

AN ACT

RELATING TO GAMING; ENACTING A SECTION OF THE GAMING CONTROL ACT TO PROVIDE PROCEDURES FOR THE ATTACHMENT AND ENFORCEMENT OF LIENS ON CERTAIN GAMING MACHINE PAYOUTS WON BY A PERSON OWING A DEBT TO OR COLLECTED BY THE HUMAN SERVICES DEPARTMENT.

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

Section 1. A new section of the Gaming Control Act is enacted to read:

"LIEN ON WINNINGS FOR DEBT OWED TO OR COLLECTED BY HUMAN SERVICES DEPARTMENT--PROCEDURE.--

A. By operation of law, a lien attaches to a payout of one thousand two hundred dollars (\$1,200) or more from a gaming machine of a racetrack gaming operator licensee when won by a person owing a debt to or collected by the human services department acting as the state's child support enforcement agency pursuant to Title IV-D of the federal Social Security Act.

B. The human services department shall periodically provide the board with a verified list of names, social security numbers and the last known addresses of obligors owing a debt to or collected pursuant to Section 1 Subsection A by the department.

C. In order to enforce the lien, the board shall by rule adopt procedures applicable to racetrack gaming

operator licensees when a payout occurs. The board shall provide a racetrack gaming operator licensee with an electronic system to search by the names and social security numbers of persons currently owing a debt subject to or collected by the human services department. Prior to the payment of a payout, the licensee shall make a good-faith effort to check the name of the winner against the list of names and social security numbers provided by the human services department to the board.

D. If the winner is a person owing a debt to or collected by the human services department, the racetrack gaming operator licensee shall retain the payout and promptly notify the department and the board on a form approved by the department. The human services department shall establish by rule an administrative process for support obligors to contest the obligation prior to release of the funds by the licensee to the department. The human services department shall, within seven working days of receipt of notice of the payout, provide the racetrack gaming operator licensee with written notice of its intent to enforce the administrative lien and of the amount claimed. After receiving the notice of intent, the racetrack gaming operator licensee shall retain the amount claimed in a suspense account and remit the balance to the payout winner. Upon final disposition of the administrative procedure, the human services department shall immediately

notify the racetrack gaming operator licensee in writing of the amount to be tendered to the department and release the lien for any funds to be distributed to the payout winner.

E. The board shall by rule adopt lien attachment and enforcement procedures applicable to other gaming operator licensees when a gaming machine payout equals one thousand two hundred dollars (\$1,200) or more.

F. Neither the board nor any gaming operator shall be liable to the human services department or to the person on whose behalf the department is collecting the debt if the licensee fails, in good faith, to match a winner's name to a name on the list provided pursuant to Subsection B of this section."

Section 2. TEMPORARY PROVISION--MORATORIUM ON SANCTIONS.--Until July 1, 2010, the gaming control board shall not impose any regulatory sanction or other penalty upon a gaming operator licensee for a violation of Section 1 of this 2009 act.

Section 3. REPEAL.--Section 60-2E-61 NMSA 1978 (being Laws 1997, Chapter 190, Section 63, as amended) is repealed.

Section 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2009. \_\_\_\_\_