

HOUSE BILL 926

K4

0lr1927
CF 0lr3032

By: **Delegates Proctor and Vallario**

Introduced and read first time: February 12, 2010

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2010

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
16 mailings; providing that the Board of Trustees is not liable for certain
17 information included in certain direct mailings; defining a certain term;
18 authorizing the Board of Trustees to submit a certain report in a certain
19 manner to the Joint Committee on Pensions; providing that the Board of
20 Trustees is not required to provide certain notice to certain retirees under
21 certain circumstances; and generally relating to direct mailings by a retiree
22 ~~organizations~~ organization to ~~members and~~ retirees of the State Retirement and
23 Pension System.

24 BY adding to

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.



1 Article – State Personnel and Pensions
 2 Section 21–128
 3 Annotated Code of Maryland
 4 (2009 Replacement Volume and 2009 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – State Personnel and Pensions
 7 Section 21–504
 8 Annotated Code of Maryland
 9 (2009 Replacement Volume and 2009 Supplement)

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

12 **Article – State Personnel and Pensions**

13 **21–128.**

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

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

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

21 ~~(2) MEMBERSHIP DUES DEDUCTED FROM MONTHLY BENEFIT~~
 22 ~~PAYMENTS MADE BY THE BOARD OF TRUSTEES TO A RETIREE OF THE SEVERAL~~
 23 ~~SYSTEMS.~~

24 ~~(C)~~ (B) (1) A RETIREE ORGANIZATION MAY SUBMIT ONLY TWO
 25 REQUESTS ANNUALLY ONE REQUEST IN BOTH APRIL AND OCTOBER OF EACH
 26 YEAR TO THE BOARD OF TRUSTEES TO ASSIST THE RETIREE ORGANIZATION IN
 27 PERFORMING DIRECT MAILINGS TO ~~MEMBERS AND~~ RETIREES OF THE SEVERAL
 28 SYSTEMS WHO ARE MEMBERS OF THE RETIREE ORGANIZATION OR ELIGIBLE TO
 29 BECOME MEMBERS OF THE RETIREE ORGANIZATION.

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

34 (3) (I) THE BOARD OF TRUSTEES SHALL PROVIDE THE
 35 ~~RETIREE ORGANIZATION WITH~~ RETIREE DATA FOR ADDRESSING ENVELOPES

1 ONLY TO THE MAIL PROCESSING CENTER UNDER A SECURE DATA SHARE
2 AGREEMENT WITH THE MAIL PROCESSING CENTER UNDER WHICH NEITHER THE
3 RETIREE ORGANIZATION NOR ANY OTHER ENTITY HAS DIRECT ACCESS TO ANY
4 NAMES OR ADDRESSES.

5 (II) IF THE BOARD OF TRUSTEES PROVIDES ANY RETIREE
6 DATA TO A MAIL PROCESSING CENTER UNDER SUBPARAGRAPH (I) OF THIS
7 PARAGRAPH, THE BOARD OF TRUSTEES IS NOT REQUIRED TO NOTIFY A
8 RETIREE WHOSE DATA IS RELEASED OF THE PROVISIONS OF § 21-504 OF THIS
9 TITLE.

10 ~~(D)~~ (C) THE DIRECT MAILING SHALL PROVIDE ~~MEMBERS AND~~
11 RETIREES OF THE SEVERAL SYSTEMS WHO ARE MEMBERS OF THE RETIREE
12 ORGANIZATION OR ELIGIBLE TO BECOME MEMBERS OF THE RETIREE
13 ORGANIZATION WITH INFORMATION THAT EXPLAINS THE SERVICES OFFERED
14 BY THE RETIREE ORGANIZATION.

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

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

19 ~~(2)~~ (3) THE RETIREE ORGANIZATION IS RESPONSIBLE FOR
20 PAYING ALL COSTS FOR GENERATING MAILING LABELS, INSERTING MATERIALS
21 INTO ENVELOPES, SEALING, LABELING, AND DELIVERING MATERIALS TO BE
22 MAILED TO A BULK MAIL CENTER OR POST OFFICE.

23 ~~(3)~~ (4) THE RETIREE ORGANIZATION IS RESPONSIBLE FOR ALL
24 POSTAGE COSTS INVOLVED FOR THE DIRECT MAILINGS.

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

27 (F) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE BOARD OF
28 TRUSTEES MAY SUBMIT A REPORT IN ACCORDANCE WITH § 2-1246 OF THE
29 STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS THAT
30 INCLUDES A SUMMARY OF ANY COMPLAINTS RECEIVED BY THE STATE
31 RETIREMENT AGENCY REGARDING ANY MAILING RECEIVED BY A RETIREE
32 UNDER THIS SECTION.

33 21-504.

34 (a) This section applies only to the:

1 (1) Employees' Pension System;

2 (2) Employees' Retirement System;

3 (3) Teachers' Pension System; and

4 (4) Teachers' Retirement System.

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

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

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

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

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.