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## FISCAL IMPACT REPORT

**SPONSOR** Bash/Roybal **ORIGINAL DATE** 2/4/19  
Caballero **LAST UPDATED** 2/14/19 **HB** 350/aHCPAC

**SHORT TITLE** Anonymity of Lottery Winners **SB** \_\_\_\_\_

**ANALYST** Glenn

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
Indeterminate/See Fiscal Implications	Indeterminate/See Fiscal Implications	Indeterminate/See Fiscal Implications	Recurring	Lottery Tuition Fund

(Parenthesis ( ) Indicate Revenue Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Indeterminate	Indeterminate	Indeterminate		Recurring	See Fiscal Implications

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB 80, SB 179, SB 283, SB 407, HB 146, and HB 363.

Duplicates SB 397

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Attorney General (NMAG)

Lottery Authority (NMLA)

### SUMMARY

#### Synopsis of HCPAC Amendment

The House Consumer & Public Affairs Committee amendment to House Bill 350 changes Section 1 of the bill to make the names, addresses and other personal identifying information of lottery winners confidential upon the winners request. The change makes the provision consistent with Section 2's provision making the prohibition against disclosing or publishing

personal identifying information of a person who wins a lottery game inapplicable when the winner consents in writing.

### Synopsis of Original Bill

House Bill 350 amends the New Mexico Lottery Act to make the names, addresses and other personal identifying information of lottery winners confidential and not subject to disclosure under the Inspection of Public Records Act (“IPRA”). HB 350 adds a new section to the Act which prohibits NMLA, a lottery contractor, the Taxation & Revenue Department (TRD), the Human Services Department (HSD), or any employee of those entities, from disclosing or publishing the name, address or any other personal identifying information of a person who wins a lottery game. The prohibition does not apply if a person who wins a lottery game consents to the disclosure in writing or to disclosures TRD and HSD are otherwise required to make under the Lottery Act. HB 350 provides that a person who violates the bill’s prohibitions against disclosure is guilty of a petty misdemeanor.

### **FISCAL IMPLICATIONS**

According to NMLA, HB 350 may increase NMLA’s costs by necessitating changes to the Lottery’s prize claim procedures, including revising and reprinting winner claim forms.

NMLA notes that HB 350’s limitations on the Lottery’s ability to communicate winners’ stories to the public may erode confidence in lottery games and reduce sales.

### **SIGNIFICANT ISSUES**

NMLA states that the presence of winners across the state is an important way to communicate to potential players that lottery games are winnable. The Lottery regularly posts the name of a winner, city of residence, game played, and prize amount won on the New Mexico Lottery website. The posting may include a photo of the winner, unless the winner chooses not to have his or her photo taken. For large prizes, the Lottery may prepare a news release with the winner’s name, city of residence, prize amount, game played, name of the retailer location that sold the winning ticket, and any interesting anecdotes disclosed by the winner.

NMLA states that, currently, when players sign the winner claim form, they acknowledge that information, such as their name, city in which they live and the prize amount won, is subject to disclosure under IPRA, and that NMLA, its retailers and advertising agencies, and the news media may use their name and photograph for purposes of advertising, display, exhibition or editorial use.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

#### Relates to:

SB 80 Forfeited Lottery Prizes to Tuition Fund  
SB 179 Disabilities Students Lottery Scholarships  
SB 283 Limit Lottery Operational Expenses  
SB 407 Lottery Funds for Tribal Colleges  
HB 146 Full Lottery Scholarships Based on Need  
HB 363 Lottery Fund for Tribal Colleges  
HB 441 Lottery Changes

Duplicates:

SB 397 Anonymity of Lottery Winners

**TECHNICAL ISSUES**

Original Bill

NMAG notes that HB 350 does not define the term “personal identifying information” as used in the bill. IPRA uses a similar term, “protected personal identifier information,” which is defined as: (1) all but the last four digits of a taxpayer identification number, financial account number, or driver’s license number; (2) all but the year of a person’s date of birth; and (3) a social security number. See Section 14-2-6(E) NMSA 1978.

NMAG states that it is not clear whether HB 350 intends the term “personal identifying information” to have the same meaning as the term “protected personal identifier information” in IPRA. To avoid any confusion or ambiguity about the meaning of the term, the HB 350 might be amended to define the term “personal identifying information” for purposes of the bill’s amendment to the New Mexico Lottery Act.

HCPAC Amendments

In amendment #2, the term “winners request” might be changed to “winner’s request” or “winners’ requests”.

BG/gb