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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:

"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
disclosure of any information regarding a member or retired
member to anyone except:

(1) the member, retired member or the spouse
or authorized representative of the member or retired member;

(2) other persons specifically identified in
a prior release and consent, in the form prescribed by the
board, executed by the member, retired member, spouse or
authorized representative; or

(3) the attorney general, appropriate law

1 enforcement agencies, the state auditor or the public
2 education department or higher education department, if the
3 information provided relates to contributions, payments or
4 management of money received by, or the financial controls or
5 procedures of, a local administrative unit.

6 B. No person receiving information disclosed by a
7 violation of Subsection A of this section shall disclose that
8 information to any other person unless authorized by an
9 applicable confidentiality agreement, board rule or state
10 law.

11 C. Whoever knowingly violates a provision of
12 Subsection A or B of this section is guilty of a petty
13 misdemeanor and shall be sentenced in accordance with Section
14 31-19-1 NMSA 1978."

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