

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Fischmann **ORIGINAL DATE** 02/18/09
LAST UPDATED 03/06/09 **HB** _____
SHORT TITLE Educational Retirement Info Disclosure **SB** 490/aSJC
ANALYST Hoffmann

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

Relates to Senate Bill 399

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)
 Educational Retirement Board (ERB)
 Public Education Department (PED)
 Higher Education Department (HED)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment clarifies the definition of a person violating the act by inserting “knowingly” after “Whoever,” so that the sentence reads “Whoever knowingly violates a provision of Subsection A or B of this section is guilty of a petty misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978.”

Synopsis of Original Bill

Senate Bill 490 protects member information, other than member names, local administrative unit where employed, dates of employment, retirement and reported death, service credit, reported salary and employee and employer contributions to the Educational Retirement Fund, from disclosure to anyone other than the member, spouse, or authorized representative of the member, or persons identified in a release signed by the member, spouse or authorized person. The information that may be disclosed without a signed release is generally subject to disclosure under the Inspection of Public Records Act.

Information related to member and employer retirement contributions to the Education Retirement Fund, payments or management of money received by, or the financial controls or procedures of, a local administrative unit may be provided to the Attorney General, appropriate law enforcement agencies, State Auditor, Public Education Department or Higher Education Department without a signed release.

FISCAL IMPLICATIONS

Senate Bill 490 makes no appropriations.

SIGNIFICANT ISSUES

The ERB reports that it houses a significant amount of confidential member information. Currently, there are no protections of this information from disclosure. Senate Bill 490 will help protect sensitive data from disclosure, without affecting the ability of the public to access appropriate records. This is especially important due to the increase in identity theft.

RELATIONSHIP

Senate Bill 399 is related to Senate Bill 490. Senate Bill 399 would authorize ERB to conduct audits of the financial books and records of local administrative units to ensure compliance with the Educational Retirement Act and ERB regulations. Unauthorized disclosure under Senate Bill 490 would be a violation of the Educational Retirement Act.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The ERB comments that they will continue to rely on internal procedures to protect member information from disclosure to third parties if Senate Bill 490 is not enacted.

CH/mt:svb