

HB2808



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2808

by Rep. Christian L. Mitchell

SYNOPSIS AS INTRODUCED:

40 ILCS 5/1-110.16 new

Amends the General Provisions Article of the Illinois Pension Code. Requires each pension fund and retirement system established under the Code to make its best efforts to identify all firearm manufacturing companies in which it has direct or indirect holdings and, under certain circumstances, to divest itself of holdings in those companies. Effective immediately.

LRB099 04086 RPS 24105 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

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 adding
5 Section 1-110.16 as follows:

6 (40 ILCS 5/1-110.16 new)

7 Sec. 1-110.16. Transactions prohibited by retirement
8 systems; manufacturers of firearms and ammunition.

9 (a) As used in this Section:

10 "Company" means any sole proprietorship, organization,
11 association, corporation, partnership, joint venture, limited
12 partnership, limited liability partnership, limited liability
13 company, or other entity or business association, including all
14 wholly owned subsidiaries, majority-owned subsidiaries, parent
15 companies, or affiliates of those entities or business
16 associations, that exists for the purpose of making profit.

17 "Direct holdings" in a company means all securities of that
18 company that are held directly by the retirement system or in
19 an account or fund in which the retirement system owns all
20 shares or interests.

21 "Firearm manufacturing company" means a company that is
22 licensed pursuant to 27 C.F.R. 478.41 as a manufacturer of
23 destructive devices, ammunition for destructive devices, armor

1 piercing ammunition, firearms other than destructive devices,
2 or ammunition for firearms other than destructive devices or
3 armor piercing ammunition but does not include either a company
4 that manufactures only ceremonial weapons or a company that
5 manufactures only unassembled component parts for any of the
6 following: destructive devices, ammunition for destructive
7 devices, armor piercing ammunition, firearms other than
8 destructive devices, or ammunition for firearms other than
9 destructive devices or armor piercing ammunition.

10 "Indirect holdings" in a company means all securities of
11 that company that are held in an account or fund, such as a
12 mutual fund, managed by one or more persons not employed by the
13 retirement system, in which the retirement system owns shares
14 or interests together with other investors not subject to the
15 provisions of this Section.

16 "Private market fund" means any private equity fund,
17 private equity fund of funds, venture capital fund, hedge fund,
18 hedge fund of funds, real estate fund, or other investment
19 vehicle that is not publicly traded.

20 "Retirement system" means any pension fund or retirement
21 system established under this Code.

22 (b) Within 90 days after the effective date of this
23 Section, each retirement system shall make its best efforts to
24 identify all firearm manufacturing companies in which the
25 retirement system has direct or indirect holdings.

26 These efforts shall include the following, as appropriate

1 in the retirement system's judgment:

2 (1) reviewing and relying on publicly available
3 information regarding firearm manufacturing companies,
4 including information provided by nonprofit organizations,
5 research firms, and government entities;

6 (2) contacting asset managers contracted by the
7 retirement system that invest in firearm manufacturing
8 companies; and

9 (3) contacting other institutional investors that have
10 divested from or engaged with firearm manufacturing
11 companies.

12 The retirement system may retain an independent research
13 firm to identify firearm manufacturing companies in which the
14 retirement system has direct or indirect holdings. By the first
15 meeting of the retirement system following the 90-day period
16 described in this subsection (b), the retirement system shall
17 assemble all identified firearm manufacturing companies into a
18 firearm manufacturing companies list.

19 The retirement system shall update the firearm
20 manufacturing companies list annually based on evolving
21 information from, among other sources, those listed in this
22 subsection (b).

23 (c) The retirement system shall adhere to the following
24 procedures for companies on the firearm manufacturing
25 companies list:

26 (1) The retirement system shall determine the firearm

1 manufacturing companies on the firearm manufacturing
2 companies list in which the retirement system owns direct
3 or indirect holdings.

4 (2) For each company newly identified in item (1) of
5 this subsection (c), the retirement system shall send a
6 written notice informing the firearm manufacturing company
7 of its status and that it may become subject to divestment
8 by the retirement system.

9 (3) If, within 90 days after the retirement system's
10 first engagement with a firearm manufacturing company
11 pursuant to this subsection (c), that company ceases to
12 manufacture firearms, the company shall be removed from the
13 firearm manufacturing companies list and the provisions of
14 this Section shall cease to apply to it unless it resumes
15 manufacturing firearms.

16 (d) If, after 90 days following the retirement system's
17 first engagement with a firearm manufacturing company pursuant
18 to subsection (c), the company continues to manufacture
19 firearms, the retirement system shall sell, redeem, divest, or
20 withdraw all publicly traded securities of the company from the
21 retirement system's assets under management within 12 months
22 after the company's most recent appearance on the firearm
23 manufacturing companies list.

24 (e) The retirement system may not acquire securities of
25 firearm manufacturing companies on the firearm manufacturing
26 companies list.

1 (f) Each retirement system shall file a report with the
2 Public Pension Division of the Department of Insurance that
3 includes the firearm manufacturing companies list within 30
4 days after the list is created. This report shall be made
5 available to the public.

6 Each retirement system shall file an annual report with the
7 Public Pension Division, which shall be made available to the
8 public, that includes all of the following:

9 (1) a summary of correspondence with companies engaged
10 by the retirement system under items (2) and (3) of
11 subsection (c);

12 (2) all investments sold, redeemed, divested, or
13 withdrawn in compliance with subsection (d); and

14 (3) all prohibited investments under subsection (e).

15 (g) With respect to actions taken in compliance with this
16 Act, including all good-faith determinations regarding
17 companies as required by this Act, the retirement system is
18 exempt from any conflicting statutory or common law
19 obligations, including any fiduciary duties under this Article
20 and any obligations with respect to choice of asset managers,
21 investment funds, or investments for the retirement system's
22 securities portfolios.

23 (h) If any provision of this Section or its application to
24 any person or circumstance is held invalid, the invalidity of
25 that provision or application does not affect other provisions
26 or applications of this Section that can be given effect

1 without the invalid provision or application.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.