

1 SENATE BILL 380

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 George K. Munoz

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10 AN ACT

11 RELATING TO GAMING; ADDING AN EXCEPTION TO THE LIMITATION ON  
12 THE TOTAL NUMBER OF HOURS PER WEEK IN WHICH GAMING MACHINES MAY  
13 BE OPERATED BY RACETRACK GAMING OPERATOR LICENSEES; ALLOWING  
14 RACETRACK GAMING OPERATOR LICENSEES TO REMAIN OPEN DESPITE THE  
15 UNAVAILABILITY OF THE GAMING CONTROL BOARD'S CENTRAL MONITORING  
16 SYSTEM, PROVIDED THAT THE LICENSEE'S GAMING MACHINES ARE  
17 SUFFICIENTLY MONITORED BY A THIRD PARTY.

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

20 SECTION 1. Section 60-2E-27 NMSA 1978 (being Laws 1997,  
21 Chapter 190, Section 29, as amended) is amended to read:

22 "60-2E-27. GAMING OPERATOR LICENSEES--SPECIAL CONDITIONS  
23 FOR RACETRACKS--NUMBER OF GAMING MACHINES--DAYS AND HOURS OF  
24 OPERATIONS.--

25 A. A racetrack licensed by the state racing

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1 commission pursuant to the Horse Racing Act to conduct live  
2 horse races or simulcast races may be issued a gaming  
3 operator's license to operate gaming machines on its premises  
4 where live racing is conducted.

5 B. A racetrack's gaming operator's license shall  
6 automatically become void if:

7 (1) the racetrack no longer holds an active  
8 license to conduct pari-mutuel wagering;

9 (2) the racetrack paid gaming tax to the state  
10 on its net take in an amount greater than eight million dollars  
11 (\$8,000,000) in the prior fiscal year pursuant to Section  
12 60-2E-47 NMSA 1978 and fails to maintain a minimum of four live  
13 race days a week with at least nine live races on each race day  
14 during its licensed race meet, except as provided in Subsection  
15 [F] G of this section; or

16 (3) the racetrack paid gaming tax to the state  
17 on its net take in an amount equal to eight million dollars  
18 (\$8,000,000) or less in the prior fiscal year pursuant to  
19 Section 60-2E-47 NMSA 1978 and fails to maintain a minimum of  
20 three live race days a week with at least ten live races on  
21 each day during its licensed race meets, except as provided in  
22 Subsection [F] G of this 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; and provided  
2 further that these limitations do not apply to time used for  
3 gaming machine maintenance or training purposes for staff. A  
4 racetrack gaming operator licensee may offer gaming machines  
5 for play at any time during a day; provided that the total  
6 hours of operation in each day from just after midnight of the  
7 previous day until midnight of the current day does not exceed  
8 eighteen hours. A racetrack gaming operator licensee shall  
9 determine, within the limitations imposed by this subsection,  
10 the hours it will offer gaming machines for operation each day  
11 and shall notify the board in writing of those hours.

12 F. A gaming operator licensee shall not be required  
13 to cease operation of gaming machines due to the unavailability  
14 of the board's central monitoring system; provided that the  
15 licensee's gaming machines are sufficiently monitored by a  
16 third party.

17 ~~[F.]~~ G. Maintaining fewer live race days or fewer  
18 live races on each race day during a licensed race meet does  
19 not constitute a failure to maintain the minimum number of live  
20 race days or races as required by Paragraphs (2) and (3) of  
21 Subsection B of this section if the licensee submits to the  
22 board written approval by the state racing commission for the  
23 licensee to vary the minimum number of live race days or races,  
24 and the variance is due to:

25 (1) the inability of a racetrack gaming

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1 operator licensee to fill races as published in the licensee's  
2 condition book as long as the same type of canceled race is run  
3 within the following two race weeks as the race season permits;

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

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

8 (4) a power outage, electrical failure or  
9 failure or unavailability of any equipment or supplies  
10 necessary to conduct a race or meet;

11 (5) hazardous conditions or other threats to  
12 the public health or safety; or

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

16 [~~G.~~] H. Alcoholic beverages shall not be sold,  
17 served, delivered or consumed in the area restricted pursuant  
18 to Subsection F of Section 60-2E-26 NMSA 1978."

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