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SENATE BILL 246

**43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998**

INTRODUCED BY

MICHAEL S. SANCHEZ

AN ACT

RELATING TO HORSE RACING; REQUIRING A GAMING OPERATOR LICENSEE THAT IS A RACETRACK TO PAY ONE PERCENT OF THE NET TAKE TO A FUND; CREATING THE CATASTROPHIC INJURY FUND FOR JOCKEYS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 60-2E-47 NMSA 1978 (being Laws 1997, Chapter 190, Section 49) is amended to read:

"60-2E-47. GAMING TAX--IMPOSITION--ADMINISTRATION.--

A. An excise tax is imposed on the privilege of engaging in gaming activities in the state. This tax shall be known as the "gaming tax".

B. The gaming tax is an amount equal to ten percent of the gross receipts of manufacturer licensees from

Underscored material = new  
[bracketed material] = delete

1 the sale, lease or other transfer of gaming devices in or into  
2 the state, except receipts of a manufacturer from the sale,  
3 lease or other transfer to a licensed distributor for  
4 subsequent sale or lease may be excluded from gross receipts;  
5 ten percent of the gross receipts of distributor licensees  
6 from the sale, lease or other transfer of gaming devices in or  
7 into the state; and twenty-five percent of the net take of  
8 every gaming operator licensee.

9 C. The gaming tax imposed on a licensee is in lieu  
10 of all state and local gross receipts taxes on that portion of  
11 the licensee's gross receipts attributable to gaming  
12 activities.

13 D. The gaming tax shall be administered and  
14 collected by the taxation and revenue department in  
15 cooperation with the board. The provisions of the Tax  
16 Administration Act apply to the collection and administration  
17 of the tax.

18 E. In addition to the gaming tax, a gaming  
19 operator licensee that is a racetrack shall pay [twenty]  
20 nineteen percent of the net take to purses to be distributed  
21 in accordance with regulations adopted by the state racing  
22 commission. A racetrack gaming operator licensee shall pay  
23 one percent of the net take to the catastrophic injury fund  
24 for jockeys. A racetrack gaming operator licensee shall spend  
25 no less than one-fourth of one percent of the net take of its

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1 gaming machines to fund or support programs for the treatment  
2 and assistance of compulsive gamblers.

3 F. A nonprofit gaming operator licensee shall  
4 distribute at least eighty-eight percent of the balance of net  
5 take, after payment of the gaming tax and any income taxes,  
6 for charitable or educational purposes. "

7 Section 2. [NEW MATERIAL] CATASTROPHIC INJURY FUND FOR  
8 JOCKEYS CREATED-- ADMINISTRATION OF FUND-- RULES. --

9 A. The "catastrophic injury fund for jockeys" is  
10 created in the state treasury. Money in the fund shall be  
11 used to provide financial assistance and support to jockeys  
12 who suffer catastrophic injuries while engaged in horse racing  
13 at a licensed racetrack in New Mexico.

14 B. The catastrophic injury fund for jockeys is  
15 eligible to receive money from the following sources:

16 (1) one percent of the net take from a gaming  
17 operator licensee that is a racetrack, as provided in Section  
18 60-2E-47 NMSA 1978;

19 (2) legislative appropriations;

20 (3) public and private grants; and

21 (4) public and private gifts.

22 C. The state racing commission shall adopt rules  
23 that establish criteria for determining whether a person is  
24 eligible to qualify for financial assistance and support from  
25 the fund.



1 FORTY-THIRD LEGISLATURE  
2 SECOND SESSION, 1998  
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6 February 4, 1998  
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8 Mr. President:  
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10 Your COMMITTEES' COMMITTEE, to whom has been referred  
11

12 SENATE BILL 246  
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14 has had it under consideration and finds same to be GERMANE, in  
15 accordance with constitutional provisions, and thence referred to the  
16 PUBLIC AFFAIRS COMMITTEE.  
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19 Respectfully submitted,  
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Manny M. Aragon, Chairman

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