

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 Varela **ORIGINAL DATE** 1-27-09 **HB** 79
LAST UPDATED _____ **SB** _____
SHORT TITLE Public Employee Retirement Info Disclosure **SB** _____
ANALYST Aubel

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		NFI				PERA

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Employees Retirement Association (PERA)

SUMMARY

Synopsis of Bill

House Bill 79 amends the PERA Act to authorize PERA to disclose names and addresses of PERA members and retired members to nonprofit retirement organizations if PERA withholds dues deduction for that nonprofit. The information released must be used exclusively by the nonprofit and not be distributed or used for commercial purposes.

FISCAL IMPLICATIONS

PERA maintains that unless the number of nonprofit retirement organizations for which PERA withholds dues deductions for significantly increases or multiple requests in any given year are made, HB 79 should have little or no fiscal impact on PERA.

SIGNIFICANT ISSUES

The significant issue is who should be entitled to name and address lists of PERA members and retirees without required consent. HB 79 limits this privilege to nonprofit retirement organizations for which PERA is currently withholding dues. Currently, PERA reports it is withholding dues for two nonprofit retirement organizations, the Retired Public Employees of New Mexico (“RPENM”) and the American Federation of State, Municipal and County Employees (“AFSCME”).

ADMINISTRATIVE IMPLICATIONS

PERA suggests that HB 79 should have little or no administrative impact on PERA unless the number of such organizations increases or those qualified for names and addresses of members and retirees make multiple requests in any given calendar year.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Names and address of PERA members and retirees could not be released without the release and consent of the member, except to candidates for the PERA retirement board for election purposes.

POSSIBLE QUESTIONS

1. Does this new disclosure rule only apply to those members that are having dues withheld by PERA or does it allow all members' and retirees' names and addresses to be disclosed without consent?
2. Would releasing the names of PERA employees and retirees to nonprofit retirement organizations give such organizations sponsoring candidates for election to the PERA board at an advantage over those candidates without resources to send out mailers ?
3. Does the bill conflict with privacy laws that require a person to “opt in” to have personal information disseminated to interested parties?
4. Would it be appropriate to limit the number of times a nonprofit may request a list in a year?

MA/svb