GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2010 REGULAR SESSION

HOUSE BILL NO. 146

WEDNESDAY, FEBRUARY 10, 2010

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE April 12, 2010
4:58 pm

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 ➔Section 1. KRS 61.645 is amended to read as follows:

2 (1) The County Employees Retirement System, Kentucky Employees Retirement
3 System, and State Police Retirement System shall be administered by the board of
4 trustees of the Kentucky Retirement Systems composed of nine (9) members, who
5 shall be selected as follows:

6 (a) The secretary of the Personnel Cabinet shall serve as trustee for as long as he
7 occupies the position of secretary under KRS 18A.015, except as provided
8 under subsections (5) and (6) of this section;

9 (b) Two (2) trustees, who shall be members or retired from the County Employees
10 Retirement System, elected by the members and retired members of the
11 County Employees Retirement System;

12 (c) One (1) trustee, who shall be a member or retired from the State Police
13 Retirement System, elected by the members and retired members of the State
14 Police Retirement System;

15 (d) Two (2) trustees, who shall be members or retired from the Kentucky
16 Employees Retirement System, elected by the members and retired members
17 of the Kentucky Employees Retirement System; and

18 (e) Three (3) trustees, appointed by the Governor of the Commonwealth. Of the
19 three (3) trustees appointed by the Governor:~~[,]~~

20 ***1.*** One (1) ***trustee*** shall be knowledgeable about the impact of pension
21 requirements on local governments***; and***

22 ***2. Two (2) trustees shall have investment experience. For purposes of***
23 ***this subparagraph, a trustee with "investment experience" means an***
24 ***individual who does not have a conflict of interest, as provided by KRS***
25 ***61.655, and who has at least ten (10) years of experience in one (1) of***

1 ***the following areas of expertise:***
2 ***a. A portfolio manager acting in a fiduciary capacity;***
3 ***b. A professional securities analyst or investment consultant;***
4 ***c. A current or retired employee or principal of a trust institution,***
5 ***investment or finance organization, or endowment fund acting***
6 ***in an investment related capacity;***
7 ***d. A chartered financial analyst in good standing as determined by***
8 ***the CFA Institute;***
9 ***e. A university professor, teaching economics or investment-related***
10 ***studies; or***
11 ***f. Any other professional with exceptional experience in the field of***
12 ***public or private finances***.
13 (2) The board is hereby granted the powers and privileges of a corporation, including
14 but not limited to the following powers:
15 (a) To sue and be sued in its corporate name;
16 (b) To make bylaws not inconsistent with the law;
17 (c) To conduct the business and promote the purposes for which it was formed;
18 (d) To contract for investment counseling, actuarial, auditing, medical, and other
19 professional or technical services as required to carry out the obligations of
20 the board without limitation, notwithstanding the provisions of KRS Chapters
21 45, 45A, 56, and 57;
22 (e) To purchase fiduciary liability insurance;
23 (f) To acquire, hold, sell, dispose of, pledge, lease, or mortgage, the goods or
24 property necessary to exercise the board's powers and perform the board's
25 duties without limitation, notwithstanding the limitations of KRS Chapters 45,
26 45A, and 56; and
27 (g) The board shall reimburse any trustee, officer, or employee for any legal

1 expense resulting from a civil action arising out of the performance of his
2 official duties.
3 (3) Notwithstanding the provisions of subsection (1) of this section, each trustee shall
4 serve a term of four (4) years or until his successor is duly qualified except as
5 otherwise provided in this section. An elected trustee shall not serve more than three
6 (3) consecutive four (4) year terms. An elected trustee who has served three (3)
7 consecutive terms may be elected again after an absence of four (4) years from the
8 board.
9 (4) (a) The trustees selected by the membership of each of the various retirement
10 systems shall be elected by ballot. For each trustee to be elected, the board
11 may nominate, not less than six (6) months before a term of office of a trustee
12 is due to expire, three (3) constitutionally eligible individuals.
13 (b) Individuals may be nominated by the retirement system members which are to
14 elect the trustee by presenting to the executive director, not less than four (4)
15 months before a term of office of a trustee is due to expire, a petition, bearing
16 the name, Social Security number, and signature of no less than one-tenth
17 (1/10) of the number voting in the last election by the retirement system
18 members.
19 (c) Within four (4) months of the nominations made in accordance with
20 paragraphs (a) and (b) of this subsection, the executive director shall cause to
21 be prepared an official ballot. The ballot shall carry the name, address, and
22 position title of each individual nominated by the board and by petition.
23 Provisions shall also be made for write-in votes.
24 (d) The ballots shall be distributed to the eligible voters by mail to their last
25 known residence address.
26 (e) The ballots shall be addressed to the Kentucky Retirement Systems in care of
27 a predetermined box number at a United States Post Office located within

