



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5812

Introduced 4/12/2024, by Rep. Robert "Bob" Rita

SYNOPSIS AS INTRODUCED:

40 ILCS 5/22B-117

40 ILCS 5/22C-117

Amends the Police Officers' Pension Investment Fund and the Firefighters' Investment Fund Articles of the Illinois Pension Code. Provides that meetings of committees of the board may be conducted by audio or video conference, without the physical presence of a quorum of the members if the chairperson of the board determines that an in-person meeting would pose a risk to the health or safety of members of the board or the public and that conducting a meeting by an audio or video conference is in the best interest of the board and the public. Sets forth provisions concerning notice, public participation, voting, verbatim records, and costs.

LRB103 40223 RPS 72141 b

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by
5 changing Sections 22B-117 and 22C-117 as follows:

6 (40 ILCS 5/22B-117)

7 Sec. 22B-117. Meetings of the board.

8 (a) The transition board and the permanent board shall
9 each meet at least quarterly and otherwise upon written
10 request of either the Chairperson or 3 other members. The
11 Chairperson shall preside over meetings of the board. The
12 executive director and personnel of the board shall prepare
13 agendas and materials and required postings for meetings of
14 the board.

15 (b) Six members of the board shall constitute a quorum.

16 (c) All actions taken by the transition board and the
17 permanent board shall require a vote of least 5 trustees,
18 except that the following shall require a vote of at least 6
19 trustees: the adoption of actuarial assumptions; the selection
20 of the chief investment officer, fiduciary counsel, or a
21 consultant as defined under Section 1-101.5 of this Code; the
22 adoption of rules for the conduct of election of trustees; and
23 the adoption of asset allocation policies and investment

1 policies.

2 (d) Subject to the requirements of Section 2.06 of the
3 Open Meetings Act but notwithstanding any other provision of
4 law, meetings of committees of the board may be conducted by
5 audio or video conference, without the physical presence of a
6 quorum of the members, so long as the following conditions are
7 met:

8 (1) The chairperson of the board determines that an
9 in-person meeting would pose a risk to the health or
10 safety of members of the board or the public and that
11 conducting a meeting by an audio or video conference is in
12 the best interest of the board and the public, and the
13 public notice of any meeting given under this paragraph
14 (1) states the reason or reasons for such determination.

15 (2) All members of the board participating in the
16 meeting, wherever their physical location, shall be
17 verified and can hear one another and can hear all
18 discussion and testimony.

19 (3) For open meetings, members of the public present
20 at the meeting location of the committee of the board can
21 hear all discussion and testimony and all votes of the
22 members of the committee of the board, or the committee of
23 the board makes arrangements and provides notice pursuant
24 to this subsection (d) of such arrangements in a manner to
25 allow any interested member of the public access to
26 contemporaneously hear all discussion, testimony, and roll

1 call votes, such as by offering a telephone number or a
2 web-based link, and to provide a method and notice by
3 which members of the public may provide public comment or
4 address the committee of the board as authorized by
5 subsection (g) of Section 2.06 of the Open Meetings Act,
6 such as by telephone or web-based link, or by email or
7 written comment to be read aloud at the meeting,
8 consistent with the board's established and recorded rules
9 for public comment, and to be included in the meeting
10 record.

11 (4) At least one member of the board, its legal
12 counsel, or an administrative officer of the board is
13 physically present at the meeting location.

14 (5) All votes are conducted by roll call, and each
15 member's vote on each issue is identified and recorded.

16 (6) Except in the event of a bona fide emergency, 48
17 hours' notice shall be given of a meeting to be held
18 pursuant to this Section. Notice shall be given to all
19 members of the board, shall be posted in compliance with
20 subsection (a) of Section 2.02 of the Open Meetings Act,
21 and shall also be provided to any news media that has
22 requested notice of meetings pursuant to subsection (a) of
23 Section 2.02 of the Open Meetings Act. The meeting notice
24 and agenda shall include the following: (i) all
25 information necessary for the public to access the audio
26 or video conference, including, but not limited to, the

1 telephone number, web-based link, meeting identification
2 number, passcode, or other method to obtain access; and
3 (ii) for meetings conducted without the public present at
4 the meeting location pursuant to paragraphs (3) and (4) of
5 this subsection (d), all additional specific information
6 necessary for members of the public to provide public
7 comment or address the committee of the board as
8 authorized by subsection (g) of Section 2.06 of the Open
9 Meetings Act, such as by telephone number, web-based link,
10 email, or written comment. If the board declares a bona
11 fide emergency:

12 (A) Notice shall be given pursuant to subsection
13 (a) of Section 2.02 of the Open Meetings Act, and the
14 presiding officer shall state the nature of the
15 emergency at the beginning of the meeting.

16 (B) The committee of the board must comply with
17 the verbatim recording requirements set forth in
18 Section 2.06 of the Open Meetings Act.

19 (7) Each member of the board participating in a
20 meeting by audio or video conference for a meeting held
21 pursuant to this Section shall be considered present at
22 the meeting for purposes of determining a quorum and
23 participating in all proceedings.

