

HOUSE BILL 926

K4

(0lr1927)

ENROLLED BILL

— *Appropriations/Budget and Taxation* —

Introduced by **Delegates Proctor and Vallario**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Retirement and Pension System – Retiree ~~Organizations~~ Organization –**
3 **Direct Mailings**

4 FOR the purpose of providing that a certain retiree ~~organizations~~ organization may
5 make a certain number of ~~annual~~ requests during a certain period of time to the
6 Board of Trustees of the State Retirement and Pension System for certain
7 ~~member and~~ retiree information that is necessary for certain direct mailings by
8 the retiree ~~organizations~~ organization; prohibiting a certain retiree
9 ~~organizations~~ organization from including certain information in certain direct
10 mailings; requiring the Board of Trustees to provide certain ~~retiree~~
11 ~~organizations~~ mail processing centers with certain information subject to
12 certain agreements; providing that the procurement of a certain mail processing
13 center is the sole responsibility of a certain retiree organization; requiring a
14 certain retiree ~~organizations~~ organization to provide certain supplies required
15 for certain direct mailings and to pay certain costs with regard to those direct

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 mailings; providing that the Board of Trustees is not liable for certain
 2 information included in certain direct mailings; defining a certain term;
 3 ~~authorizing~~ requiring the Board of Trustees to submit a certain report in a
 4 certain manner to the Joint Committee on Pensions; providing that the Board of
 5 Trustees is not required to provide certain notice to certain retirees under
 6 certain circumstances; providing for the termination of this Act; and generally
 7 relating to direct mailings by a retiree ~~organizations~~ organization to ~~members~~
 8 ~~and~~ retirees of the State Retirement and Pension System.

9 BY adding to

10 Article – State Personnel and Pensions
 11 Section 21–128
 12 Annotated Code of Maryland
 13 (2009 Replacement Volume and 2009 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – State Personnel and Pensions
 16 Section 21–504
 17 Annotated Code of Maryland
 18 (2009 Replacement Volume and 2009 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – State Personnel and Pensions**

22 **21–128.**

23 (A) IN THIS SECTION, “RETIREE ORGANIZATION” MEANS ~~AN~~
 24 ~~ORGANIZATION IN WHICH STATE RETIREES PARTICIPATE AND THAT HAS AS ONE~~
 25 ~~OF ITS PRIMARY PURPOSES REPRESENTING OR PROVIDING SERVICES TO STATE~~
 26 ~~RETIREES~~ THE MARYLAND RETIRED SCHOOL PERSONNEL ASSOCIATION.

27 ~~(B) THIS SECTION APPLIES TO ANY RETIREE ORGANIZATION THAT HAS:~~

28 ~~(1) THE LEGAL AUTHORITY TO PROVIDE SERVICES TO RETIREES~~
 29 ~~OF THE SEVERAL SYSTEMS; AND~~

30 ~~(2) MEMBERSHIP DUES DEDUCTED FROM MONTHLY BENEFIT~~
 31 ~~PAYMENTS MADE BY THE BOARD OF TRUSTEES TO A RETIREE OF THE SEVERAL~~
 32 ~~SYSTEMS.~~

33 ~~(C)~~ (B) (1) A RETIREE ORGANIZATION MAY SUBMIT ONLY TWO
 34 REQUESTS ANNUALLY ONE REQUEST IN BOTH APRIL AND OCTOBER OF EACH
 35 YEAR TO THE BOARD OF TRUSTEES TO ASSIST THE RETIREE ORGANIZATION IN

1 PERFORMING DIRECT MAILINGS TO ~~MEMBERS AND~~ RETIREES OF THE SEVERAL
2 SYSTEMS WHO ARE MEMBERS OF THE RETIREE ORGANIZATION OR ELIGIBLE TO
3 BECOME MEMBERS OF THE RETIREE ORGANIZATION.

4 (2) THE DIRECT MAILINGS MAY NOT BE FOR THE PURPOSE OF
5 SUPPORTING OR OPPOSING ANY POLITICAL PARTY, BALLOT MEASURE, OR
6 CANDIDATE IN ANY ELECTION, INCLUDING ANY STATE GENERAL OR PRIMARY
7 ELECTION OR ANY ELECTION WITHIN THE RETIREE ORGANIZATION.

