

## Chapter 714

(House Bill 926)

AN ACT concerning

### State Retirement and Pension System – ~~Retiree Organizations~~ Organization – Direct Mailings

FOR the purpose of providing that a certain retiree organization may make a certain number of ~~annual~~ requests during a certain period of time to the Board of Trustees of the State Retirement and Pension System for certain ~~member and~~ retiree information that is necessary for certain direct mailings by the retiree ~~organizations~~ organization; prohibiting a certain retiree organization from including certain information in certain direct mailings; requiring the Board of Trustees to provide certain ~~retiree organizations~~ mail processing centers with certain information subject to certain agreements; providing that the procurement of a certain mail processing center is the sole responsibility of a certain retiree organization; requiring a certain retiree organization to provide certain supplies required for certain direct mailings and to pay certain costs with regard to those direct mailings; providing that the Board of Trustees is not liable for certain information included in certain direct mailings; defining a certain term; ~~authorizing~~ requiring the Board of Trustees to submit a certain report in a certain manner to the Joint Committee on Pensions; providing that the Board of Trustees is not required to provide certain notice to certain retirees under certain circumstances; providing for the termination of this Act; and generally relating to direct mailings by a retiree organization to ~~members and~~ retirees of the State Retirement and Pension System.

BY adding to

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

BY repealing and reenacting, with amendments,

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

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

## Article – State Personnel and Pensions

21-128.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21-504.

(a) This section applies only to the:

- (1) Employees' Pension System;
- (2) Employees' Retirement System;
- (3) Teachers' Pension System; and
- (4) Teachers' Retirement System.

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

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

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

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. *It shall remain effective for a period of 1 year and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.*

**Approved by the Governor, May 20, 2010.**