1 Kentucky. Access to this post office box shall be limited to the board's
2 contracted auditing firm. The individual receiving a plurality of votes shall be
3 declared elected.
4 (f) The eligible voter shall cast his ballot by checking a square opposite the name
5 of the candidate of his choice. He shall sign and mail the ballot at least thirty
6 (30) days prior to the date the term to be filled is due to expire. The latest
7 mailing date shall be printed on the ballot.
8 (g) The board's contracted auditing firm shall report in writing the outcome to the
9 chair of the board of trustees. Cost of an election shall be payable from the
10 funds of the system for which the trustee is elected.
11 (h) For purposes of this subsection, an eligible voter shall be a person who was a
12 member of the retirement system on December 31 of the year preceding the
13 election year.
14 (5) Any vacancy which may occur in an appointed position shall be filled in the same
15 manner which provides for the selection of the particular trustee, and any vacancy
16 which may occur in an elected position shall be filled by appointment by a majority
17 vote of the remaining trustees, and if the secretary of the Personnel Cabinet resigns
18 his position as trustee, it shall be filled by appointment made by the Governor;
19 however, any vacancy shall be filled only for the duration of the unexpired term.
20 (6) (a) Membership on the board of trustees shall not be incompatible with any other
21 office unless a constitutional incompatibility exists. No trustee shall serve in
22 more than one (1) position as trustee on the board; and if a trustee holds more
23 than one (1) position as trustee on the board, he shall resign a position.
24 (b) A trustee shall be removed from office upon conviction of a felony or for a
25 finding of a violation of any provision of KRS 11A.020 or 11A.040 by a court
26 of competent jurisdiction.
27 (c) A current or former employee of Kentucky Retirement Systems shall not be

1 eligible to serve as a member of the board.

2 (7) Trustees who do not otherwise receive a salary from the State Treasury shall receive
3 a per diem of eighty dollars ($80) for each day they are in session or on official
4 duty, and they shall be reimbursed for their actual and necessary expenses in
5 accordance with state administrative regulations and standards.

6 (8) The board shall meet at least once in each quarter of the year and may meet in
7 special session upon the call of the chair or the executive director. It shall elect a
8 chair and a vice chair. A majority of the trustees shall constitute a quorum and all
9 actions taken by the board shall be by affirmative vote of a majority of the trustees
10 present.

11 (9) (a) The board of trustees shall appoint or contract for the services of an executive
12 director and fix the compensation and other terms of employment for this
13 position without limitation of the provisions of KRS Chapters 18A and 45A
14 and KRS 64.640. The executive director shall be the chief administrative
15 officer of the board.

16 (b) The board of trustees shall authorize the executive director to appoint the
17 employees deemed necessary to transact the business of the system. For an
18 appointee deemed to be in a policy-making position, the board shall determine
19 the compensation and other terms of employment for the policy-making
20 position without limitation of the provisions of KRS Chapter 18A. Anything
21 in the Kentucky Revised Statutes to the contrary notwithstanding, the power
22 over and control of determining and maintaining an adequate complement of
23 employees shall be under the exclusive jurisdiction of the board of trustees.

