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HOUSE BILL 868

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DANIEL P. SILVA

AN ACT

RELATING TO THE NEW MEXICO LOTTERY; PROVIDING FOR AGENTS OF THE SECURITY DIVISION OF THE NEW MEXICO LOTTERY AUTHORITY TO BE CERTIFIED PEACE OFFICERS; AUTHORIZING THE DEPARTMENT OF PUBLIC SAFETY TO COOPERATE WITH THE NEW MEXICO LOTTERY AUTHORITY IN PROCESSING FINGERPRINTING AND MAKING CRIMINAL RECORD CHECKS; AUTHORIZING IMPOSITION OF AN ADMINISTRATIVE FEE; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 6-24-12 NMSA 1978 (being Laws 1995, Chapter 155, Section 12) is amended to read:

"6-24-12. EXECUTIVE VICE PRESIDENT FOR SECURITY-- QUALIFICATIONS-- DUTIES--SECURITY AGENTS-- CRIMINAL RECORD CHECKS. --

A. The chief executive officer shall hire an

**Underscored material = new
[bracketed material] = delete**

1 executive vice president for security, who shall be qualified by
2 training and experience, including at least five years of law
3 enforcement experience, and be knowledgeable and experienced in
4 computer security. The executive vice president for security
5 shall take direction as needed from the chief executive officer
6 and shall be accountable to the board.

7 B. The executive vice president for security shall:

8 (1) be the chief administrative officer of the
9 security division of the authority, which is designated as a law
10 enforcement agency for the purposes of administering the
11 security provisions of the New Mexico Lottery Act;

12 (2) be responsible for assuring the security,
13 honesty, fairness and integrity of the operation and
14 administration of the lottery and to that end shall institute
15 all necessary security measures, including ~~but not limited to~~
16 an examination of the background of all prospective employees,
17 lottery retailers, lottery vendors and lottery contractors;

18 (3) in conjunction with the chief executive
19 officer, confer with the attorney general or his designee to
20 promote and ensure the security, honesty, fairness and integrity
21 of the operation and administration of the lottery; and

22 (4) in conjunction with the chief executive
23 officer, report any alleged violation of law to the attorney
24 general or any other appropriate law enforcement authority for
25 further investigation and action.

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1 C. Agents of the security division of the authority
2 shall be New Mexico certified peace officers with powers of
3 arrest in the performance of their duties.

4 D. Upon the request of the authority, the department
5 of public safety is authorized to accept and process
6 fingerprints for an examination of a criminal history background
7 and, to the extent provided by federal law, to exchange state,
8 multistate and federal criminal history records with the
9 authority. The department of public safety may charge the
10 authority an administrative fee for services provided pursuant
11 to this subsection."

12 Section 2. Section 6-24-21 NMSA 1978 (being Laws 1995,
13 Chapter 155, Section 21) is amended to read:

14 "6-24-21. DRAWINGS FOR AND PAYMENT OF PRIZES--UNCLAIMED
15 PRIZES--APPLICABILITY OF TAXATION.--

16 A. All lottery prize drawings, other than drawings
17 for on-line games, shall be held in public. The selection of
18 winning entries shall not be performed by an employee of the
19 lottery or by a member of the board. All drawings, other than
20 on-line drawings, shall be witnessed by the internal auditor of
21 the authority or his designee. All lottery drawing equipment
22 used in public drawings to select winning numbers or entries or
23 participants for prizes shall be examined by the chief executive
24 officer's staff and the internal auditor of the authority or his
25 designee prior to and after each public drawing.

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1 B. Any lottery prize is subject to applicable state
2 taxes. The authority shall report to the state and federal
3 taxing authorities any lottery prize exceeding six hundred
4 dollars (\$600).

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

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

13 (2) the authority is discharged from all
14 liability upon payment of a prize;

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

21 (4) prizes not claimed within the time period
22 established by the authority are forfeited and shall be paid
23 into the prize fund. No interest is due on a prize when a claim
24 is delayed; and

25 (5) the right to a prize is not assignable, but

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1 prizes may be paid to a deceased winner's estate or to a person
2 designated by judicial order. "

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State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 10, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 868

**has had it under consideration and reports same WITHOUT
RECOMMENDATION, and thence referred to TAXATION AND
REVENUE COMMITTEE.**

Respectfully submitted,

Thomas P. Foy, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 2 Against

Yes: 7

No: Carpenter, Larranaga

Excused: Mallory, Pederson, Rios, Sanchez

Absent: None

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Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 14, 1997

Mr. Speaker:

Your TAXATION AND REVENUE COMMITTEE, to whom has
been referred

HOUSE BILL 868

has had it under consideration and reports same WITHOUT
RECOMMENDATION, amended as follows:

1. On page 1, line 17, strike "SECTIONS" and insert in lieu
thereof "A SECTION".

2. On pages 3 through 5, strike Section 2 in its entirety.,

and thence referred to the APPROPRIATIONS AND FINANCE
COMMITTEE.

FORTY- THIRD LEGISLATURE
FIRST SESSION, 1997

HTRC/HB 868

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The roll call vote on Amendment #1 was 9 For 1 Against

Yes: 9

No: Lovejoy

Excused: Lujan, Sandoval, Sandel

Absent: None

Respectfully submitted,

Jerry W. Sandel, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Lujan, Sandoval, Sandel

Absent: None

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Underscored material = new
[bracketed material] = delete