

SENATE BILL 199

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11r1871
CF HB 249

By: **Senator Glassman**

Introduced and read first time: January 26, 2011

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2011

CHAPTER _____

1 AN ACT concerning

2 **State Retirement and Pension System – Direct Mailings by Retiree**
3 **Organizations – ~~Repeal of Sunset Provision~~**

4 FOR the purpose of requiring a retiree organization to submit certain information to
5 the Board of Trustees of the State Retirement and Pension System; requiring
6 the Board of Trustees to review certain direct mailing materials before
7 submitting retiree data to a mail processing center; altering the definition of
8 “retiree organization” to expand the definition to include any organization in
9 which State retirees participate and whose primary purpose is representing or
10 providing services to those retirees; providing for the application of certain
11 provisions of this Act; repealing the termination of certain provisions of law that
12 allow retiree organizations to send direct mailings to retirees of the State
13 Retirement and Pension System; providing for the effective date of certain
14 provisions of this Act; and generally relating to direct mailings by retiree
15 organizations to retirees of the State Retirement and Pension System.

16 BY repealing and reenacting, ~~without~~ with amendments,
17 Article – State Personnel and Pensions
18 Section 21–128 ~~and 21–504(e)~~
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2010 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – State Personnel and Pensions
23 Section 21–128

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 Annotated Code of Maryland
2 (2009 Replacement Volume and 2010 Supplement)
3 (As enacted by Section 1 of this Act)

4 BY repealing and reenacting, with amendments,
5 Chapter 714 of the Acts of the General Assembly of 2010
6 Section 2

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

9 **Article – State Personnel and Pensions**

10 21–128.

11 (a) In this section, “retiree organization” means the Maryland Retired School
12 Personnel Association.

13 (b) (1) A retiree organization may submit only one request in both April
14 and October of each year to the Board of Trustees to assist the retiree organization in
15 performing direct mailings to retirees of the several systems who are members of the
16 retiree organization or eligible to become members of the retiree organization.

17 (2) The direct mailings may not be for the purpose of supporting or
18 opposing any political party, ballot measure, or candidate in any election, including
19 any State general or primary election or any election within the retiree organization.

20 (3) (i) The Board of Trustees shall provide the retiree data for
21 addressing envelopes only to the mail processing center under a secure data share
22 agreement with the mail processing center under which neither the retiree
23 organization nor any other entity has direct access to any names or addresses.

24 (ii) If the Board of Trustees provides any retiree data to a mail
25 processing center under subparagraph (i) of this paragraph, the Board of Trustees is
26 not required to notify a retiree whose data is released of the provisions of § 21–504 of
27 this title.

28 **(4) (I) A RETIREE ORGANIZATION SHALL PROVIDE THE BOARD**
29 **OF TRUSTEES WITH COPIES OF ALL MATERIALS THAT WILL BE INCLUDED IN THE**
30 **DIRECT MAILING.**

31 **(II) THE BOARD OF TRUSTEES SHALL REVIEW THE**
32 **MATERIALS PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BEFORE**
33 **PROVIDING ANY RETIREE DATA TO A MAIL PROCESSING CENTER.**

34 (c) The direct mailing shall provide retirees of the several systems who are
35 members of the retiree organization or eligible to become members of the retiree

1 organization with information that explains the services offered by the retiree
2 organization.

3 (d) (1) A retiree organization is solely responsible for the procurement of a
4 mail processing center under this section.

5 (2) The retiree organization shall provide all printed materials to be
6 mailed and envelopes to a mail processing center.

7 (3) The retiree organization is responsible for paying all costs for
8 generating mailing labels, inserting materials into envelopes, sealing, labeling, and
9 delivering materials to be mailed to a bulk mail center or post office.

10 (4) The retiree organization is responsible for all postage costs
11 involved for the direct mailings.

12 (e) The Board of Trustees is not liable for the content of any direct mailing
13 sent under this section.

14 (f) On or before December 31 of each year, the Board of Trustees shall
15 submit a report in accordance with § 2-1246 of the State Government Article to the
16 Joint Committee on Pensions that includes a summary of any complaints received by
17 the State Retirement Agency regarding any mailing received by a retiree under this
18 section.

19 ~~21-504.~~

20 ~~(e) (1) Except as provided in § 21-128 of this title, before the release of a~~
21 ~~name, the Board of Trustees shall notify the individual of the provisions of this~~
22 ~~section.~~

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
27 read as follows:

28 Article – State Personnel and Pensions

29 21-128.

30 (a) In this section, “retiree organization” means [the Maryland Retired
31 School Personnel Association] AN ORGANIZATION IN WHICH STATE RETIREES
32 PARTICIPATE AND THAT HAS AS ONE OF ITS PRIMARY PURPOSES,
33 REPRESENTING OR PROVIDING SERVICES TO STATE RETIREES.

1 **(B) THIS SECTION APPLIES TO ANY RETIREE ORGANIZATION THAT HAS**
2 **THE LEGAL AUTHORITY TO PROVIDE SERVICES TO RETIREES OF THE SEVERAL**
3 **SYSTEMS.**

4 **[(b)] (C) (1) A retiree organization may submit only one request in both**
5 **April and October of each year to the Board of Trustees to assist the retiree**
6 **organization in performing direct mailings to retirees of the several systems who are**
7 **members of the retiree organization or eligible to become members of the retiree**
8 **organization.**

9 **(2) The direct mailings may not be for the purpose of supporting or**
10 **opposing any political party, ballot measure, or candidate in any election, including**
11 **any State general or primary election or any election within the retiree organization.**

12 **(3) (i) The Board of Trustees shall provide the retiree data for**
13 **addressing envelopes only to the mail processing center under a secure data share**
14 **agreement with the mail processing center under which neither the retiree**
15 **organization nor any other entity has direct access to any names or addresses.**

16 **(ii) If the Board of Trustees provides any retiree data to a mail**
17 **processing center under subparagraph (i) of this paragraph, the Board of Trustees is**
18 **not required to notify a retiree whose data is released of the provisions of § 21-504 of**
19 **this title.**

20 **(4) (i) A retiree organization shall provide the Board of Trustees**
21 **with copies of all materials that will be included in the direct mailing.**

22 **(ii) The Board of Trustees shall review the materials provided**
23 **under subparagraph (i) of this paragraph before providing any retiree data to a mail**
24 **processing center.**

25 **[(c)] (D) The direct mailing shall provide retirees of the several systems**
26 **who are members of the retiree organization or eligible to become members of the**
27 **retiree organization with information that explains the services offered by the retiree**
28 **organization.**

29 **[(d)] (E) (1) A retiree organization is solely responsible for the**
30 **procurement of a mail processing center under this section.**

31 **(2) The retiree organization shall provide all printed materials to be**
32 **mailed and envelopes to a mail processing center.**

33 **(3) The retiree organization is responsible for paying all costs for**
34 **generating mailing labels, inserting materials into envelopes, sealing, labeling, and**
35 **delivering materials to be mailed to a bulk mail center or post office.**

