BILL ANALYSIS

Senate Research Center
85R1174 DDT-D

H.B. 59
By: Guillen; Fallon (Zaffirini)
State Affairs
5/18/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, winners of large lottery prizes too often become targets for burglary, theft, and requests for monetary assistance from distant friends and family members due to the media attention given to such winners. H.B. 59 authorizes a person who wins a lottery prize worth an amount equal to $1 million or more, to choose to remain anonymous and prohibit all personally identifiable information from being released to the public. This change protects lottery winners from crimes and unwanted attention.

H.B. 59 amends current law relating to certain lottery prize winners' choice to remain anonymous.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Lottery Commission in SECTION 1 (Section 466.015, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 466.015, Government Code, by adding Subsection (b-1), to require the Texas Lottery Commission (TLC) to adopt rules governing nondisclosure of the personally identifiable information of certain lottery prize winners under Section 466.411.

SECTION 2. Amends Section 466.022(b), Government Code, as follows:

(b) Provides that in addition to TLC records excepted from disclosure under Chapter 552 (Public Information), the following information is confidential and is exempt from disclosure:

(1) makes no change to this subdivision;

(2) and (3) makes nonsubstantive changes; and

(4) except as otherwise authorized by Section 466.411, all personally identifiable information of a natural person who is a lottery prize winner and who has chosen to remain anonymous under Section 466.411 or an owner of a beneficial interest in a legal entity that is a lottery prize winner and who has chosen to remain anonymous under Section 466.411.

SECTION 3. Amends Subchapter I, Chapter 466, Government Code, by adding Section 466.411, as follows:

Sec. 466.411. CHOICE BY CERTAIN PRIZE WINNERS TO REMAIN ANONYMOUS. (a) Authorizes a natural person who is a prize winner of a lottery prize in an amount equal to $1 million or more, or who is an owner of a beneficial interest in a legal entity that is a prize winner of a lottery prize in an amount equal to $1 million or more, subject to Subsection (b), to, on the date the winner claims the prize, choose to remain anonymous and prohibit all personally identifiable information from being released to the public.

(b) Authorizes TLC to release or disclose the personally identifiable information of a natural person who is a lottery prize winner if the person chooses to have the prize paid in periodic installments. Authorizes TLC to only disclose the information on or after the 30th day after the date the person claims the lottery prize if the person chooses to remain anonymous under Subsection (a).

(c) Provides that for purposes of this section, the amount of a lottery prize is the total amount of prize money paid to a prize winner for a single lottery prize claim, whether paid in one payment or in periodic installments, before deducting any federal tax withholdings or other deductions required by law.

(d) Provides that this section does not prohibit release of a natural person prize winner's city or county of residence or prevent TLC from releasing the person's personally identifiable information to the Health and Human Services Commission or as necessary to comply with Section 466.407 (Deductions from Prizes) or 466.4075 (Deductions of Child Support from Certain Lottery Winnings).

SECTION 4. (a) Requires TLC, not later than December 1, 2017, to adopt rules and procedures necessary to implement the changes in law made by this Act to Chapter 466, Government Code.

(b) Provides that Section 466.411, Government Code, as added by this Act, applies only to an initial claim for a lottery prize in an amount equal to $1 million or more that is submitted to TLC on or after January 1, 2018.

SECTION 5. Effective date: September 1, 2017.