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SENATE BILL 484

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

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO GAMING CONTROL; PROVIDING FOR AN ALTERNATIVE METHOD
FOR THE ALLOCATION OF AUTHORIZED GAMING MACHINES.

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

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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 four live race days a week with at least nine live races on
6 each race day during its licensed race meet, except as provided
7 in Subsection F of this section.

8 C. Unless a larger number is allowed pursuant to
9 Subsection D of this section, a gaming operator licensee that
10 is a racetrack may have up to six hundred licensed gaming
11 machines.

12 D. By execution of an allocation agreement, signed
13 by both ~~[the]~~ an allocating racetrack or a tribe or pueblo that
14 is a party to a tribal-state class III gaming compact and the
15 racetrack to which the allocation is made, a gaming operator
16 licensee that is a racetrack or a tribe or pueblo that is a
17 party to a tribal-state class III gaming compact may allocate
18 any number of its authorized gaming machines to another gaming
19 operator licensee that is a racetrack. To be valid, the
20 allocation agreement must bear the written approval of the
21 board and the state racing commission, and this approval shall
22 make specific reference to the meeting at which the action of
23 approval was taken and the number of votes cast both for and
24 against the approval. By allocating a number of its authorized
25 machines to another racetrack, the allocating racetrack or

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1 tribe or pueblo that is a party to a tribal-state class III
2 gaming compact automatically surrenders all rights to operate
3 the number of machines allocated. No racetrack shall operate
4 or be authorized to operate more than seven hundred fifty
5 gaming machines.

6 E. Gaming machines on a racetrack gaming operator
7 licensee's premises may be played only on days when the
8 racetrack is either conducting live horse races or simulcasting
9 horse race meets. On days when gaming machines are permitted
10 to be operated, a racetrack gaming operator licensee may offer
11 gaming machines for operation for up to eighteen hours per day;
12 provided that the total number of hours in which gaming
13 machines are operated does not exceed one hundred twelve hours
14 in a one-week period beginning on Tuesday at 8:00 a.m. and
15 ending at 8:00 a.m. on the following Tuesday. A racetrack
16 gaming operator licensee may offer gaming machines for play at
17 any time during a day; provided that the total hours of
18 operation in each day from just after midnight of the previous
19 day until midnight of the current day does not exceed eighteen
20 hours. A racetrack gaming operator licensee shall determine,
21 within the limitations imposed by this subsection, the hours it
22 will offer gaming machines for operation each day and shall
23 notify the board in writing of those hours.

24 F. Maintaining fewer than four live race days or
25 nine live races on each race day during a licensed race meet

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1 does not constitute a failure to maintain the minimum number of
2 live race days or races as required by Paragraph (2) of
3 Subsection B of this section if the licensee submits to the
4 board written approval by the state racing commission for the
5 licensee to vary the minimum number of live race days or races,
6 and the variance is due to:

7 (1) the inability of a racetrack gaming
8 operator licensee to fill races as published in the licensee's
9 condition book;

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

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

14 (4) a power outage, electrical failure or
15 failure or unavailability of any equipment or supplies
16 necessary to conduct a race or meet;

17 (5) hazardous conditions or other threats to
18 the public health or safety; or

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

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