8 (3) (1) THE BOARD OF TRUSTEES SHALL PROVIDE THE
9 ~~RETIREE ORGANIZATION WITH~~ RETIREE DATA FOR ADDRESSING ENVELOPES
10 ONLY TO THE MAIL PROCESSING CENTER UNDER A SECURE DATA SHARE
11 AGREEMENT WITH THE MAIL PROCESSING CENTER UNDER WHICH NEITHER THE
12 RETIREE ORGANIZATION NOR ANY OTHER ENTITY HAS DIRECT ACCESS TO ANY
13 NAMES OR ADDRESSES.

14 (II) IF THE BOARD OF TRUSTEES PROVIDES ANY RETIREE
15 DATA TO A MAIL PROCESSING CENTER UNDER SUBPARAGRAPH (I) OF THIS
16 PARAGRAPH, THE BOARD OF TRUSTEES IS NOT REQUIRED TO NOTIFY A
17 RETIREE WHOSE DATA IS RELEASED OF THE PROVISIONS OF § 21-504 OF THIS
18 TITLE.

19 ~~(D)~~ (C) THE DIRECT MAILING SHALL PROVIDE ~~MEMBERS AND~~
20 RETIREES OF THE SEVERAL SYSTEMS WHO ARE MEMBERS OF THE RETIREE
21 ORGANIZATION OR ELIGIBLE TO BECOME MEMBERS OF THE RETIREE
22 ORGANIZATION WITH INFORMATION THAT EXPLAINS THE SERVICES OFFERED
23 BY THE RETIREE ORGANIZATION.

24 ~~(E)~~ (D) (1) A RETIREE ORGANIZATION IS SOLELY RESPONSIBLE
25 FOR THE PROCUREMENT OF A MAIL PROCESSING CENTER UNDER THIS SECTION.

26 (2) THE RETIREE ORGANIZATION SHALL PROVIDE ALL PRINTED
27 MATERIALS TO BE MAILED AND ENVELOPES TO A MAIL PROCESSING CENTER.

28 ~~(2)~~ (3) THE RETIREE ORGANIZATION IS RESPONSIBLE FOR
29 PAYING ALL COSTS FOR GENERATING MAILING LABELS, INSERTING MATERIALS
30 INTO ENVELOPES, SEALING, LABELING, AND DELIVERING MATERIALS TO BE
31 MAILED TO A BULK MAIL CENTER OR POST OFFICE.

32 ~~(3)~~ (4) THE RETIREE ORGANIZATION IS RESPONSIBLE FOR ALL
33 POSTAGE COSTS INVOLVED FOR THE DIRECT MAILINGS.

34 ~~(F)~~ (E) THE BOARD OF TRUSTEES IS NOT LIABLE FOR THE CONTENT
35 OF ANY DIRECT MAILING SENT UNDER THIS SECTION.

1 **(F) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE BOARD OF**
2 **TRUSTEES ~~MAY~~ SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2-1246 OF**
3 **THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS**
4 **THAT INCLUDES A SUMMARY OF ANY COMPLAINTS RECEIVED BY THE STATE**
5 **RETIREMENT AGENCY REGARDING ANY MAILING RECEIVED BY A RETIREE**
6 **UNDER THIS SECTION.**

7 21-504.

8 (a) This section applies only to the:

9 (1) Employees' Pension System;

10 (2) Employees' Retirement System;

11 (3) Teachers' Pension System; and

12 (4) Teachers' Retirement System.

13 (b) The Board of Trustees shall adopt regulations to allow a public employee
14 organization to obtain, for a reasonable fee, each year:

15 (1) the name and last known address of each individual during the
16 last year who became a retiree or commenced receiving a vested allowance.

17 (2) the name and last known address of each retiree or former member
18 receiving a vested allowance who died in the last year; and

19 (3) any change in address in the last year of a retiree or former
20 member receiving a vested allowance.

21 (c) (1) **[Before] EXCEPT AS PROVIDED IN § 21-128 OF THIS TITLE,**
22 **BEFORE** the release of a name, the Board of Trustees shall notify the individual of the
23 provisions of this section.

24 (2) If an individual notifies the Board of Trustees that the individual
25 does not want the individual's name or address released to an employee organization,
26 the Board of Trustees may not release the name or address.

27 (d) An employee organization may not release any information that it
28 receives under this section.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2010. It shall remain effective for a period of 1 year and, at the end of June 30,

1 2011, with no further action required by the General Assembly, this Act shall be
2 abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.