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HOUSE BILL 231

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Andy Nuñez

AN ACT

RELATING TO HORSE RACING; REQUIRING RACETRACK LICENSEES TO
CONDUCT A MINIMUM NUMBER OF DAYS OF LIVE RACING PER YEAR.

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

SECTION 1. Section 60-1A-16 NMSA 1978 (being Laws 2007,
Chapter 39, Section 16) is amended to read:

"60-1A-16. SIMULCASTING.--

A. All simulcasting of horse races shall have prior
approval of the commission, and the commission shall adopt
rules concerning the simulcasting of horse races as provided in
this section.

B. A racetrack licensee, other than a licensee that
is an instrumentality of the state, shall not be allowed to
simulcast horse races unless that racetrack licensee offers at
least ~~[seventeen]~~ sixty days per year of pari-mutuel wagering

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1 on live horse races run on the premises of the racetrack
2 licensee. A racetrack licensee that is an instrumentality of
3 the state shall not be allowed to simulcast horse races unless
4 that licensee offers at least seventeen days per year of pari-
5 mutuel wagering on live horse races run on the premises of the
6 racetrack licensee.

7 C. The commission may permit exporting of a horse
8 race being run by a racetrack licensee to another racetrack
9 licensee within New Mexico or exporting of a horse race from a
10 racetrack licensee to another location holding a pari-mutuel or
11 gaming license that allows simulcasting of a horse race from
12 outside of the state or jurisdiction that licenses that out-of-
13 state facility.

14 D. The commission may permit importing by a
15 racetrack licensee of horse races that are being run at
16 racetracks outside of the state licensed by a host state.

17 E. Pari-mutuel wagering on simulcast horse races
18 shall be prohibited except on the licensed premises of a
19 racetrack licensee during the licensee's race meet at the horse
20 racetrack or when the racetrack licensee is importing a race
21 meet from another New Mexico-licensed horse racetrack.

22 F. A New Mexico-licensed horse racetrack that is
23 within a radius of eighty miles of any other New Mexico-
24 licensed horse racetrack with a race meet in progress may only
25 conduct pari-mutuel wagering on imported horse races if there

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1 is a written agreement between the two racetrack licensees
2 allowing pari-mutuel wagering on imported horse races during
3 the period of time that the live horse races are taking place."

4 SECTION 2. Section 60-2E-27 NMSA 1978 (being Laws 1997,
5 Chapter 190, Section 29, as amended) is amended to read:

6 "60-2E-27. GAMING OPERATOR LICENSEES--SPECIAL CONDITIONS
7 FOR RACETRACKS--NUMBER OF GAMING MACHINES--DAYS AND HOURS OF
8 OPERATIONS.--

9 A. A racetrack licensed by the state racing
10 commission pursuant to the Horse Racing Act to conduct live
11 horse races or simulcast races may be issued a gaming
12 operator's license to operate gaming machines on its premises
13 where live racing is conducted.

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

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

18 (2) the racetrack fails to maintain a minimum
19 of sixty days of live races per year and four live race days a
20 week with at least nine live races on each race day during its
21 licensed race meet, except as provided in Subsection F of this
22 section.

23 C. Unless a larger number is allowed pursuant to
24 Subsection D of this section, a gaming operator licensee that
25 is a racetrack may have up to six hundred licensed gaming

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1 machines.

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

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

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1 ending at 8:00 a.m. on the following Tuesday. A racetrack
2 gaming operator licensee may offer gaming machines for play at
3 any time during a day; provided that the total hours of
4 operation in each day from just after midnight of the previous
5 day until midnight of the current day does not exceed eighteen
6 hours. A racetrack gaming operator licensee shall determine,
7 within the limitations imposed by this subsection, the hours it
8 will offer gaming machines for operation each day and shall
9 notify the board in writing of those hours.

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

18 (1) the inability of a racetrack gaming
19 operator licensee to fill races as published in the licensee's
20 condition book;

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

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

25 (4) a power outage, electrical failure or

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1 failure or unavailability of any equipment or supplies
2 necessary to conduct a race or meet;

3 (5) hazardous conditions or other threats to
4 the public health or safety; or

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

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

11 SECTION 3. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2011.