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SENATE BILL 80

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

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO PUBLIC FINANCES; PROVIDING FOR THE PAYMENT OF
FORFEITED LOTTERY PRIZES TO THE LOTTERY TUITION FUND.

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

SECTION 1. Section 6-24-21 NMSA 1978 (being Laws 1995,
Chapter 155, Section 21, as amended) is amended to read:

"6-24-21. DRAWINGS FOR AND PAYMENT OF PRIZES--UNCLAIMED
PRIZES--APPLICABILITY OF TAXATION.--

A. All lottery prize drawings shall be open to the
public. If the prior written approval of the chief executive
officer and the executive vice president for security are
obtained, the selection of winning entries may be performed by
an employee of the lottery. A member of the board shall not
perform the selection of a winning entry. Drawings for a prize
of more than five thousand dollars (\$5,000) shall be conducted

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1 and videotaped by the security division and witnessed by the
2 internal auditor of the authority or [~~his~~] the internal
3 auditor's designee. Promotional drawings for a prize of less
4 than five thousand dollars (\$5,000) are exempt from the
5 requirements of this subsection if prior written approval is
6 given by the chief executive officer and the executive vice
7 president for security. All lottery drawing equipment used in
8 public drawings to select winning numbers or entries or
9 participants for prizes shall be examined and tested by the
10 chief executive officer's staff and the internal auditor of the
11 authority or [~~his~~] the internal auditor's designee prior to and
12 after each public drawing.

13 B. Any lottery prize is subject to applicable state
14 taxes. The authority shall report to the state and federal
15 taxing authorities any lottery prize exceeding six hundred
16 dollars (\$600).

17 C. The authority shall adopt rules, policies and
18 procedures to conduct fair and equitable drawings and establish
19 a system of verifying the validity of tickets claimed to win
20 prizes and to effect payment of such prizes, provided:

21 (1) no prize shall be paid upon a ticket
22 purchased or sold in violation of the New Mexico Lottery Act.
23 Any such prize shall constitute an unclaimed prize for purposes
24 of this section;

25 (2) the authority is discharged from all

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1 liability upon payment of a prize;

2 (3) the board may by rule provide for the
3 payment of prizes by lottery retailers, whether or not the
4 lottery retailer sold the winning ticket, whenever the amount
5 of the prize is less than an amount set by board rule. Payment
6 shall not be made directly to a player by a machine or a
7 mechanical or electronic device;

8 (4) prizes not claimed within the time period
9 established by the authority are forfeited and shall be paid
10 into the [~~prize~~] lottery tuition fund as provided in Section
11 21-21N-5 NMSA 1978. No interest is due on a prize when a claim
12 is delayed;

13 (5) the right to a prize is not assignable,
14 but prizes may be paid to a deceased winner's estate or to a
15 person designated by judicial order;

16 (6) until a signature or mark is placed on a
17 ticket in the area designated for signature, a ticket is owned
18 by the bearer of the ticket, but after a signature or mark is
19 placed on a ticket in the area designated for signature, a
20 ticket is owned by the person whose signature or mark appears,
21 and that person is entitled to any prize attributable to the
22 owner; and

23 (7) the authority is not responsible for lost
24 or stolen tickets."