

1 **ENROLLED**

2 **H. B. 4654**

3  
4 (By Delegates Morgan and Stephens)

5 [Passed March 7, 2012; in effect from passage.]  
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10 AN ACT 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 pay retiree association dues; establishing the date when the  
14 increased dues will be deducted; requiring prior authorization  
15 of the increased deductions by the retirants; adding  
16 requirement of board provision of blind mailing services for  
17 retiree associations; providing that the board is not liable  
18 for the provision of services; establishing a termination date  
19 of July 1, 2022.

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

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

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

24 **§5-10D-6. Voluntary deductions by the Consolidated Public**

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

3           (a) Any recipient of monthly retirement benefits from any  
4 public retirement plan in this state may authorize that a deduction  
5 from his or her monthly benefits be made for the payment of  
6 membership dues or fees to a retiree association. The deductions  
7 shall be authorized on a form provided by the Consolidated Public  
8 Retirement Board and shall include: (1) The identity and social  
9 security number of the retiree; (2) the amount and frequency of the  
10 deduction; (3) the identity and address of the association to which  
11 the dues or fees shall be paid; and (4) the signature of the  
12 retiree.

13           (b) Any retiree association authorized by recipients of  
14 monthly benefits from any public retirement plan in this state to  
15 receive dues or fees from deductions from retirants' monthly  
16 benefits may notify the board of its monthly dues on a form  
17 provided by the board: *Provided*, That no increase in dues or fees  
18 will be deducted from any retirant's monthly benefit until the  
19 retirant has completed an authorization form containing the  
20 information in subsection (a) and submitted this authorization to  
21 the board. The increased monthly retiree association dues or fees  
22 will be deducted commencing the month following the receipt of the  
23 authorization form to the board.

24           (c) Upon execution of the authorization and its receipt by the

1 Consolidated Public Retirement Board, the deduction shall be made  
2 in the manner specified on the form and remitted to the designated  
3 association on the tenth day of each month: *Provided*, That the  
4 deduction may not be made more frequently than monthly.

5 (d) Deduction authorizations may be revoked at any time at  
6 least thirty days prior to the date on which the deduction is  
7 regularly made and on a form to be provided by the Consolidated  
8 Public Retirement Board.

9 (e) Notwithstanding the provisions of section twenty-one,  
10 article eight, chapter five-a of this code to the contrary, a  
11 retiree association representing only West Virginia public retirees  
12 may request the board to mail voluntary membership applications and  
13 dues deduction cards to any eligible retirees of any West Virginia  
14 public retirement plan administered by the board: *Provided*, That  
15 the retiree association shall pay all costs associated with these  
16 mailings, including but not limited to copying, mailing, postage,  
17 record-keeping and auditing: *Provided, however*, That the board may  
18 contract with a third-party to provide mailing services that agrees  
19 to maintain the confidentiality of the names, addresses and other  
20 personally identifiable information of the retirants.

21 (f) The board is not liable to any retirant, beneficiary or  
22 other annuitant for any action undertaken pursuant to this section.  
23 Any retiree association agrees, by requesting the board to deduct  
24 dues or fees or to provide mailings for it, to be responsible for

1 any errors or omissions by the board in conducting these activities  
2 pursuant to this section.

3 (g) If any retiree association fails to timely pay to the  
4 board all costs required by this section, the board is authorized  
5 to thereafter refuse to provide the services in subsection (e).

6 (h) The provisions of this section shall expire July 1, 2022.