24 (c) Effective December 1, 2002, all employees of the Kentucky Retirement
25 Systems shall be transferred to a personnel system adopted by the board.
26 Employees of Kentucky Retirement Systems covered by the personnel system
27 adopted by the board shall be:

1. Provided the same health insurance coverage as all other state government employees as provided in KRS 18A.225;
2. Eligible to participate in the deferred compensation system provided for all state government employees as provided in KRS 18A.250 to 18A.265;
3. Provided the same life insurance coverage provided all state employees as provided in KRS 18A.205 to 18A.215;
4. Reimbursed for all reasonable and necessary travel expenses and disbursements incurred or made in the performance of official duties in accordance with KRS Chapter 45;
5. Ensured equal employment opportunity regardless of race, color, gender, religion, national origin, disability, sexual orientation, or age;
6. Given those holidays and rights granted to state employees as provided in KRS 18A.190;
7. Paid a salary not less than the salary paid as of the date of transfer to the personnel system, unless voluntarily demoted or involuntarily demoted for cause;
8. Credited with all accumulated sick leave, compensatory time, and annual leave accumulated in accordance with KRS Chapter 18A, and for an employee leaving service, the system shall attest to the employee's accumulated sick leave, compensatory time, and annual leave which shall be credited with other state and county employers to the extent provided for by statute or policy. The Kentucky Retirement Systems may, at the discretion of the board, accept from other state and county employers all accumulated sick leave, compensatory time, and annual leave for an employee leaving a state or county employer and accepting employment with the Kentucky Retirement Systems. The executive

1 branch shall accept from the Kentucky Retirement Systems all
2 accumulated sick leave, compensatory time, and annual leave for an
3 employee leaving the Kentucky Retirement Systems and accepting
4 employment with the executive branch. The Kentucky Retirement
5 Systems shall accept from the executive branch all accumulated sick
6 leave, compensatory time, and annual leave for an employee leaving the
7 executive branch and accepting employment with the Kentucky
8 Retirement Systems;
9 9. Classified with status upon transfer to the personnel system on
10 December 1, 2002, if the employee was classified with status as a merit
11 employee under KRS Chapter 18A. Any employee of the Kentucky
12 Retirement Systems transferred on December 1, 2002, during the
13 probationary period before earning classified status as a merit system
14 employee under KRS Chapter 18A shall transfer all accrued
15 probationary time and the time shall be credited to the probationary time
16 required to attain classified status in the personnel system;
17 10. Ensured a grievance appeal procedure and the employee's right to have a
18 representative present at each step of the grievance procedure; and
19 11. Ensured of the right of appeal in a manner consistent with the provisions
20 of KRS 18A.095 to the Kentucky Personnel Board and employees
21 classified with status in the personnel system shall not be dismissed,
22 demoted, suspended, or otherwise penalized except for cause.
23 (d) The board shall adopt by administrative regulation a fair, equitable, and
24 comprehensive personnel policy with a minimum of the following provisions
25 for the personnel system:
26 1. A code of conduct including provisions describing performance of
27 duties, abuse of position, conflicts of interest, and outside employment;

1 2. An appointments plan including provisions describing the appointing
2 authority, appointments, equal employment policy, sexual harassment
3 policy, and drug-free workplace policy;
4 3. A classification plan including provisions describing class
5 specifications, position actions, and employee actions;
6 4. A compensation plan based on qualifications, experience, and
7 responsibilities and including provisions which describe a salary
8 schedule, salary adjustments, salary advancements, and an employee
9 suggestion program;
10 5. Separations, disciplinary actions, and appeal policies including
11 provisions describing classified with status, exemptions from classified
12 with status, layoffs, abolishment of position, dismissals and notification
13 of dismissal, dismissals during probationary period, disciplinary actions,
14 right of appeal, grievance and appeal procedures, and an employee
15 grievance and appeal committee;
16 6. Service and benefits regulations including provisions describing hours of
17 work, fringe benefits, workers' compensation, payroll deductions,
18 holidays, inclement weather days, compensatory time, retirement,
19 resignations, employee evaluations, and political activities; and
20 7. Leave policies including provisions describing special leave, annual
21 leave, court leave and jury duty, military leave, voting leave, educational
22 leave, sick leave, family medical leave, leave without pay, absence
23 without leave, and blood donation leave.
24 (e) The board shall require the executive director and the employees as it thinks
25 proper to execute bonds for the faithful performance of their duties
26 notwithstanding the limitations of KRS Chapter 62.
27 (f) The board shall establish a system of accounting.

