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SENATE BILL 355

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO THE NEW MEXICO LOTTERY; ALLOWING THE PURCHASE OF
LOTTERY TICKETS BY CREDIT CARD IF THE PURCHASE IS TWENTY
DOLLARS (\$20.00) OR LESS; ALLOWING THE NEW MEXICO LOTTERY
AUTHORITY TO CONTRACT CERTAIN PROCUREMENT FOR A PERIOD OF UP TO
TEN YEARS; REQUIRING THE AUTHORITY TO TRANSMIT THE NET REVENUE
FROM THE SALE OF LOTTERY GAMES TO THE LOTTERY TUITION FUND ON A
QUARTERLY BASIS.

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

SECTION 1. Section 6-24-15 NMSA 1978 (being Laws 1995,
Chapter 155, Section 15) is amended to read:

"6-24-15. LOTTERY TICKETS--SALES.--

A. The price of each lottery ticket shall be
clearly stated on the ticket. No person shall sell a ticket at
a price other than at the price established by the authority

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1 unless authorized in writing by the chief executive officer.
2 No person other than a lottery retailer shall sell lottery
3 tickets, but this subsection shall not be construed to prevent
4 a person who may lawfully purchase tickets from making a gift
5 of lottery tickets. Transactions between individuals on a
6 nonprofit basis are permissible. Nothing in the New Mexico
7 Lottery Act shall be construed to prohibit the authority from
8 designating certain of its agents or employees to sell or give
9 lottery tickets directly to the public.

10 B. Lottery tickets may be given by merchants as a
11 means of promoting goods or services to customers or
12 prospective customers.

13 C. Tickets shall not be sold to or purchased by
14 individuals under eighteen years of age. Persons under
15 eighteen years of age may receive lottery tickets as gifts.

16 D. Tickets may be purchased only with cash [~~or a~~],
17 check or debit card and shall not be purchased on credit unless
18 the lottery purchase is twenty dollars (\$20.00) or less.

19 E. The names of elected officials shall not appear
20 on any lottery ticket."

21 SECTION 2. Section 6-24-19 NMSA 1978 (being Laws 1995,
22 Chapter 155, Section 19, as amended) is amended to read:

23 "6-24-19. PROCUREMENT--COMPETITIVE PROPOSALS.--

24 A. The authority shall enter into a contract for a
25 procurement after evaluating competitive proposals and shall

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1 not design requests for proposals to provide only for sole
2 source contracts. The authority shall conduct its own
3 procurement, but the authority shall conduct all procurement in
4 accordance with the Procurement Code, except as provided in
5 Subsection B of this section. In all procurement decisions,
6 the authority shall take into account the particularly
7 sensitive nature of the lottery and shall act to promote and
8 ensure security, honesty, fairness and integrity in the
9 operation and administration of the lottery and the objectives
10 of raising revenue for the public purposes of the New Mexico
11 Lottery Act. Procurements shall not be artificially divided to
12 reduce the cost of the procurement below the procurement
13 thresholds provided in the Procurement Code.

14 B. The authority may contract for a period of up to
15 ten years for instant ticket printing and computer gaming
16 systems to achieve maximum pricing efficiencies."

17 SECTION 3. Section 6-24-24 NMSA 1978 (being Laws 1995,
18 Chapter 155, Section 24, as amended) is amended to read:

19 "6-24-24. DISPOSITION OF REVENUE.--

20 A. As nearly as practical, an amount equal to at
21 least fifty percent of the gross annual revenue from the sale
22 of lottery [~~tickets~~] games shall be returned to the public in
23 the form of lottery prizes.

24 B. No later than the last business day of each
25 [~~month~~] January, April, July and October, the authority shall

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1 transmit [~~at least twenty-seven percent of~~] the [~~gross~~] net
2 revenue of the previous [~~month until December 31, 2008 and at~~
3 ~~least thirty percent of the gross revenue of the previous month~~
4 ~~thereafter~~] quarter to the state treasurer, who shall deposit
5 it in the lottery tuition fund.

6 C. Operating expenses of the lottery include all
7 costs incurred in the operation and administration of the
8 lottery and all costs resulting from any contracts entered into
9 for the purchase or lease of goods or services required by the
10 lottery, including the costs of supplies, materials, tickets,
11 independent audit services, independent studies, data
12 transmission, advertising, promotion, incentives, public
13 relations, communications, commissions paid to lottery
14 retailers, printing, distribution of tickets, purchases of
15 annuities or investments to be used to pay future installments
16 of winning lottery tickets, debt service and payment of any
17 revenue bonds issued, contingency reserves, transfers to the
18 reserve fund and any other necessary costs incurred in carrying
19 out the provisions of the New Mexico Lottery Act."