24 (8) In addition to the requirements for open meetings
25 under Section 2.06 of the Open Meetings Act, committees of
26 the board holding open meetings under this subsection (d)

1 must also keep a verbatim record of all their meetings in
2 the form of an audio or video recording. Verbatim records
3 made under this paragraph (8) shall be made available to
4 the public under, and are otherwise subject to, the
5 provisions of Section 2.06 of the Open Meetings Act.

6 (9) The board shall bear all costs associated with
7 compliance with this subsection (d).

8 (Source: P.A. 101-610, eff. 1-1-20.)

9 (40 ILCS 5/22C-117)

10 Sec. 22C-117. Meetings of the board.

11 (a) The transition board and the permanent board shall
12 each meet at least quarterly and otherwise upon written
13 request of either the Chairperson or 3 other members. The
14 Chairperson shall preside over meetings of the board. The
15 executive director and personnel of the board shall prepare
16 agendas and materials and required postings for meetings of
17 the board.

18 (b) Six members of the board shall constitute a quorum.

19 (c) All actions taken by the transition board and the
20 permanent board shall require a vote of least 5 trustees,
21 except that the following shall require a vote of at least 6
22 trustees: the adoption of actuarial assumptions; the selection
23 of the chief investment officer, fiduciary counsel, or a
24 consultant as defined under Section 1-101.5 of this Code; the
25 adoption of rules for the conduct of election of trustees; and

1 the adoption of asset allocation policies and investment
2 policies.

3 (d) Subject to the requirements of Section 2.06 of the
4 Open Meetings Act but notwithstanding any other provision of
5 law, meetings of committees of the board may be conducted by
6 audio or video conference, without the physical presence of a
7 quorum of the members, so long as the following conditions are
8 met:

9 (1) The chairperson of the board determines that an
10 in-person meeting would pose a risk to the health or
11 safety of members of the board or the public and that
12 conducting a meeting by an audio or video conference is in
13 the best interest of the board and the public, and the
14 public notice of any meeting given under this paragraph
15 (1) states the reason or reasons for such determination.

16 (2) All members of the board participating in the
17 meeting, wherever their physical location, shall be
18 verified and can hear one another and can hear all
19 discussion and testimony.

20 (3) For open meetings, members of the public present
21 at the meeting location of the committee of the board can
22 hear all discussion and testimony and all votes of the
23 members of the committee of the board, or the committee of
24 the board makes arrangements and provides notice pursuant
25 to this subsection (d) of such arrangements in a manner to
26 allow any interested member of the public access to

1 contemporaneously hear all discussion, testimony, and roll
2 call votes, such as by offering a telephone number or a
3 web-based link, and to provide a method and notice by
4 which members of the public may provide public comment or
5 address the committee of the board as authorized by
6 subsection (g) of Section 2.06 of the Open Meetings Act,
7 such as by telephone or web-based link, or by email or
8 written comment to be read aloud at the meeting,
9 consistent with the board's established and recorded rules
10 for public comment, and to be included in the meeting
11 record.

12 (4) At least one member of the board, its legal
13 counsel, or an administrative officer of the board is
14 physically present at the meeting location.

15 (5) All votes are conducted by roll call, and each
16 member's vote on each issue is identified and recorded.

17 (6) Except in the event of a bona fide emergency, 48
18 hours' notice shall be given of a meeting to be held
19 pursuant to this Section. Notice shall be given to all
20 members of the board, shall be posted in compliance with
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22 and shall also be provided to any news media that has
23 requested notice of meetings pursuant to subsection (a) of
24 Section 2.02 of the Open Meetings Act. The meeting notice
25 and agenda shall include the following: (i) all
26 information necessary for the public to access the audio

1 or video conference, including, but not limited to, the
2 telephone number, web-based link, meeting identification
3 number, passcode, or other method to obtain access; and
4 (ii) for meetings conducted without the public present at
5 the meeting location pursuant to paragraphs (3) and (4) of
6 this subsection (d), all additional specific information
7 necessary for members of the public to provide public
8 comment or address the committee of the board as
9 authorized by subsection (g) of Section 2.06 of the Open
10 Meetings Act, such as by telephone number, web-based link,
11 email, or written comment. If the board declares a bona
12 fide emergency:

13 (A) Notice shall be given pursuant to subsection
14 (a) of Section 2.02 of the Open Meetings Act, and the
15 presiding officer shall state the nature of the
16 emergency at the beginning of the meeting.

17 (B) The committee of the board must comply with
18 the verbatim recording requirements set forth in
19 Section 2.06 of the Open Meetings Act.

20 (7) Each member of the board participating in a
21 meeting by audio or video conference for a meeting held
22 pursuant to this Section shall be considered present at
23 the meeting for purposes of determining a quorum and
24 participating in all proceedings.

25 (8) In addition to the requirements for open meetings
26 under Section 2.06 of the Open Meetings Act, committees of

1 the board holding open meetings under this subsection (d)
2 must also keep a verbatim record of all their meetings in
3 the form of an audio or video recording. Verbatim records
4 made under this paragraph (8) shall be made available to
5 the public under, and are otherwise subject to, the
6 provisions of Section 2.06 of the Open Meetings Act.

7 (9) The board shall bear all costs associated with
8 compliance with this subsection (d).

9 (Source: P.A. 101-610, eff. 1-1-20.)