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SENATE BILL 416

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Phillip Griego

AN ACT

RELATING TO PUBLIC EMPLOYEES RETIREMENT; PROVIDING THAT  
INFORMATION RELATING TO AN INDIVIDUAL MEMBER OR RETIRED MEMBER  
IS CONFIDENTIAL; PROVIDING EXCEPTIONS; PROVIDING A PENALTY FOR  
DISCLOSING CONFIDENTIAL INFORMATION.

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

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

" NEW MATERIAL ] CONFIDENTIALITY OF INFORMATION--  
PENALTY.-- Information contained in the files of the  
association or the retirement board and relating to a specific  
member or retired member shall be held confidential by the  
association, the retirement board and their employees and  
agents unless the member or retired member agrees in writing  
to its release. Nothing in this section shall be construed to

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = del etc

1 prevent statistical information from being derived from the  
2 information available to the association or retirement board  
3 or its use in public hearings before the retirement board or  
4 in appeals from decisions of the board for which such  
5 information is essential. This section shall not be construed  
6 to protect any information, even if otherwise considered  
7 confidential under this section, if such information is also  
8 available from public, nonconfidential sources.  
9 Notwithstanding the provisions of any act requiring meetings  
10 of public bodies to be open, the board may close that part of  
11 any meeting where confidential information covered by this  
12 section is discussed. A person who willfully violates the  
13 provisions of this section is guilty of a misdemeanor. "