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## FISCAL IMPACT REPORT

**SPONSOR** Ezzell **ORIGINAL DATE** 02/01/14 100/aHHGIC/aHJC/  
**LAST UPDATED** 02/20/14 **HB** aHFl#1/aSJC

**SHORT TITLE** Permit Racetrack Ejections for Some Actions **SB** \_\_\_\_\_

**ANALYST** Martinez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Minimal				

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB 116 and SB 149

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

State Racing Commission (SRC)

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to House Bill 100 strikes Section 1 title language referencing the intent to provide civil immunity for racetrack licensees who eject or exclude any person from their premises, and strikes in entirety the related subsection. The SJC amendment strikes ~~stewards~~, removing a steward’s decision to suspend or revoke any person as a qualifying condition for a racetrack licensee to eject or exclude one from their establishment. Furthermore the amendment creates a new subsection to define the “association grounds” which is added as clarifying language to define what qualifies as the racetrack licensee’s establishment.

The following amendment has been edited as follows by the Senate Judiciary Committee:

#### Synopsis of House Floor Amendment

House Floor amendment #1 to House Bill 100 deletes the below House Judiciary Committee amendment. ~~Furthermore, the amendment strikes title language referencing the intent to provide civil immunity for racetrack licensees who eject or exclude any person from their premises, and strikes in entirety the related subsection.~~

The following amendment has been deleted by the House Floor amendment:

Synopsis of HJC Amendment

~~The House Judiciary Committee amendment to House Bill 100 inserts the wording “Subsection A of” on page 2, line 14, after “to,” clarifying criteria for ejecting or excluding any person from the racetrack.~~

Synopsis of HHGIC Amendment

The Health Government and Indian Affairs Committee amendment to House Bill 100 creates an effective date of immediately by inserting on page 1, line 14, before the period, "declaring and emergency", and newly creating Section 2, (Emergency) that states "It is necessary for the public peace, health and safety that this act take effect immediately."

Synopsis of Original Bill

House Bill 100 creates a new section in the Horse Racing Act that will provide civil immunity for lawful exclusion for racetrack licensees who eject or exclude from their premises any person whose occupational license has been suspended or revoked by the stewards or the commission for administering a performance-altering substance to a racehorse. The racetrack licensees may prevent that person from reentering the licensed premises unless the suspension or revocation is reversed by the stewards or overturned by the commission or a court of competent jurisdiction.

**FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes.

**SIGNIFICANT ISSUES**

Currently the NMRC has the statutory authority to administer sanctions against occupational licensees who administer performance altering drugs to a racehorse. But, by petitioning district courts for a restraining order or injunction on the imposed sanctions, these licensees who were administered sanctions from the State Racing Commission (SRC) for administering performance altering drugs to a racehorse continue to race horses pending disposition of the District Court's order.

The SRC reports that the states racetracks are diligent in helping the SRC impose sanctions but without civil immunity they must defend tort claims filed against them. The bill will provide civil immunity for the lawful exclusion.

The Administrative Office of the Courts writes:

HB 100 would delegate additional authority to the Commission's licensee, the racetrack owner/operator, to decide whether to eject any person from the racetrack licensee's premises if their occupational license has already been suspended or revoked for administering a performance-altering substance. The ejection could be permanent if the track stewards (who are appointed by the Commission), the Commission itself, or the Courts refuse to reverse or overturn

the decision on the person's occupational license. Due process concerns could be resolved primarily by administrative authorities, the Commission or its appointed stewards, before seeking judicial relief. While the bill would give racetrack licensees immunity from suits arising from the ejection/exclusion, they would not have unchecked and unreviewable power to control and/or eject other racing participants from their premises.

**DUPLICATION**

HB 100 duplicates SB 116 and SB 149.

RM/ds