

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.