

1 HOUSE BILL 316

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Georgene Louis and Raymundo Lara and Steven P. Neville and
5 Mary Kay Papen
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10 AN ACT

11 RELATING TO GAMING; ALLOWING ALCOHOL ON THE GAMING FLOOR OF A
12 HORSE RACETRACK CASINO; ALLOWING ALCOHOL ON THE GAMING FLOOR OF
13 CLASS III GAMING FACILITIES CONTINGENT ON A CHANGE TO THE 2015
14 TRIBAL-STATE CLASS III GAMING COMPACT.
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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

19 "60-2E-27. GAMING OPERATOR LICENSEES--SPECIAL CONDITIONS
20 FOR RACETRACKS--NUMBER OF GAMING MACHINES--DAYS AND HOURS OF
21 OPERATIONS.--

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

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1 where live racing is conducted.

2 B. A racetrack's gaming operator's license shall
3 automatically become void if:

4 (1) the racetrack no longer holds an active
5 license to conduct pari-mutuel wagering;

6 (2) the racetrack paid gaming tax to the state
7 on its net take in an amount greater than eight million dollars
8 (\$8,000,000) in the prior fiscal year pursuant to Section
9 60-2E-47 NMSA 1978 and fails to maintain a minimum of four live
10 race days a week with at least nine live races on each race day
11 during its licensed race meet, except as provided in Subsection
12 F of this section; or

13 (3) the racetrack paid gaming tax to the state
14 on its net take in an amount equal to eight million dollars
15 (\$8,000,000) or less in the prior fiscal year pursuant to
16 Section 60-2E-47 NMSA 1978 and fails to maintain a minimum of
17 three live race days a week with at least ten live races on
18 each day during its licensed race meets, except as provided in
19 Subsection F of this section.

20 C. Unless a larger number is allowed pursuant to
21 Subsection D of this section, a gaming operator licensee that
22 is a racetrack may have up to six hundred licensed gaming
23 machines.

24 D. By execution of an allocation agreement, signed
25 by both the allocating racetrack and the racetrack to which the

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1 allocation is made, a gaming operator licensee that is a
2 racetrack may allocate any number of its authorized gaming
3 machines to another gaming operator licensee that is a
4 racetrack. To be valid, the allocation agreement ~~[must]~~ shall
5 bear the written approval of the board and the state racing
6 commission, and this approval shall make specific reference to
7 the meeting at which the action of approval was taken and the
8 number of votes cast both for and against the approval. By
9 allocating a number of its authorized machines to another
10 racetrack, the allocating racetrack automatically surrenders
11 all rights to operate the number of machines allocated. No
12 racetrack shall operate or be authorized to operate more than
13 seven hundred fifty gaming machines.

14 E. Gaming machines on a racetrack gaming operator
15 licensee's premises may be played only on days when the
16 racetrack is either conducting live horse races or simulcasting
17 horse race meets. On days when gaming machines are permitted
18 to be operated, a racetrack gaming operator licensee may offer
19 gaming machines for operation for up to eighteen hours per day;
20 provided that the total number of hours in which gaming
21 machines are operated does not exceed one hundred twelve hours
22 in a one-week period beginning on Tuesday at 8:00 a.m. and
23 ending at 8:00 a.m. on the following Tuesday. A racetrack
24 gaming operator licensee may offer gaming machines for play at
25 any time during a day; provided that the total hours of

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1 operation in each day from just after midnight of the previous
2 day until midnight of the current day does not exceed eighteen
3 hours. A racetrack gaming operator licensee shall determine,
4 within the limitations imposed by this subsection, the hours it
5 will offer gaming machines for operation each day and shall
6 notify the board in writing of those hours.

7 F. Maintaining fewer live race days or fewer live
8 races on each race day during a licensed race meet does not
9 constitute a failure to maintain the minimum number of live
10 race days or races as required by Paragraphs (2) and (3) of
11 Subsection B of this section if the licensee submits to the
12 board written approval by the state racing commission for the
13 licensee to vary the minimum number of live race days or races,
14 and the variance is due to:

15 (1) the inability of a racetrack gaming
16 operator licensee to fill races as published in the licensee's
17 condition book as long as the same type of canceled race is run
18 within the following two race weeks as the race season permits;

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

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

23 (4) a power outage, electrical failure or
24 failure or unavailability of any equipment or supplies
25 necessary to conduct a race or meet;

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1 (5) hazardous conditions or other threats to
2 the public health or safety; or

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

6 G. Alcoholic beverages shall not be sold, served or
7 delivered ~~[or]~~ but may be consumed:

8 (1) in the area restricted pursuant to
9 Subsection F of Section 60-2E-26 NMSA 1978; and

10 (2) on the gaming floors of class III gaming
11 facilities, contingent on a change to the 2015 Tribal-State
12 Class III Gaming Compact to allow alcoholic beverages on the
13 gaming floor."

14 SECTION 2. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2020.

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