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HOUSE BILL 472

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Art Hawkins

AN ACT

RELATING TO GAMING; CHANGING PROVISIONS OF THE GAMING CONTROL ACT TO EXCLUDE CERTAIN HORSE RACETRACKS FROM OBTAINING GAMING OPERATOR' S LICENSES.

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

Section 1. Section 60-2E-26 NMSA 1978 (being Laws 1997, Chapter 190, Section 28) is amended to read:

"60-2E-26. GAMING OPERATOR LICENSEES--GENERAL PROVISIONS--BUSINESS PLAN--PLAYER AGE LIMIT--RESTRICTIONS.--

A. An applicant for licensure as a gaming operator shall submit with the application a plan for assisting in the prevention, education and treatment of compulsive gambling. The plan shall include regular educational training sessions for employees. Plan approval is a condition of issuance of the license.

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1 B. An applicant for licensure as a gaming operator
2 shall submit with the application a proposed business plan.

3 The plan shall include at least:

4 (1) a floor plan of the area to be used for
5 gaming machine operations;

6 (2) an advertising and marketing plan;

7 (3) the proposed placement and number of
8 gaming machines;

9 (4) a financial control plan;

10 (5) a security plan;

11 (6) a staffing plan for gaming machine
12 operations; and

13 (7) details of any proposed progressive
14 systems.

15 C. A gaming operator licensee shall be granted a
16 license to operate a specific number of machines at a gaming
17 establishment identified in the license application and shall
18 be granted a license for each gaming machine.

19 D. A gaming operator licensee who desires to
20 change the number of machines in operation at a gaming
21 establishment shall apply to the board for an amendment to his
22 license authorizing a change in the number of machines.

23 E. Gaming machines may be available for play only
24 in an area restricted to persons twenty-one years of age or
25 older.

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1 F. A gaming operator licensee shall erect a
2 permanent physical barrier to allow for multiple uses of the
3 premises by persons of all ages. For purposes of this
4 subsection, "permanent physical barrier" means a floor-to-
5 ceiling wall separating the general areas from the restricted
6 areas. The entrance to the area where gaming machines are
7 located shall display a sign that the premises are restricted
8 to persons twenty-one years of age or older. Persons under
9 the age of twenty-one shall not enter the area where gaming
10 machines are located.

11 G. A gaming operator licensee shall not have
12 automated teller machines in the area restricted pursuant to
13 Subsection F of this section.

14 H. A gaming operator licensee shall not provide,
15 allow, contract or arrange to provide alcohol or food for no
16 charge or at reduced prices as an incentive or enticement for
17 patrons to game.

18 I. Only a racetrack licensed by the state racing
19 commission or a nonprofit organization, except for a licensed
20 racetrack located on state land within the boundaries of a
21 municipality having a population of more than two hundred
22 thousand, may apply for or be issued a gaming operator's
23 license. No other persons are qualified to apply for or be
24 issued a gaming operator's license pursuant to the Gaming
25 Control Act. "

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

3 "60-2E-27. GAMING OPERATOR LICENSEES--SPECIAL CONDITIONS
4 FOR RACETRACKS--NUMBER OF GAMING MACHINES--DAYS AND HOURS OF
5 OPERATIONS. --

6 A. A racetrack licensed by the state racing
7 commission pursuant to the Horse Racing Act to conduct live
8 horse races or simulcast races, except for a licensed
9 racetrack located on state land within the boundaries of a
10 municipality having a population of more than two hundred
11 thousand, may be issued a gaming operator's license to operate
12 gaming machines on its premises where live racing is
13 conducted.

14 B. A racetrack's gaming operator's license shall
15 automatically become void if:

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

18 (2) the racetrack fails to maintain a minimum
19 of three live race days a week with at least nine live races
20 on each race day during its licensed race meet in the 1997
21 calendar year and in the 1998 and subsequent calendar years,
22 four live race days a week with at least nine live races on
23 each race day during its licensed race meet.

24 C. A gaming operator licensee that is a racetrack
25 may have up to three hundred licensed gaming machines, but the

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1 number of gaming machines to be located on the licensee's
2 premises shall be specified in the gaming operator's license.

3 D. Except as provided in Subsection F of this
4 section, 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
7 simulcasting horse race meets. A gaming operator licensee
8 that is a racetrack shall be permitted to conduct such games
9 on only the aforementioned days for a daily period not to
10 exceed twelve hours at the discretion of such licensee.

11 E. Alcoholic beverages shall not be sold, served,
12 delivered or consumed in the area restricted pursuant to
13 Subsection F of Section [~~28 of the Gaming Control Act~~]
14 60-2E-26 NMSA 1978.

15 F. A gaming operator licensee that is a racetrack
16 located on state land within the boundaries of a municipality
17 with a population of more than two hundred thousand persons
18 according to the 1990 decennial census shall not operate
19 gaming machines later than 10:00 p.m. on any day of the year."