than forty-five days following the date on which the  
9 commission announces the deadline for applications.

10 C. The applications shall be reviewed by the  
11 commission for adequacy and completeness and to ensure that  
12 applications are submitted by persons qualified to operate a  
13 racetrack pursuant to the provisions of the Horse Racing Act.  
14 Background investigations shall be completed according to the  
15 provisions of that act.

16 D. After all applications and applicants have been  
17 approved by the commission and background investigations have  
18 been satisfactorily completed, if there is more than one  
19 qualified applicant, the commission shall set a date for the  
20 public auction of the racetrack license.

21 E. Notice of the public auction of a racetrack  
22 license shall be published in a newspaper of general  
23 circulation in the state. The notice shall include the names  
24 of the persons who are seeking to obtain racetrack licenses and  
25 who are approved by the commission to participate in the

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1 auction; the name of the auctioneer; the address of the  
2 commission for receiving public comments pertinent to the  
3 licensees or the auction; and the date, time and location of  
4 the auction.

5 F. The auction shall be conducted by a professional  
6 auctioneer. Sealed bids shall not be accepted. Electronically  
7 transmitted bids shall not be accepted. The public may attend  
8 and observe the auction proceedings.

9 G. The commission shall issue the racetrack license  
10 to the highest bidder at the auction, provided that all  
11 conditions for licensing imposed by the commission pursuant to  
12 the Horse Racing Act and rules adopted pursuant to that act are  
13 met by the prevailing applicant."

14 Section 2. EMERGENCY.--It is necessary for the public  
15 peace, health and safety that this act take effect immediately.