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SENATE BILL 591

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

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO THE NEW MEXICO LOTTERY ACT; PROVIDING A METHOD TO DETERMINE THE AMOUNT OF A BONUS OR INCENTIVE AWARDED TO A NEW MEXICO LOTTERY AUTHORITY EMPLOYEE.

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

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

"6-24-6. POWERS OF THE AUTHORITY.--

A. The authority shall have all powers necessary or convenient to carry out and effectuate the purposes and provisions of the New Mexico Lottery Act that are not in conflict with the constitution of New Mexico and that are generally exercised by corporations engaged in entrepreneurial pursuits, including the power to:

- (1) sue and be sued;

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- 1 (2) adopt and alter a seal;
- 2 (3) adopt, amend and repeal bylaws, rules,
3 policies and procedures for the conduct of its affairs and its
4 business;
- 5 (4) procure or provide insurance;
- 6 (5) hold copyrights, trademarks and service
7 marks and enforce its rights with respect thereto;
- 8 (6) initiate, supervise and administer the
9 operation of the lottery in accordance with the provisions of
10 the New Mexico Lottery Act and rules, policies and procedures
11 adopted pursuant to that act;
- 12 (7) enter into written agreements or contracts
13 for the operation, participation in or marketing or promotion
14 of a joint lottery or joint lottery games with operators of a
15 lottery:
- 16 (a) in one or more other states;
- 17 (b) in a territory of the United States;
- 18 (c) in one or more political
19 subdivisions of another state or territory of the United
20 States;
- 21 (d) in a sovereign nation;
- 22 (e) in an Indian nation, tribe or pueblo
23 located within the United States; or
- 24 (f) legally operated outside of the
25 United States;

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1 (8) acquire or lease real property and make
2 improvements thereon and acquire by lease or by purchase
3 personal property, including computers, mechanical, electronic
4 and on-line equipment and terminals and intangible property,
5 including computer programs, systems and software;

6 (9) enter into contracts to incur debt and
7 borrow money in its own name and enter into financing
8 agreements with the state, with agencies or instrumentalities
9 of the state or with any commercial bank or credit provider;

10 (10) receive and expend, in accordance with
11 the provisions of the New Mexico Lottery Act, all money
12 received from any lottery or nonlottery source for effectuating
13 the purposes of the New Mexico Lottery Act;

14 (11) administer oaths, take depositions, issue
15 subpoenas and compel the attendance of witnesses and the
16 production of books, papers, documents and other evidence
17 relative to any investigation or proceeding conducted by the
18 authority;

19 (12) appoint and prescribe the duties of
20 officers, agents and employees of the authority, including
21 professional and administrative staff and personnel, and to fix
22 their compensation, pay their expenses and provide a benefit
23 program, including a retirement plan and a group insurance
24 plan; provided that any bonus or incentive compensation awarded
25 to an employee of the authority shall be calculated based on

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1 the amount transmitted to the state treasurer at the end of
2 each month for deposit in the lottery tuition fund and shall
3 not be calculated based on the lottery's gross revenues;

4 (13) select and contract with lottery vendors
5 and lottery retailers;

6 (14) enter into contracts or agreements with
7 state, local or federal law enforcement agencies or private
8 investigators or other persons for the performance of law
9 enforcement, background investigations and security checks;

10 (15) enter into contracts of all types on such
11 terms and conditions as the authority may determine;

12 (16) establish and maintain banking
13 relationships, including establishment of checking and savings
14 accounts and lines of credit;

15 (17) advertise and promote the lottery and
16 lottery games;

17 (18) act as a lottery retailer, conduct
18 promotions that involve the dispensing of lottery tickets and
19 establish and operate a sales facility to sell lottery tickets
20 and any related merchandise; and

21 (19) adopt, repeal and amend such rules,
22 policies and procedures as necessary to carry out and implement
23 its powers and duties, organize and operate the authority,
24 conduct lottery games and any other matters necessary or
25 desirable for the efficient and effective operation of the

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1 lottery and the convenience of the public.

2 B. The powers enumerated in this section are
3 cumulative of and in addition to those powers enumerated
4 elsewhere in the New Mexico Lottery Act, and no such powers
5 limit or restrict any other powers of the authority."

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