1 (g) The board shall do all things, take all actions, and promulgate all
2 administrative regulations, not inconsistent with the provisions of KRS 16.505
3 to 16.652, 61.510 to 61.705, and 78.510 to 78.852, necessary or proper in
4 order to carry out the provisions of KRS 16.505 to 16.652, 61.510 to 61.705,
5 and 78.510 to 78.852. Notwithstanding any other evidence of legislative
6 intent, it is hereby declared to be the controlling legislative intent that the
7 provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852
8 conform with federal statute or regulation and meet the qualification
9 requirements under 26 U.S.C. sec. 401(a), applicable federal regulations, and
10 other published guidance. Provisions of KRS 16.505 to 16.652, 61.510 to
11 61.705, and 78.510 to 78.852 which conflict with federal statute or regulation
12 or qualification under 26 U.S.C. sec. 401(a), applicable federal regulations,
13 and other published guidance shall not be available. The board shall have the
14 authority to promulgate administrative regulations to conform with federal
15 statute and regulation and to meet the qualification requirements under 26
16 U.S.C. sec. 401(a), including an administrative regulation to comply with 26
17 U.S.C. sec. 401(a)(9). The board shall have the authority to promulgate an
18 administrative regulation to comply with any consent decrees entered into by
19 the board in Civil Action No. 3:99CV500(C) in order to bring the systems into
20 compliance with the Age Discrimination in Employment Act, 29 U.S.C.
21 Section 621, et seq., as amended.
22 (10) All employees of the board shall serve during its will and pleasure. Notwithstanding
23 any statute to the contrary, employees shall not be considered legislative agents
24 under KRS 6.611.
25 (11) The Attorney General, or an assistant designated by him, may attend each meeting
26 of the board and may receive the agenda, board minutes, and other information
27 distributed to trustees of the board upon request. The Attorney General may act as

1 legal adviser and attorney for the board, and the board may contract for legal
2 services, notwithstanding the limitations of KRS Chapter 12 or 13B.
3 (12) The system shall publish an annual financial report showing all receipts,
4 disbursements, assets, and liabilities. The annual report shall include a copy of an
5 audit conducted in accordance with generally accepted auditing standards. The
6 board may select an independent certified public accountant or the Auditor of
7 Public Accounts to perform the audit. If the audit is performed by an independent
8 certified public accountant, the Auditor of Public Accounts shall not be required to
9 perform an audit pursuant to KRS 43.050(2)(a), but may perform an audit at his
10 discretion. All proceedings and records of the board shall be open for inspection by
11 the public. The system shall make copies of the audit required by this subsection
12 available for examination by any member, retiree, or beneficiary in the office of the
13 executive director of the Kentucky Retirement Systems and in other places as
14 necessary to make the audit available to all members, retirees, and beneficiaries. A
15 copy of the annual audit shall be sent to the Legislative Research Commission no
16 later than ten (10) days after receipt by the board.
17 (13) All expenses incurred by or on behalf of the system and the board in the
18 administration of the system during a fiscal year shall be paid from the retirement
19 allowance account. Any other statute to the contrary notwithstanding, authorization
20 for all expenditures relating to the administrative operations of the system shall be
21 contained in the biennial budget unit request, branch budget recommendation, and
22 the financial plan adopted by the General Assembly pursuant to KRS Chapter 48.
23 (14) Any person adversely affected by a decision of the board, except as provided under
24 subsection (16) of this section or KRS 61.665, involving KRS 16.505 to 16.652,
25 61.510 to 61.705, and 78.510 to 78.852, may appeal the decision of the board to the
26 Franklin Circuit Court within sixty (60) days of the board action.
27 (15) (a) A trustee shall discharge his duties as a trustee, including his duties as a

1 member of a committee:
2 1. In good faith;
3 2. On an informed basis; and
4 3. In a manner he honestly believes to be in the best interest of the
5 Kentucky Retirement Systems.
6 (b) A trustee discharges his duties on an informed basis if, when he makes an
7 inquiry into the business and affairs of the Kentucky Retirement Systems or
8 into a particular action to be taken or decision to be made, he exercises the
9 care an ordinary prudent person in a like position would exercise under similar
10 circumstances.
11 (c) In discharging his duties, a trustee may rely on information, opinions, reports,
12 or statements, including financial statements and other financial data, if
13 prepared or presented by:
14 1. One (1) or more officers or employees of the Kentucky Retirement
15 Systems whom the trustee honestly believes to be reliable and competent
16 in the matters presented;
17 2. Legal counsel, public accountants, actuaries, or other persons as to
18 matters the trustee honestly believes are within the person's professional
19 or expert competence; or
20 3. A committee of the board of trustees of which he is not a member if the
21 trustee honestly believes the committee merits confidence.
22 (d) A trustee shall not be considered as acting in good faith if he has knowledge
23 concerning the matter in question that makes reliance otherwise permitted by
24 paragraph (c) of this subsection unwarranted.
25 (e) Any action taken as a trustee, or any failure to take any action as a trustee,
26 shall not be the basis for monetary damages or injunctive relief unless:
27 1. The trustee has breached or failed to perform the duties of the trustee's

