

1 **H. B. 3092**

2  
3 (By Delegates Pethtel, Frazier, Duke, Givens,  
4 Marshall, Martin, Ferro, Hall, Guthrie  
5 and Ennis)  
6

7 [Introduced February 10, 2011; referred to the  
8 Committee on Pensions and Retirement then Finance.]  
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10 A BILL to amend and reenact §5-10D-6 of the Code of West Virginia,  
11 1931, as amended, relating to voluntary deductions by the  
12 Consolidated Public Retirement Board from monthly benefits to  
13 retirees to pay association dues; permitting retiree  
14 associations to receive increased dues by certifying to the  
15 Consolidated Public Retirement Board current increased dues  
16 without retirees written approval; and requiring the  
17 Consolidated Public Retirement Board and other public  
18 retirement systems to provide retiree associations or  
19 organizations lists of plan beneficiaries and addresses for  
20 blind mailings purposes.

21 *Be it enacted by the Legislature of West Virginia:*

22 That §5-10D-6 of the Code of West Virginia, 1931, as amended,  
23 be amended and reenacted to read as follows:

24 **ARTICLE 10D. CONSOLIDATED PUBLIC RETIREMENT BOARD.**

25 **§5-10D-6. Voluntary deductions by the Consolidated Public**

1                   **Retirement Board from monthly benefits to retirees**  
2                   **to pay association dues.**

3           Any recipient of monthly retirement benefits from any public  
4 retirement plan in this state may authorize that a deduction from  
5 his or her monthly benefits be made for the payment of membership  
6 dues or fees to a retiree association. The deductions shall be  
7 authorized on a form provided by the Consolidated Public Retirement  
8 Board and shall include: (a) The identity and social security  
9 number of the retiree; (b) the amount and frequency of the  
10 deduction; (c) the identity and address of the association to which  
11 the dues or fees shall be paid; and (d) the signature of the  
12 retiree. ~~Upon execution of the authorization and its receipt by~~  
13 ~~the Consolidated Public Retirement Board,~~ Any retiree association  
14 so authorized shall certify to the Consolidated Public Retirement  
15 Board the current rate of monthly dues. The deduction shall be  
16 made in the manner certified by the designated retiree association  
17 on the tenth day of each month: *Provided,* That the deduction may  
18 not be made more frequently than monthly. Deduction authorizations  
19 may be revoked at any time at least thirty days prior to the date  
20 on which the deduction is regularly made and on a form to be  
21 provided by the Consolidated Public Retirement Board.

22           Notwithstanding the provisions of section twenty-one, article  
23 eight, chapter five-a of this code to the contrary, a retiree  
24 association is entitled to mail information and voluntary

1 membership applications and dues deduction cards to eligible  
2 beneficiaries of any public retirement plan, including retirees of  
3 the Public Employees Retirement System, Deputy Sheriff Retirement  
4 System, any Policemen's or Firemen's Pension and Retirement Fund,  
5 Municipal Employees Retirement and Benefit Fund, West Virginia  
6 State Police Retirement System, Emergency Medical Services  
7 Retirement System, State Teachers Retirement System, Teachers'  
8 Defined Contribution Retirement System and the Retirement System  
9 for Judges of Courts of Record. The retiree association shall pay  
10 all costs associated with its mailings. The Consolidated Public  
11 Retirement Board and any retiree organization under this section  
12 shall agree on the method of providing a list of plan beneficiaries  
13 and their addresses to accomplish the mailings while preserving the  
14 confidentiality of the list. The agreement may include providing  
15 the list to a third party in the business of providing mailing  
16 services if the third party agrees to maintain the confidentiality  
17 of the list. The Consolidated Public Retirement Board is not  
18 responsible or liable to retired beneficiaries for providing the  
19 names and addresses as provided in this section.

NOTE: The purpose of this bill is to require the Consolidated Public Retirement Board to deduct from monthly benefits to retirees sums to pay retiree association dues. This is accomplished by changing existing statute and permitting retiree associations to receive dues by certifying to the Consolidated Public Retirement Board the amount of current dues without a retiree's written approval which is currently necessary. The bill also requires the

Consolidated Public Retirement Board and all other public retirement systems in the state to provide retiree associations or organizations lists of plan beneficiaries and addresses for blind mailings purposes. This is currently prohibited by the provisions of §5A-8-21, enacted in 2004.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.