

SENATE BILL 397

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Pat Woods

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO LOTTERIES; AMENDING THE NEW MEXICO LOTTERY ACT;  
PROVIDING FOR THE ANONYMITY OF LOTTERY WINNERS; PROVIDING  
PENALTIES.

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

SECTION 1. Section 6-24-13 NMSA 1978 (being Laws 1995,  
Chapter 155, Section 13) is amended to read:

"6-24-13. DETERMINATION OF CONFIDENTIAL INFORMATION--  
APPLICABILITY OF OPEN MEETINGS ACT--CRIMINAL INVESTIGATIONS.--

A. The authority is specifically authorized to

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determine which information relating to the operation of the lottery is confidential. Such information is limited to trade secrets and proprietary information; security measures, systems or procedures; security reports; information concerning bids or other contract data during the negotiation process, the disclosure of which would impair the efforts of the authority to contract for goods or services on favorable terms; and information obtained pursuant to investigations that would be protected from public disclosure under the Inspection of Public Records Act. The names, addresses and other SJC→personal identifying←SJC SJC→protected personal identifier←SJC information of lottery winners shall be confidential and are not subject to disclosure pursuant to the Inspection of Public Records Act.

B. The authority is subject to the provisions of the Open Meetings Act; provided that meetings or portions of meetings devoted to discussing information deemed to be confidential pursuant to Subsection A of this section are exempt from the provisions of that act.

C. The authority or its authorized agent shall:

(1) conduct criminal background investigations and credit investigations on all potential lottery retailers and all lottery vendors prior to the execution of any contract with a lottery retailer or a lottery vendor;

(2) supervise ticket validation and lottery

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drawings;

(3) inspect, at times determined solely by the authority, the facilities of any lottery vendor or lottery retailer in order to determine the integrity of the lottery vendor's product or the operations of the lottery retailer in order to determine whether the lottery vendor or the lottery retailer is in compliance with its contract;

(4) report any suspected violations of the New Mexico Lottery Act to the appropriate district attorney, the attorney general or to ~~any~~ a law enforcement agency having jurisdiction over the violation; and

(5) upon request, provide assistance to any district attorney, the attorney general or a law enforcement agency investigating a violation of the New Mexico Lottery Act.

HJC→"←HJC

HJC→D. As used in this section, "protected personal identifier information" means:

- (1) all but the last four digits of a:
  - (a) taxpayer identification number;
  - (b) financial account number; or
  - (c) driver's license number;
- (2) all but the year of a person's date of birth; and
- (3) a social security number."←HJC

SECTION 2. A new section of the New Mexico Lottery Act is .212435.2

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enacted to read:

"[NEW MATERIAL] LOTTERY WINNERS--PROTECTED PERSONAL  
HJC→IDENTIFIER←HJC INFORMATION--PENALTY.--

A. The authority, a lottery contractor, the human services department, the taxation and revenue department or an employee of the authority, a lottery contractor, the human services department or the taxation and revenue department shall not disclose or publish the name, address or other HJC→personal identifying protected personal identifier←HJC information of a person who wins a lottery game.

B. The prohibition against the disclosure or publication of the name, address or any other HJC→personal identifying protected personal identifier←HJC information of a person who wins a lottery game shall not apply if the person who has won a lottery game consents in writing to the disclosure or publication of that person's name, address or other HJC→personal identifying protected personal identifier←HJC information.

C. The prohibition against the disclosure or publication of the name, address or any other HJC→personal identifying protected personal identifier information of a person who wins a lottery game shall not apply to disclosure to the human services department or the taxation and revenue department as required pursuant to Sections 6-24-21 and 6-24-22 NMSA 1978.

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D. A person who violates the provisions of this section by disclosing or publishing information protected pursuant to Subsection A of this section is guilty of a petty misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

E. As used in this section, "publish" means to issue information or material in printed or electronic form for distribution or sale to the public. HJC→"←HJC

HJC→F. As used in this section, "protected personal identifier information" means:

- (1) all but the last four digits of a:
  - (a) taxpayer identification number;
  - (b) financial account number; or
  - (c) driver's license number;
- (2) all but the year of a person's date of birth; and
- (3) a social security number."←HJC