1 office in compliance with this section; and
2 2. In the case of an action for monetary damages, the breach or failure to
3 perform constitutes willful misconduct or wanton or reckless disregard
4 for human rights, safety, or property.
5 (f) A person bringing an action for monetary damages under this section shall
6 have the burden of proving by clear and convincing evidence the provisions of
7 paragraph (e)1. and 2. of this subsection, and the burden of proving that the
8 breach or failure to perform was the legal cause of damages suffered by the
9 Kentucky Retirement Systems.
10 (g) Nothing in this section shall eliminate or limit the liability of any trustee for
11 any act or omission occurring prior to July 15, 1988.
12 (h) In discharging his or her administrative duties under this section, a trustee
13 shall strive to administer the retirement system in an efficient and cost-
14 effective manner for the taxpayers of the Commonwealth of Kentucky.
15 (16) When an order by the system substantially impairs the benefits or rights of a
16 member, retired member, or recipient, except action which relates to entitlement to
17 disability benefits, the affected member, retired member, or recipient may request a
18 hearing to be held in accordance with KRS Chapter 13B. The board may establish
19 an appeals committee whose members shall be appointed by the chair and who shall
20 have authority to act upon the recommendations and reports of the hearing officer
21 on behalf of the board. The member, retired member, or recipient aggrieved by a
22 final order of the board following the hearing may appeal the decision to the
23 Franklin Circuit Court, in accordance with KRS Chapter 13B.
24 (17) The board shall give the Kentucky Education Support Personnel Association
25 twenty-four (24) hours notice of the board meetings, to the extent possible.
26 (18) The board shall establish a formal trustee education program for all trustees of the
27 board. The program shall include but not be limited to the following:

1 (a) A required orientation program for all new trustees elected or appointed to the
2 board. The orientation program shall include training on:
3 1. Benefits and benefits administration;
4 2. Investment concepts, policies, and current composition and
5 administration of retirement systems investments;
6 3. Laws, bylaws, and administrative regulations pertaining to the
7 retirement systems and to fiduciaries; and
8 4. Actuarial and financial concepts pertaining to the retirement systems.
9 If a trustee fails to complete the orientation program within one (1) year from
10 the beginning of his or her first term on the board, the retirement systems shall
11 withhold payment of the per diem and travel expenses due to the board
12 member under this section and KRS 16.640 and 78.780 until the trustee has
13 completed the orientation program;
14 (b) Annual required training for board members on the administration, benefits,
15 financing, and investing of the retirement systems. If a trustee fails to
16 complete the annual required training during the calendar or fiscal year, the
17 retirement systems shall withhold payment of the per diem and travel
18 expenses due to the board member under this section and KRS 16.640 and
19 78.780 until the board member has met the annual training requirements; and
20 (c) The retirement systems shall incorporate by reference in an administrative
21 regulation, pursuant to KRS 13A.2251, the trustee education program.
22 (19) In order to improve public transparency regarding the administration of the systems,
23 the board of trustees shall adopt a best practices model by posting the following
24 information to the retirement systems' Web site and shall make available to the
25 public:
26 (a) Meeting notices and agendas for all meetings of the board. Notices and
27 agendas shall be posted to the retirement systems' Web site at least seventy-

