HOUSE BILL 722

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Jack E. Thomas

AN ACT

RELATING TO EDUCATIONAL RETIREMENT; ENACTING A NEW SECTION OF THE EDUCATIONAL RETIREMENT ACT TO PROHIBIT THE DISCLOSURE OF CERTAIN CONFIDENTIAL INFORMATION; PROVIDING A PENALTY.

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

Section 1. A new section of the Educational Retirement Act is enacted to read:

"[NEW MATERIAL] DISCLOSURE OF MEMBER OR RETIRED MEMBER INFORMATION--PENALTY.--

A.   Other than names of members and local administrative units by which a member was employed; dates of employment, retirement and reported death; service credit; reported salary; and amounts of contributions made by members and local administrative units, neither the board nor its employees or contractors shall allow public inspection or

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1   disclosure of any information regarding a member or retired

2   member to anyone except:

3   (1)   the member, retired member or the spouse

4   or authorized representative of the member or retired member;

5   (2)   other persons specifically identified in a

6   prior release and consent, in the form prescribed by the board,

7   executed by the member, retired member, spouse or authorized

8   representative; or

9   (3)   the attorney general, appropriate law

10 enforcement agencies, the state auditor or the public education

11 department or higher education department, if the information

12 provided relates to contributions, payments or management of

13 money received by, or the financial controls or procedures of,

14 a local administrative unit.

15   B.   No person receiving information disclosed by a

16 violation of Subsection A of this section shall disclose that

17 information to any other person unless authorized by an

18 applicable confidentiality agreement, board rule or state law.

19   C.   Whoever violates a provision of Subsection A or

20 B of this section is guilty of a petty misdemeanor and shall be

21 sentenced in accordance with Section 31-19-1 NMSA 1978."

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