

HOUSE JOINT MEMORIAL 26

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING NEW MEXICO'S CONGRESSIONAL DELEGATION TO INTRODUCE
LEGISLATION AMENDING THE FEDERAL PROFESSIONAL AND AMATEUR
SPORTS PROTECTION ACT TO ALLOW PARI-MUTUEL BETTING ON BICYCLE
RACING IN NEW MEXICO.

WHEREAS, in 1991, the New Mexico legislature enacted the
Bicycle Racing Act, to be effective on July 1, 1992, that
authorized pari-mutuel betting on Keirin-style velodrome
bicycle racing; and

WHEREAS, Keirin is a track cycling event in which racing
cyclists sprint for victory that originated in Japan in 1948
and became an Olympic sport in 2000; and

WHEREAS, bicycle racing under the Bicycle Racing Act has
never occurred in New Mexico; and

WHEREAS, the Bicycle Racing Act provides for the bicycle-

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1 racing pari-mutuel tax, with thirteen percent of daily wagers
2 paid to the general fund and two percent of daily wagers paid
3 to the county treasurer; and

4 WHEREAS, the bicycle racing commission created by the
5 Bicycle Racing Act has drafted regulations, but they have not
6 been formally adopted; and

7 WHEREAS, the Bicycle Racing Act predates all Indian gaming
8 compacts and their related revenue-sharing agreements in New
9 Mexico and is therefore not in conflict with those compacts and
10 agreements; and

11 WHEREAS, in 1992, congress enacted the federal
12 Professional and Amateur Sports Protection Act that made sports
13 gambling unlawful, but excepted certain sports betting schemes
14 sponsored or authorized by a state and actually conducted prior
15 to October 3, 1991 and also excepted pari-mutuel animal racing
16 and jai alai games; and

17 WHEREAS, the purpose of the federal Professional and
18 Amateur Sports Protection Act is to protect the integrity of
19 professional and amateur sports and not pari-mutuel betting
20 schemes, as evidenced by the exception for pari-mutuel animal
21 racing and pari-mutuel jai alai games; and

22 WHEREAS, there is evidence in the congressional record
23 that the sponsors of the federal legislation, including former
24 New Mexico Senator Pete V. Domenici, did not believe that
25 Keirin-style racing was unlawful under the federal Professional

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1 and Amateur Sports Protection Act, but the senator's and
2 other's comments came after the federal Professional and
3 Amateur Sports Protection Act had been enacted; and

4 WHEREAS, in an opinion requested by two New Mexico
5 legislators, the New Mexico attorney general in 2001 issued an
6 opinion holding that the Keirin-style racing scheme in the
7 Bicycle Racing Act fell within the proscriptions of the federal
8 Professional and Amateur Sports Protection Act, and, because
9 bicycle racing had not been conducted in New Mexico prior to
10 October 3, 1991, it was therefore not excepted from the federal
11 act; and

12 WHEREAS, in Japan, Keirin-style bicycle pari-mutuel racing
13 is a multibillion-dollar enterprise; and

14 WHEREAS, the current bicycle racing commission is eager to
15 initiate Keirin-style bicycle racing, which it believes will
16 produce tax revenue for New Mexico without requiring public
17 financing support;

18 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
19 STATE OF NEW MEXICO that the New Mexico congressional
20 delegation be requested to introduce legislation that will
21 amend the federal Professional and Amateur Sports Protection
22 Act to include Keirin-style pari-mutuel bicycle racing with the
23 other excepted pari-mutuel betting schemes and thus allow it as
24 provided in New Mexico's Bicycle Racing Act; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the members of the New Mexico congressional
2 delegation.

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