1 two (72) hours in advance of the board or committee meetings, except in the
2 case of special or emergency meetings as provided by KRS 61.823;
3 (b) The Comprehensive Annual Financial Report with the information as follows:
4 1. A general overview and update on the retirement systems by the
5 executive director;
6 2. A listing of the board of trustees;
7 3. A listing of key staff;
8 4. An organizational chart;
9 5. Financial information, including a statement of plan net assets, a
10 statement of changes in plan net assets, an actuarial value of assets, a
11 schedule of investments, a statement of funded status and funding
12 progress, and other supporting data;
13 6. Investment information, including a general overview, a list of the
14 retirement system's professional consultants, a total return on retirement
15 systems investments over a historical period, an investment summary,
16 contracted investment management expenses, transaction commissions,
17 and a schedule of investments;
18 7. The annual actuarial valuation report on the pension benefit and the
19 medical insurance benefit; and
20 8. A general statistical section, including information on contributions,
21 benefit payouts, and retirement systems' demographic data;
22 (c) All external audits;
23 (d) All board minutes or other materials that require adoption or ratification by
24 the board of trustees. The items listed in this paragraph shall be posted within
25 seventy-two (72) hours of adoption or ratification of the board;
26 (e) All bylaws, policies, or procedures adopted or ratified by the board of trustees;
27 (f) The retirement systems' summary plan description;

1 (g) A document containing an unofficial copy of the statutes governing the
2 systems administered by Kentucky Retirement Systems;
3 (h) A listing of the members of the board of trustees and membership on each
4 committee established by the board, including any investment committees;
5 (i) All investment holdings and commissions for each fund administered by the
6 board. The board shall update the list of holdings and commissions on a
7 quarterly basis for fiscal years beginning on or after July 1, 2008; and
8 (j) An update of investment returns, asset allocations, and the performance of the
9 funds against benchmarks adopted by the board for each fund and for each
10 asset class administered by the board. The update shall be posted on a
11 quarterly basis for fiscal years beginning on or after July 1, 2008.
12 (20) Notwithstanding the requirements of subsection (19) of this section, the retirement
13 systems shall not be required to furnish information that is protected under KRS
14 61.661, exempt under KRS 61.878, or that, if disclosed, would compromise the
15 retirement systems' ability to competitively invest in real estate or other asset
16 classes, or to competitively negotiate vendor fees.
17 ➔Section 2. KRS 61.650 is amended to read as follows:
18 (1) (a) The board shall be the trustee of the several funds created by KRS 16.510,
19 61.515, 61.701, and 78.520, notwithstanding the provisions of any other
20 statute to the contrary, and shall have exclusive power to invest and reinvest
21 such funds in accordance with federal law.
22 (b) ***1.*** The board ***shall***~~[may]~~ establish an investment committee whose
23 ***membership***~~[members]~~ shall be ***composed of the following:***
24 ***a. The two (2) trustees appointed by the Governor pursuant to***
25 ***subsection (1)(e)2. of Section 1 of this Act; and***
26 ***b. Three (3) trustees*** appointed by the board chair.
27 ***2.*** The investment committee shall have authority to implement policy and

1 act on behalf of the board on all investment-related matters with full
2 power to acquire, sell, safeguard, monitor, and manage the assets and
3 securities of the several funds.
4 (c) A trustee, officer, employee, or other fiduciary shall discharge duties with
5 respect to the retirement system:
6 1. Solely in the interest of the members and beneficiaries;
7 2. For the exclusive purpose of providing benefits to members and
8 beneficiaries and paying reasonable expenses of administering the
9 system;
10 3. With the care, skill, and caution under the circumstances then prevailing
11 that a prudent person acting in a like capacity and familiar with those
12 matters would use in the conduct of an activity of like character and
13 purpose;
14 4. Impartially, taking into account any differing interests of members and
15 beneficiaries;
16 5. Incurring any costs that are appropriate and reasonable; and
17 6. In accordance with a good-faith interpretation of the law governing the
18 retirement system.
19 (2) All securities acquired under authority of KRS 61.510 to 61.705 shall be registered
20 in the name "Kentucky Retirement Systems" or nominee name as provided by KRS
21 286.3-225 and every change in registration, by reason of sale or assignment of such
22 securities, shall be accomplished by the signatures of the chair of the board of
23 trustees or a trustee appointed by the chair and the executive director of the systems.
24 (3) The board, in keeping with its responsibility as trustee and wherever consistent with
25 its fiduciary responsibilities, shall give priority to the investment of funds in
26 obligation calculated to improve the industrial development and enhance the
27 economic welfare of the Commonwealth.

