

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 645

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
LIMITING THE NUMBER OF RACETRACK CASINOS TO FIVE.

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

SECTION 1. Section 60-2E-16 NMSA 1978 (being Laws 1997,  
Chapter 190, Section 18, as amended) is amended to read:

"60-2E-16. ACTION BY BOARD ON APPLICATIONS.--

A. A person that the board determines is qualified  
to receive a license pursuant to the provisions of the Gaming  
Control Act may be issued a license. The burden of proving  
qualifications is on the applicant.

B. A license shall not be issued unless the board  
is satisfied that the applicant is:

(1) a person of good moral character, honesty  
and integrity;

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underscored material = new  
[bracketed material] = delete

1                   (2) a person whose prior activities, state and  
2 federal criminal records, reputation, habits and associations  
3 do not pose a threat to the public interest or to the effective  
4 regulation and control of gaming or create or enhance the  
5 dangers of unsuitable, unfair or illegal practices, methods and  
6 activities in the conduct of gaming or the carrying on of the  
7 business and financial arrangements incidental thereto; and

8                   (3) in all other respects qualified to be  
9 licensed consistent with the laws of this state.

10                  C. A license shall not be issued unless the  
11 applicant has satisfied the board that:

12                         (1) the applicant has adequate business  
13 probity, competence and experience in business and gaming;

14                         (2) the proposed financing of the applicant is  
15 adequate for the nature of the proposed license and from a  
16 suitable source; any lender or other source of money or credit  
17 that the board finds does not meet the standards set forth in  
18 Subsection B of this section shall be deemed unsuitable; and

19                         (3) the applicant is sufficiently capitalized  
20 under standards set by the board to conduct the business  
21 covered by the license.

22                  D. An application to receive a license,  
23 certification or work permit constitutes a request for a  
24 determination of the applicant's general moral character,  
25 integrity and ability to participate or engage in or be

1 associated with gaming. Any written or oral statement made in  
2 the course of an official proceeding of the board or by a  
3 witness testifying under oath that is relevant to the purpose  
4 of the proceeding is absolutely privileged and does not impose  
5 liability for defamation or constitute a ground for recovery in  
6 any civil action.

7 E. The board shall not issue a license or  
8 certification to an applicant who has previously been denied a  
9 license or certification in this state or another state, who  
10 has had a certification, permit or license issued pursuant to  
11 the gaming laws of a state or the United States permanently  
12 suspended or revoked for cause or who is currently under  
13 suspension or subject to any other limiting action in this  
14 state or another state involving gaming activities or licensure  
15 for gaming activities, unless the violation that is the basis  
16 of the denial, permanent suspension or other limiting action  
17 regarding a license, certification or permit applied for or  
18 issued in this state or another state is determined by the  
19 board to be a technical violation, and, if the board finds the  
20 violation to be a technical violation, the board may choose to  
21 issue a license or certification.

22 F. The board shall not issue a gaming operator  
23 license to a person who has been issued a racetrack license  
24 pursuant to the Horse Racing Act unless there are fewer than  
25 five racetrack licensees who possess a valid gaming operator

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