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HOUSE BILL 32

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

RELATING TO GAMING; EXPANDING THE PARTIES WITH WHOM THE NEW MEXICO LOTTERY AUTHORITY MAY CONTRACT TO OFFER JOINT LOTTERY GAMES; AMENDING THE NEW MEXICO LOTTERY ACT; DECLARING AN EMERGENCY.

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

Section 1. Section 6-24-6 NMSA 1978 (being Laws 1995, Chapter 155, Section 6) is amended to read:

"6-24-6. POWERS OF THE AUTHORITY. --

A. The authority shall have ~~[any and]~~ all powers necessary or convenient to carry out and effectuate the purposes and provisions of the New Mexico Lottery Act that are not in conflict with the constitution of New Mexico and that are generally exercised by corporations engaged in entrepreneurial pursuits, including ~~[but without limiting the~~

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1 ~~generality of the foregoing~~] the power to:

2 (1) sue and be sued;

3 (2) adopt and alter a seal;

4 (3) adopt, amend and repeal bylaws, rules,
5 policies and procedures for the conduct of its affairs and its
6 business;

7 (4) procure or provide insurance;

8 (5) hold copyrights, trademarks and service
9 marks and enforce its rights with respect thereto;

10 (6) initiate, supervise and administer the
11 operation of the lottery in accordance with the provisions of
12 the New Mexico Lottery Act and rules, policies and procedures
13 adopted pursuant to that act;

14 (7) enter into written agreements [~~with one or~~
15 ~~more other states~~] or contracts for the operation,
16 participation in or marketing or promotion of a joint lottery
17 or joint lottery games with operators of a lottery:

18 (a) in one or more other states;

19 (b) in a territory of the United States;

20 (c) in one or more political
21 subdivisions of another state or territory of the United
22 States;

23 (d) in a sovereign nation;

24 (e) in an Indian nation, tribe or pueblo
25 located within the United States; or

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(f) legally operated outside of the
United States;

(8) acquire or lease real property and make improvements thereon and acquire by lease or by purchase personal property, including [~~but not limited to~~] computers, mechanical, electronic and on-line equipment and terminals and intangible property, including [~~but not limited to~~] computer programs, systems and software;

(9) enter into contracts to incur debt and borrow money in its own name and enter into financing agreements with the state, with agencies or instrumentalities of the state or with any commercial bank or credit provider;

(10) receive and expend, in accordance with the provisions of the New Mexico Lottery Act, all money received from any lottery or nonlottery source for effectuating the purposes of the New Mexico Lottery Act;

(11) administer oaths, take depositions, issue subpoenas and compel the attendance of witnesses and the production of books, papers, documents and other evidence relative to any investigation or proceeding conducted by the authority;

(12) appoint and prescribe the duties of officers, agents and employees of the authority, including professional and administrative staff and personnel, and to fix their compensation, pay their expenses and provide a benefit

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1 program, including [~~but not limited to~~] a retirement plan and a
2 group insurance plan;

3 (13) select and contract with lottery vendors
4 and lottery retailers;

5 (14) enter into contracts or agreements with
6 state, local or federal law enforcement agencies or private
7 investigators or other persons for the performance of law
8 enforcement, background investigations and security checks;

9 (15) enter into contracts of [~~any and~~] all
10 types on such terms and conditions as the authority may
11 determine;

12 (16) establish and maintain banking
13 relationships, including [~~but not limited to~~] establishment of
14 checking and savings accounts and lines of credit;

15 (17) advertise and promote the lottery and
16 lottery games;

17 (18) act as a lottery retailer, conduct
18 promotions that involve the dispensing of lottery tickets and
19 establish and operate a sales facility to sell lottery tickets
20 and any related merchandise; and

21 (19) adopt, repeal and amend such rules,
22 policies and procedures as necessary to carry out and implement
23 its powers and duties, organize and operate the authority,
24 conduct lottery games and any other matters necessary or
25 desirable for the efficient and effective operation of the

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lottery and the convenience of the public.

B. The powers enumerated in this section are cumulative of and in addition to those powers enumerated elsewhere in the New Mexico Lottery Act, and no such powers limit or restrict any other powers of the authority."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.