

Explanatory Paragraph: This is an amendment to 15.2.1 NMAC, Sections 7 and 9, effective September 26, 2018. In 15.2.1.7 NMAC, Subsections A through C, Subsections E through M and Subsections O through Z were not published as there were no changes. In 15.2.1.9 NMAC, Subsection A and B, Paragraphs (1), (2) and Paragraphs (4) through (22) of Subsection C were not published as there were no changes.

15.2.1.7 DEFINITIONS:

D. Definitions beginning with the letter “d”:

- (1) **“Day”** is a 24-hour period ending at midnight.
 - (a) Dark day - a day during a live or a simulcast race meeting when no pari-mutuel wagering is conducted.
 - (b) Race day - a day during a race meeting when pari-mutuel wagering is conducted on live racing.
 - (c) Simulcast race day - a day during a race meeting when pari-mutuel wagering is conducted on simulcast racing.
- (2) **“Dead heat”** is the finish of a race in which the noses of two or more horses reach the finish line at the same time.
- (3) **“Declaration”** is the act of withdrawing an entered horse from a race prior to the closing of entries.
- (4) ~~“Draw” is the process of assigning postpositions and the process of selecting contestants in a manner to ensure compliance with the conditions of the rules of racing.~~ **“Designated race”** shall mean any stakes race or associated trial as designated by the stewards.
- (5) **“Draw”** is the process of assigning postpositions and the process of selecting contestants in a manner to ensure compliance with the conditions of the rules of racing.

N. Definitions beginning with the letter “n”:

- (1) **“Net pool”** is the amount of gross ticket sales less refundable wagers and statutory commissions.
- (2) **“New Mexico bred”** ~~[is a foal conceived in the state of New Mexico, foaled in the state of New Mexico, weaned in the state of New Mexico whose dam was not outside the state of New Mexico during pregnancy.]~~ is a horse registered by the New Mexico horse breeders’ association.
- (3) **“New Mexico bred race”** is a race in which the contestants are registered as New Mexico bred horses.
- (4) **“No contest”** is a race cancelled for any reason by the stewards.
- (5) **“Nomination”** is the naming of a horse to a certain race or series of races.
- (6) **“Nominator”** is the person or entity in whose name a horse is nominated for a race or series of races.

[15.2.1.7 NMAC - Rp, 15 NMAC 2.1.7, 03/15/2001; A, 02/14/2002; A, 08/30/2007; A, 12/01/2010; A, 01/01/2013; A, 05/01/2013; 08/15/2014; A, 07/01/2017; A, 03/14/2018; A, 09/26/2018]

15.2.1.9 DUE PROCESS AND DISCIPLINARY ACTION:

C. Proceedings by the commission:

(3) Subpoenas and depositions.

(a) A member of the commission, the agency director, the stewards, the presiding officer of a commission proceeding or other person authorized to perform duties under the act may require by subpoena the attendance of witnesses and the reproduction of books, records, papers, correspondence and other documents.

(b) A member of the commission, the agency director, a presiding officer of a commission proceeding or other person authorized by the commission may administer an oath or affirmation to a witness appearing before the commission or a person authorized by the commission.

(c) Each party is responsible for proper service of any subpoenas it requests and for the payment of witness fees and expenses as provided by this jurisdiction's civil procedures statute.

(d) On written request by a party, the presiding officer or the agency director may issue a subpoena addressed to a sheriff or any constable to require the attendance of witnesses and the production of books, records, papers or other objects as may be necessary to compel the production of books, records, papers or other objects shall be addressed to the appropriate person, shall be verified and shall specify the books, records, papers or other objects desired and the relevant and material facts to be proved by them.

(e) The Administrative Procedures Act, Civil Statutes, Article 8, Section 12-8-15 NMSA 1978 governs the taking and the use of depositions. Rule 1-036 of the New Mexico Rules of Civil Procedure governs admissions of fact and genuineness of documents.

[15.2.1.9 NMAC - Rp, 15 NMAC 2.1.9, 03/15/2001; A, 03/31/2003; A, 05/30/2003; A, 06/15/2004; A, 06/30/2009; A, 09/15/2009; A, 12/1/2010; A, 05/01/2013; A, 01/01/2014; A, 03/16/2015; A, 05/01/2015; A, 09/16/2015; A, 03/15/2016; A/E, 06/28/2016; A, 09/16/2016; A, 12/16/2016; A, 07/01/2017; A, 03/14/2018; A, 09/26/2018]