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SENATE BILL 558

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO GAMING; EXPANDING THE USE OF LIENS ON LOTTERY
WINNINGS BY THE HUMAN SERVICES DEPARTMENT.

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

Section 1. Section 6-24-22 NMSA 1978 (being Laws 1995,
Chapter 155, Section 22) is amended to read:

"6-24-22. LIEN ON LOTTERY WINNINGS FOR DEBT COLLECTED BY
HUMAN SERVICES DEPARTMENT--PAYMENT TO DEPARTMENT--PROCEDURE.--

A. The human services department [~~acting as the
state's child support enforcement agency pursuant to Title IV-D
of the Social Security Act~~] shall periodically certify to the
authority the names and social security numbers of persons
owing a debt to or collected by the human services department.

B. Prior to the payment of a lottery prize in
excess of six hundred dollars (\$600), the lottery shall check

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1 the name of the winner against the list of names and social
2 security numbers of persons owing a debt to or collected by the
3 human services department.

4 C. If the prize winner is on the list of persons
5 owing a debt to or collected by the agency, the lottery shall
6 make a good-faith attempt to notify the human services
7 department, and the department then has a lien against the
8 lottery prize in the amount of the debt owed to or collected by
9 the agency. The lottery has no liability to the human services
10 department or the person on whose behalf the department is
11 collecting the debt if the lottery fails to match a winner's
12 name to a name on the list or is unable to notify the
13 department of a match. The department shall provide the
14 lottery with written notice of a support lien promptly within
15 five working days after the lottery notifies the department of
16 a match.

17 D. If the lottery prize is to be paid directly by
18 the authority, the amount of the debt owed to or collected by
19 the human services department shall be held by the lottery for
20 a period of thirty days from the lottery's confirmation of the
21 amount of the debt to allow the department to institute any
22 necessary garnishment or wage withholding proceedings. If a
23 garnishment or withholding proceeding is not initiated within
24 the thirty-day period, the authority shall release the lottery
25 prize payment to the winner.

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E. The human services department, in its discretion, may release or partially release the ~~[support]~~ lien upon written notice to the authority.

F. A ~~[support]~~ lien under this section is in addition to any other lien created by law."