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HOUSE BILL 232

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

INTRODUCED BY

Andy Nuñez

AN ACT

RELATING TO HORSE RACING; PROVIDING FOR THE ESTABLISHMENT OF  
ADVANCE DEPOSIT WAGERING ACCOUNTS; ALLOWING PATRONS TO USE  
ADVANCE DEPOSIT WAGERING ACCOUNTS TO PLACE WAGERS ON LIVE AND  
SIMULCAST HORSE RACES FROM OUTSIDE A RACETRACK.

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] ADVANCE DEPOSIT WAGERING ACCOUNT--  
ESTABLISHMENT--USE AND LIMITS--RECEIPTS SUBJECT TO TAXES.--

A. A racetrack licensee may offer to establish for  
patrons advance deposit wagering accounts at the licensed  
premises of the racetrack licensee through which a patron may  
place a wager on live horse races being conducted or simulcast  
horse races being televised or projected on the licensed

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1 premises. An account may be established only in accordance  
2 with commission rules.

3 B. No wager shall be accepted from a patron through  
4 an advance deposit wagering account if the amount of the wager  
5 is greater than the amount on deposit in the patron's account.  
6 A patron shall not accept from or place a wager for another  
7 person through the patron's advance deposit wagering account.

8 C. A patron with an advance deposit wagering  
9 account may place a wager from any location by any type of  
10 electronic transmission approved by the commission that is used  
11 in accordance with rules promulgated by the commission.

12 D. The gross daily handle attributable to, and  
13 gross amount wagered through, advance deposit wagering accounts  
14 shall be accounted for and subject to the relevant fees and  
15 taxes imposed by the Horse Racing Act."

16 SECTION 2. Section 60-1A-15 NMSA 1978 (being Laws 2007,  
17 Chapter 39, Section 15) is amended to read:

18 "60-1A-15. PARI-MUTUEL WAGERING AUTHORIZED--GAMBLING  
19 STATUTES DO NOT APPLY.--

20 A. A racetrack licensee may conduct pari-mutuel  
21 wagering on live horse races or on [~~simulcasted~~] simulcast  
22 horse races.

23 B. Pari-mutuel wagering may be conducted only on  
24 the licensed premises, or through the use of an advance deposit  
25 wagering account, where a live horse race is conducted or where

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1 a simulcast horse race is televised or projected on the racing  
2 grounds of the licensed premises of a racetrack licensee.

3 C. The sale ~~[to patrons]~~ of pari-mutuel tickets or  
4 certificates to patrons through an advance deposit wagering  
5 account or while the patrons are present on the licensed  
6 premises of a racetrack licensee ~~[of pari-mutuel tickets or~~  
7 ~~certificates]~~ is not gambling as defined in Section 30-19-2 or  
8 30-19-3 NMSA 1978.

9 D. Placing a wager by a patron through the patron's  
10 advance deposit wagering account or by a patron while on the  
11 licensed premises of a racetrack licensee is not placing a bet  
12 pursuant to Section 30-19-1 NMSA 1978.

13 E. The licensed premises of a horse racetrack is  
14 not a gambling place as defined in Section 30-19-1 NMSA 1978."

15 **SECTION 3.** Section 60-1A-16 NMSA 1978 (being Laws 2007,  
16 Chapter 39, Section 16) is amended to read:

17 "60-1A-16. SIMULCASTING.--

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

22 B. A racetrack licensee shall not be allowed to  
23 simulcast horse races unless that racetrack licensee offers at  
24 least seventeen days per year of pari-mutuel wagering on live  
25 horse races run on the premises of the racetrack licensee.

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1           C. The commission may permit exporting of a horse  
2 race being run by a racetrack licensee to another racetrack  
3 licensee within New Mexico or exporting of a horse race from a  
4 racetrack licensee to another location holding a pari-mutuel or  
5 gaming license that allows simulcasting of a horse race from  
6 outside of the state or jurisdiction that licenses that out-of-  
7 state facility.

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

11           E. Pari-mutuel wagering on simulcast horse races  
12 shall be prohibited except on the licensed premises of a  
13 racetrack licensee, or through the use of an advance deposit  
14 wagering account, during the licensee's race meet at the horse  
15 racetrack or when the racetrack licensee is importing a race  
16 meet from another New Mexico-licensed horse racetrack.

17           F. A New Mexico-licensed horse racetrack that is  
18 within a radius of eighty miles of any other New Mexico-  
19 licensed horse racetrack with a race meet in progress may only  
20 conduct pari-mutuel wagering on imported horse races if there  
21 is a written agreement between the two racetrack licensees  
22 allowing pari-mutuel wagering on imported horse races during  
23 the period of time that the live horse races are taking place."

24           **SECTION 4. EFFECTIVE DATE.**--The effective date of the  
25 provisions of this act is July 1, 2011.

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