1 (4) The contents of real estate appraisals, engineering or feasibility estimates, and
2 evaluations made by or for the system relative to the acquisition or disposition of
3 property, until such time as all of the property has been acquired or sold, shall be
4 excluded from the application of KRS 61.870 to 61.884 and shall be subject to
5 inspection only upon order of a court of competent jurisdiction.
6 ***(5) Based upon market value at the time of purchase, the board shall limit the***
7 ***amount of assets managed by any one (1) active or passive investment manager to***
8 ***fifteen percent (15%) of the assets in the pension and insurance funds.***
9 ➔Section 3. KRS 16.642 is amended to read as follows:
10 (1) The board shall be the trustee of the several funds created by KRS 16.505 to 16.652
11 and shall have full power to invest and reinvest such funds, subject to the
12 limitations that no investments shall be made except upon the exercise of bona fide
13 discretion, in securities which, at the time of making the investment, are, by law,
14 permitted for the investment of funds by fiduciaries in this state, except that the
15 board may, at its discretion, purchase common stock in corporations that do not
16 have a record of paying dividends to their stockholders. Subject to such limitations,
17 the board shall have full power to hold, purchase, sell, assign, transfer or dispose of
18 any of the securities or investments in which any of the funds created herein have
19 been invested, as well as of the proceeds of such investments and any moneys
20 belonging to such funds.
21 (2) All securities acquired under authority of KRS 16.505 to 16.652 shall be registered
22 in the name "Kentucky Retirement Systems" or nominee name as provided by KRS
23 286.3-225, and every change in registration, by reason of sale or assignment of such
24 securities shall be accomplished by the signatures of the chair of the board of
25 trustees or a trustee appointed by the chair and the executive director of the systems.
26 (3) The board, in keeping with its responsibility as trustee and wherever feasible, shall
27 give priority to the investment of funds in obligations calculated to improve the

1 industrial development and enhance the economic welfare of the Commonwealth.
2 ***(4) The investment committee established pursuant to Section 2 of this Act shall***
3 ***serve as the investment committee of the funds established by KRS 16.505 to***
4 ***16.652.***
5 ***(5) Based upon market value at the time of purchase, the board shall limit the***
6 ***amount of assets managed by any one (1) active or passive investment manager to***
7 ***fifteen percent (15%) of the assets in the pension and insurance funds.***
8 ➔Section 4. KRS 78.790 is amended to read as follows:
9 (1) The board shall be the trustee of the several funds created by KRS 78.510 to 78.852,
10 and shall have full power to invest and reinvest such funds subject to the limitations
11 that no investments shall be made except upon the exercise of bona fide discretion,
12 in securities which, at the time of making the investment, are, by law, permitted for
13 the investment of funds by fiduciaries in this state except that the board may, at its
14 discretion, purchase common stocks in corporations that do not have a record of
15 paying dividends to their stockholders. Subject to such limitations, the board shall
16 have full power to hold, purchase, sell, assign, transfer or dispose of any of the
17 securities or investments in which any of the funds created herein have been
18 invested, as well as of the proceeds of such investments and any moneys belonging
19 to such funds.
20 (2) All securities acquired under the authority of KRS 78.510 to 78.852 shall be
21 registered in the name Kentucky Retirement Systems or nominee name as provided
22 by KRS 286.3-225 and every change in registration, by reason of sale or assignment
23 of such securities, shall be accomplished by the signatures of the chair of the board
24 of trustees or a trustee appointed by the chair and executive director of the systems.
25 (3) The board, in keeping with its responsibility as the trustee and wherever feasible,
26 shall give priority to the investment of funds in obligations calculated to improve
27 the industrial development and enhance the economic welfare of the

1 Commonwealth.

2 ***(4) The investment committee established pursuant to Section 2 of this Act shall***
3 ***serve as the investment committee of the funds established by KRS 78.510 to***
4 ***78.852.***

5 ***(5) Based upon market value at the time of purchase, the board shall limit the***
6 ***amount of assets managed by any one (1) active or passive investment manager to***
7 ***fifteen percent (15%) of the assets in the pension and insurance funds.***

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date April 12, 2010