The purpose of the proposed amendment is to provide the New Mexico Racing Commission with increased flexibility in its statutorily mandated oversight of gaming monies and its oversight and regulation of the horseracing related entities which receive, maintain, and reconcile gaming monies.

15.2.2.9 **GAMING:**

 A. **Associations' financial requirements:**

  (1) An association who is a gaming operator shall pay twenty percent of the net take to purses.

  (2) An association shall provide a weekly report of the previous week's daily net take payment to purses every Monday to the commission and [the New Mexico horsemen's association and] the New Mexico horsebreeders' association.

  (3) All monies remitted by the association to the [New Mexico horsemen's association] gaming account shall be reconciled and settled within 30 days of the generation of monthly reports from the gaming control board.

  (4) An association will be liable for all portions of the gaming funds for purses from such time as the funds are received into the gaming machines until the funds are deposited into the designated interest bearing accounts. The commission may take whatever action is available under the existing rules regarding fines, suspension or revocation of license should the association fail to deposit the funds in accordance with Paragraph (1) of Subsection B of Section 15.2.2.9 NMAC.

  (5) The twenty-percent of the net take to purses shall be distributed as follows: Nineteen and three tenths percent of the net daily take deposited by the association will be distributed weekly by the [New Mexico horsemen's association] associations to the New Mexico horsebreeders' association to the purse fund; eighty and seven tenths percent of the net daily take deposited by the [association] associations will be distributed to the existing purse structures determined and approved by [that race meet's local horsemen's committee, the horsemen's state board, and approved by] the commission.

[15.2.2.9 NMAC - Rp, 15 NMAC 2.2.9, 3/15/2001; A, 12/30/2003]

Exhibit 5