

Chapter 432

(House Bill 249)

AN ACT concerning

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

FOR the purpose of ~~providing that certain retiree organizations may make a certain number of requests during a certain period of time to the Board of Trustees of the State Retirement and Pension System for certain retiree information that is necessary for certain direct mailings by the retiree organizations; requiring a retiree organization to submit certain information to the Board of Trustees of the State Retirement and Pension System; requiring the Board of Trustees to review certain direct mailing materials before submitting retiree data to a mail processing center; altering the definition of “retiree organization” to expand the definition to include any organization in which State retirees participate and whose primary purpose is representing or providing services to those retirees; providing for the application of certain provisions of this Act; repealing the termination of certain provisions of law that allow retiree organizations to send direct mailings to retirees of the State Retirement and Pension System; defining a certain term; providing for the effective date of certain provisions of this Act; and generally relating to direct mailings by retiree organizations to retirees of the State Retirement and Pension System.~~

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

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21-128
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)
(As enacted by Section 1 of this Act)

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

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 the Maryland Retired School Personnel Association.

(b) (1) A retiree organization may submit only 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 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 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.

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

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

(c) The direct mailing shall provide 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.

(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.

(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.

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

(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 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.

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

Article – State Personnel and Pensions

21-128.

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

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

~~(b)~~ **(C)** (1) A retiree organization may submit only 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 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 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.

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

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

~~(D)~~ **(D)** The direct mailing shall provide 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)~~ **(E)** (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.

(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.

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

~~(F)~~ **(F)** The Board of Trustees is not liable for the content of any direct mailing sent under this section.

~~(G)~~ **(G)** On or before December 31 of each year, the Board of Trustees 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.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

~~21-504~~

~~(e) (1) 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.~~

Chapter 714 of the Acts of 2010

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010. [It shall remain effective for a period 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.]

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2012.

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect ~~June 1, 2011~~ July 1, 2012 ~~June 1, 2011~~.

Approved by the Governor, May 19, 2011.