

---

*The purpose of the proposed amendments is to provide flexibility for the commissioner meeting attendance and to fix typographical errors and cross-references.*

---

**15.2.1.8 COMMISSION:**

**A. Purpose:**

(1) The New Mexico racing commission created by the act, Section 60-1A-4, New Mexico Statutes, 1978, Annotated, is charged with implementing, administering and enforcing the act. It is the intent of the commission that the rules of the commission be interpreted in the best interests of the public and the jurisdiction.

(2) Through these rules, the commission intends to encourage agriculture, the horse breeding industry, the horse training industry, tourism and employment opportunities in this jurisdiction related to horse racing and to control and regulate pari-mutuel wagering in connection with that horse racing.

**B. General authority:**

(1) The commission shall regulate each race meeting and the persons who participate in each race meeting.

(2) To the extent permitted by the Act the commission may delegate to the agency director and the stewards all powers and duties necessary to fully implement the purposes of the Act.

**C. Membership and meetings:**

(1) The state racing commission shall consist of five members, no more than three of who shall be members of the same political party. They shall be appointed by the governor, and no less than three of them shall be practical breeders of racehorses within the state. Each member shall be an actual resident of New Mexico and of such character and reputation as to promote public confidence in the administration of racing affairs.

(2) The commission shall meet at the call of the chair, as requested by a majority of the members or as otherwise provided by statute. Notice of the meetings must be given and the meetings must be conducted in accordance with the Open Meetings Act, Sections 10-15-1 through 10-15-4 NMSA, 1978.

(3) If it is difficult or impossible for a racing commission member to attend a meeting of the racing commissioners, that member may participate in the meeting **virtually or by telephone.** ~~[The telephone shall be a speakerphone that allows all commission members and the public to hear all speakers at the meeting.]~~

(4) A majority of the commission constitutes a quorum. When a quorum is present, a motion before the commission is carried by an affirmative vote of the majority of the commissioners present at the meeting.

(5) A commission member may not act in the name of the commission on any matter without a majority vote of a quorum of the commission.

\*\*\*\*

**J. Issuance of license to conduct a race meeting and allocation of race dates:**

\*\*\*

(6) All applicants for an initial license to conduct horse racing or a horse race meeting in the state of New Mexico shall submit the following information to the commission in the form of a verified application, including an original and six copies.

(a) The name of the applicant and indicate whether it is an individual, firm, association, partnership, corporation or other legal entity.

(b) The names, residences, and nationalities of individual applicants or members of a partnership, association or firm.

(c) If the applicant is a corporation, the following information must be furnished, and if the applicant is a parent or subsidiary of another corporation, the following information must be furnished for each entity.

(i) The year in which the corporation was organized, its form of organization and the name of the state under the laws of which it was organized. Articles of incorporation and bylaws must also be submitted.

(ii) The classes of capital stock authorized, the amount authorized, and the amount outstanding as of the date not less than 15 days prior to the filing of the application.

\*\*\*\*

- (xx) State the exact dimensions of the track proposed. Submit at least one copy of the architect's drawings showing detail of the proposed construction. If a grandstand is in existence, describe the size and type of construction.
- (xxi) Describe the efforts to be made to ~~[insure]~~ensure the security safety and comfort of patrons and license holders.
- (xxii) State the availability of fire protection and adequacy of law enforcement and police protection.
- (xxiii) State the parking lot capacity and describe the construction and type of parking facilities.
- (xxiv) State the number and type of construction of stables, other barn areas, forecourt and paddock areas, indicating capacities and fire prevention facilities for all areas.
- (xxv) Describe the facilities for owners, trainers, jockeys, grooms and other racing personnel.
- (xxvi) State the arrangements for food and drink concessions indicating the names and addresses of concessionaires and the terms of the concession contracts.
- (xxvii) Describe any concessions, clubs or other special facilities, existing or proposed, for patrons.
- (xxviii) Indicate by actual dates the racing days requested by applicant.
- (xxix) Indicate the kind of racing to be conducted.
- (xxx) Describe the proposed ~~[pari-mutuel]~~pari-mutuel operation in general and indicate in particular the terms of the ~~[pari-mutuel]~~pari-mutuel ticket sales.
- (xxxi) Describe climatic conditions prevalent during the proposed racing season.
- (xxxii) Indicate the population of the local area, and the growth trend. Indicate the potential market including tourists, transients and patrons from neighboring areas.
- (xxxiii) Indicate the principal sources of local income, showing the percentage from farming and ranching, industrial, professional services, military and other governmental sources.
- (xxxiv) Describe the effect of competition with other racetracks in and out of the state and with other sports or recreational facilities in the area.
- (xxxv) Indicate what effect opposition from area residents may have on the economic outlook for the proposed track.
- (xxxvi) Describe a strategic plan to be proactive in an effort to prevent contagious equine diseases, and biosecurity measures to be put in place in the event of an outbreak including permanent quarantine facilities.
- (7) A new complete primary application as required in ~~[Paragraph (5) of Subsection I]~~ paragraph (6) of Subsection J of 15.2.1.8 NMAC is also required if any of the following events occur: