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Retirement
Study
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*H.B. 257 of the 135th
General Assembly*

Reps. Hoops and Claggett

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ORSC Recommendation

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Summary of H.B. 257

H.B. 257 permits certain public bodies to hold and attend meetings and conduct and attend hearings virtually. This would be an exception to the Ohio Open Meetings Law, which requires a person to be physically present at a meeting in order to determine quorum requirements or to be able to vote.

The bill specifically permits the Public Employees Retirement System (PERS), the Ohio Police and Fire Pension Fund (OP&F), the School Employees Retirement System (SERS), and the State Highway Patrol Retirement System (HPRS) to have virtual meetings if the board adopts a virtual meetings policy. These provisions were previously authorized for the State Teachers Retirement System (STRS) in H.B. 110 of the 134th General Assembly and STRS has adopted a virtual meeting policy. This analysis discusses the provisions relating to the retirement systems.

Virtual Meetings for PERS, OP&F, SERS, and HPRS

Under H.B. 257, PERS, OP&F, SERS, or HPRS may adopt a policy that allows virtual attendance. If a board member participates remotely, the bill requires that the board allow members of the public to attend remotely. The policy must include the number of meetings the member is required to attend in person and that number must be at least half of the regular annual meetings. The policy must also include all of the following:

- 1) That at least a third of the members attending the meeting must be physically present;
- 2) That all votes taken at the meeting must be by roll call vote;
- 3) That a member virtually attending notify the chairperson of that intent not less than 48 hours before the meeting, except in the case of an emergency as defined in the policy.

In addition, unless otherwise specified in the above requirements, the bill prohibits a person from doing any of the following:

- 1) Limiting the number of Board members who may attend a meeting virtually;
- 2) Limiting the total number of meetings that the Board may allow members to attend virtually;
- 3) Limiting the number of meetings at which any one Board member may attend virtually;
- 4) Imposing other limits or obligations on a Board member because the member attends a meeting virtually.

ORSC Analysis

During the period of COVID-19, H.B. 197 and H.B. 404 of the 133rd General Assembly provided temporary authorization to the state retirement boards to attend meetings remotely as long as the public was also able to remotely attend those meetings. Post-Covid, H.B. 110 of the 134th General Assembly authorized STRS to conduct virtual meetings substantively identical to those proposed for the state retirement systems under H.B. 257. The ORSC recommended that the other state retirement systems also be authorized to use remote meetings, but that authorization was not added to H.B. 110. One goal expressed by the ORSC at the time was for members of the general public to remotely attend meetings, and it seemed likely that the adoption of a policy permitting board members to attend remotely would also institutionalize remote attendance by the general public. This has in fact happened at STRS.

Additionally, the provision may increase board member participation by addressing situations where a board member may not be able to physically be in Columbus and may also increase interest in becoming a board member by making board attendance easier.

Fiscal effect

The ORSC has not been provided with actuarial analyses pursuant to R.C. 145.22(D), 742.14(C), 3309.21(D), and 5505.12(D). Therefore, the ORSC does not anticipate any measurable financial impact on the retirement systems. According to the LSC Fiscal Note & Local Impact Statement, a retirement system “opting to use remote communication technology to conduct public meetings or hearings could incur some procurement costs to handle remote meetings if they are not equipped to do so already.”¹

ORSC Recommendation

The ORSC has recommended that the state retirement systems have consistent policy where possible and the ORSC has previously supported the virtual meeting provisions contained in H.B. 257. Therefore, the ORSC recommend passage of the retirement system related provisions of H.B. 257. This would permit all the state retirement system boards, should they elect to do so, to allow board members to participate remotely.

¹ Ohio Legislative Service Commission, H.B. 257 of the 135th General Assembly, Fiscal Note & Local Impact Statement, available online at: <https://www.legislature.ohio.gov/download?key=21572&format=pdf>