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HOUSE BILL 486

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO GAMING; INCREASING HOURS ON CERTAIN DAYS AT  
PREMISES OF RACETRACK GAMING OPERATOR LICENSEES.

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

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

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

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

B. A racetrack's gaming operator's license shall

underscored material = new  
[bracketed material] = delete

1 automatically become void if:

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

4 (2) the racetrack fails to maintain a minimum  
5 of three live race days a week with at least nine live races on  
6 each race day during its licensed race meet in the 1997  
7 calendar year and in the 1998 and subsequent calendar years,  
8 four live race days a week with at least nine live races on  
9 each race day during its licensed race meet.

10 C. A gaming operator licensee that is a racetrack  
11 may have up to six hundred licensed gaming machines, but the  
12 number of gaming machines to be located on the licensee's  
13 premises shall be specified in the gaming operator's license.

14 D. By execution of an allocation agreement, signed  
15 by both the allocating racetrack and the racetrack to whom the  
16 allocation is made, a gaming operator licensee that is a  
17 racetrack may allocate any number of its authorized gaming  
18 machines to another gaming operator licensee that is a  
19 racetrack. To be valid, the allocation agreement must bear the  
20 written approval of the board and the state racing commission,  
21 and this approval shall make specific reference to the meeting  
22 at which the action of approval was taken and the number of  
23 votes cast both for and against the approval. By allocating a  
24 number of its authorized machines to another racetrack, the  
25 allocating racetrack automatically surrenders all rights to

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underscored material = new  
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1 operate the number of machines allocated. No racetrack shall  
2 operate or be authorized to operate more than seven hundred  
3 fifty gaming machines.

4 E. Gaming machines on a racetrack gaming operator  
5 licensee's premises may be played only on days when the  
6 racetrack is either conducting live horse races or simulcasting  
7 horse race meets. [~~A gaming operator licensee that is a~~  
8 ~~racetrack shall be permitted to conduct such games on only the~~  
9 ~~mentioned days for a daily period not to exceed twelve~~  
10 ~~hours at the discretion of such licensee.] On days when gaming  
11 machines are permitted to be operated, a racetrack gaming  
12 operator licensee may offer gaming machines for operation for  
13 up to sixteen hours per day, provided that the total number of  
14 hours in which gaming machines are operated does not exceed one  
15 hundred hours in a one-week period beginning on Tuesday at  
16 8:00 a.m. and ending at 2:00 a.m. on the following Tuesday. A  
17 racetrack gaming operator licensee shall not offer gaming  
18 machines for play between 2:00 a.m. and 8:00 a.m. on any day.  
19 A racetrack gaming operator licensee shall determine, within  
20 the limitations imposed by this subsection, the hours it will  
21 offer gaming machines for operation each day and shall notify  
22 the board in writing of those hours. A racetrack gaming  
23 operator licensee may operate gaming machines for sixteen hours  
24 per day for each day that a national holiday occurs on Friday  
25 through Monday, after providing notice of the holiday gaming~~

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1 machine operation hours in writing to the board, even if the  
2 increased hours cause the racetrack gaming operator licensee to  
3 exceed the one-hundred hour gaming machine operation limit  
4 imposed in this subsection for the week of the holiday.

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

8 Section 2. EFFECTIVE DATE. --The effective date of the  
9 provisions of this act is July 1, 2003.