

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 432

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1
2 RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO; AMENDING SECTION
3 59-1316, IDAHO CODE, TO PROVIDE FOR PENALTIES FOR DIVULGING CONFIDEN-
4 TIAL INFORMATION RELATED TO MEMBER RETIREMENT RECORDS AND TO MAKE TECH-
5 NICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFEC-
6 TIVE DATE.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 59-1316, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 59-1316. MEMBER'S RETIREMENT RECORDS CONFIDENTIAL -- PENALTY FOR DI-
11 VULGING INFORMATION. (1) Each member shall furnish the board with such in-
12 formation as the board shall deem necessary for the proper operation of the
13 system. As provided in section 74-106, Idaho Code, information contained in
14 the retirement system mortgage portfolio loan documents and in each member's
15 retirement system records is confidential and may not be divulged except as
16 ordered by a court, or except as may be required by the employer member or by
17 the retirement board and its staff in order to carry into effect the purposes
18 of this chapter.

19 (2) A member may by his written authorization release specific infor-
20 mation from his own retirement system records to a stated designee. If the
21 member is deceased, the member's contingent annuitant or beneficiary may, by
22 written authorization, release specific information from the member's re-
23 tirement system records to a stated designee.

24 (3) The retirement system may disclose the identity of a deceased
25 member's beneficiary to the member's spouse, children, and to the court-ap-
26 pointed administrator of the member's estate.

27 (4) Should a court order direct distribution or partial distribution of
28 a member's benefit as defined in either chapter 13, title 59, Idaho Code, or
29 chapter 14, title 72, Idaho Code, to the member's spouse or former spouse,
30 the system may release to the spouse, former spouse, or the court issuing the
31 order, information pertaining to the division or segregation of the member's
32 accounts or benefit. This information includes account balances, service
33 accumulations, and related information and histories, but does not include
34 current addresses and phone numbers. The system may release the same in-
35 formation to a member's current spouse at any time, regardless of whether a
36 court has ordered a distribution or division of the member's account.

37 (5) No board member, director, deputy, employee, contractor, or any
38 person formerly employed in any such position shall knowingly divulge or
39 make known to any person in any manner any member's retirement system records
40 obtained directly or indirectly in the discharge of duties except as pro-
41 vided by statute, court order, or rules of the retirement system promulgated

1 under this section or sections 50-1507, 50-1508, 50-1524, 59-1301, 59-1314,
2 59-1383, 59-1392, 72-1405, Idaho Code.

3 (6) Any board member, director, deputy, employee, contractor, or any
4 person formerly employed in any such position who knowingly violates any of
5 the provisions of this section shall be guilty of a felony and, upon convic-
6 tion, shall be punished by a fine of not less than one hundred dollars (\$100)
7 nor more than five thousand dollars (\$5,000) or by imprisonment for not more
8 than five (5) years. Upon such conviction, such person shall also forfeit
9 his office, employment, or contract, if any, and shall be ineligible to hold
10 any public office in this state for a period of two (2) years. Nothing in
11 this subsection shall limit the retirement system's ability to take any and
12 all disciplinary actions authorized pursuant to chapter 53, title 67, Idaho
13 Code.

14 SECTION 2. An emergency existing therefor, which emergency is hereby
15 declared to exist, this act shall be in full force and effect on and after
16 July 1, 2024.