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FISCAL IMPACT REPORT

SPONSOR Thomas **ORIGINAL DATE** 02/02/10
LAST UPDATED 02/05/10 **HB** 231/aHLC

SHORT TITLE Disclosure of Educational Pension Amounts **SB** _____

ANALYST Aubel

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Educational Retirement Board (ERB)

Attorney General's Office (AGO)

SUMMARY

Synopsis of HLC Amendment

The House Labor and Human Resources Committee amendment to House Bill 231 replaces the words "pension amounts" with the phrase "retirement and disability benefits". The amendment clarifies the disability benefits can be disclosed under Sec. 22-11-55. While arguably disability benefits were subject to disclosure pursuant to HB 231, the HLC removes any ambiguity.

Synopsis of Original Bill

House Bill 231 amends Section 22-11-55 NMSA 1978 to allow the Educational Retirement Board to disclose a member's pension amount.

SIGNIFICANT ISSUES

ERB provides the following analysis:

SB231 will amend Section 22-11-55 to clearly exempt educational retirement pension amounts from the section's confidentiality provisions. Currently, Section 22-11-55 allows the release of "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[.]” Release of other information is a misdemeanor under Section 31-19-1.

The information that currently can be released is sufficient to roughly calculate pension benefits. The technical correction made by Section 22-11-55 will explicitly allow release of pension amounts.

According to ERB, Sec. 22-11-55 was not intended to prevent release of pension amounts.

According to the AGO, records maintained by the ERB that disclose the amount a member receives as his pension will now be subject to inspection and disclosure under the Inspection of Public Records Act.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Pension benefits would not be subject to release but could be roughly calculated based on the information that can be released.

MA/svb