

SENATE BILL 198

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Pat Woods

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO LOTTERIES; Sfl1→~~AMENDING THE NEW MEXICO LOTTERY~~
~~ACT;~~←Sfl1 PROVIDING FOR THE ANONYMITY OF LOTTERY WINNERS;
PROVIDING PENALTIES.

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

SJC→~~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--~~

.224093.1AIC March 6, 2023 (4:45pm)

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~~APPLICABILITY OF OPEN MEETINGS ACT--CRIMINAL INVESTIGATIONS.--~~

~~A. The authority is specifically authorized to 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 protected personal identifier information of lottery game 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~~

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~~with a lottery retailer or a lottery vendor;~~

~~(2) supervise ticket validation and lottery 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.~~

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

~~(1) all but the last four digits of a person's 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 person's social security number."~~ ← SJC

HCPAC → SECTION HCPAC → SJC → 2. ← SJC SJC → 1. ← SJC ← HCPAC

HCPAC → 2. ← HCPAC A new section of the New Mexico Lottery Act is enacted to read:

"~~[NEW MATERIAL] LOTTERY WINNERS--PROTECTED PERSONAL IDENTIFIER INFORMATION--PENALTY.--~~

A. ~~The authority, a lottery contractor, the human services department, the taxation and revenue department or an employee of the authority, Sfl1 → SJC → a lottery contractor, ← SJC ← Sfl1 Sfl1 → a lottery contractor, ← Sfl1 the human services department or the taxation and revenue department shall not disclose HCPAC → SJC → to the public ← SJC ← HCPAC or publish the name, address or other protected personal identifier information of a person who wins a lottery game.~~

B. ~~The prohibition against the disclosure or publication of the name, address or any other protected personal identifier information of a person who wins a lottery game shall not apply if:~~

~~(1) the person who has won a lottery game consents in writing to the disclosure or publication of that person's name, address or other protected personal identifier information; or~~

~~(2) disclosure to the human services department or the taxation and revenue department is required~~

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~~pursuant to Sections 6-24-21 HCPAC and SHPAC and SHPAC HCPAC
HCPAC and HCPAC HCPAC SHPAC, SHPAC HCPAC 6-24-22
HCPAC SHPAC and 7-1-8.2 SHPAC HCPAC NMSA 1978.~~

~~C. 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.~~

~~D. As used in this section:~~

~~(1) "protected personal identifier
information" means:~~

~~(a) all but the last four digits of a
person's taxpayer identification number, financial account
number or driver's license number;~~

~~(b) all but the year of a person's date
of birth; and~~

~~(c) a person's social security number;~~
~~and~~

~~(2) "publish" means to issue information or
material in printed or electronic form for distribution or sale
to the public." HCPAC~~

SHPAC SECTION SJC 3. SJC HCEDC SJC 2. SJC HCEDC
HCEDC 1. HCEDC Section 7-1-8.2 NMSA 1978 (being Laws 2009,
Chapter 243, Section 4) is amended to read:

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"7-1-8.2. INFORMATION REQUIRED TO BE REVEALED.--

A. The department shall:

(1) furnish returns and return information required by a provision of the Tax Administration Act to be made available to the public by the department;

(2) answer all inquiries concerning whether a person is or is not a registered taxpayer for tax programs that require registration, but nothing in this subsection shall be construed to allow the department to answer inquiries concerning whether a person has filed a tax return;

(3) furnish, upon request for inspection by a member of the public pursuant to:

(a) Section 7-1-28 or Section 7-1-29 NMSA 1978, the taxpayer name, abatement, refund or credit amount, tax program or business tax credit and the date the abatement, refund or credit was issued; and

(b) Section 7-1-21 NMSA 1978, the installment agreement; and

(4) with respect to the tax on gasoline imposed by the Gasoline Tax Act, make available for public inspection at monthly intervals a report covering the number of gallons of gasoline and ethanol blended fuels received and deducted and the amount of tax paid by each person required to file a gasoline tax return or pay gasoline tax in the state of

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New Mexico.

B. Nothing in this section shall be construed to require the release of information that would violate an agreement between the state and the federal internal revenue service for sharing of information or any provision or rule of the federal Internal Revenue Code to which a state is subject.

C. The department shall not disclose a connection between a winner of a lottery game and information about the winner the department is required to reveal. ←SHPAC

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