



# The Legislature

of the

# State of New Mexico

49th Legislature, First Session

LAWS 2009

CHAPTER 240

SENATE BILL 490, as amended

Introduced by

SENATOR STEPHEN H. FISCHMANN  
SENATOR SUE WILSON BEFFORT  
SENATOR GEORGE K. MUÑOZ



# Chapter 240

1 AN ACT

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

5  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

9 "DISCLOSURE OF MEMBER OR RETIRED MEMBER INFORMATION--  
10 PENALTY.--

11 A. Other than names of members and local  
12 administrative units by which a member was employed; dates of  
13 employment, retirement and reported death; service credit;  
14 reported salary and amounts of contributions made by members  
15 and local administrative units, neither the board nor its  
16 employees or contractors shall allow public inspection or  
17 disclosure of any information regarding a member or retired  
18 member to anyone except:

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

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

25 (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." \_\_\_\_\_

*Diane D. Denish*

Diane D. Denish, President  
Senate

*Lenore M. Naranjo*

Lenore M. Naranjo, Chief Clerk  
Senate

*Ben Lujan*

Ben Lujan, Speaker  
House of Representatives

*Stephen R. Arias*

Stephen R. Arias, Chief Clerk  
House of Representatives

Approved by me this 10<sup>th</sup> day of April, 2009

*Bill Richardson*

Governor Bill Richardson  
State of New Mexico