

61.650 Board trustee of funds -- Investment committee -- Registration of securities -- Duties owed retirement system -- Application of open records law -- Cap on amount of assets managed by any one investment manager.

- (1) (a) The board shall be the trustee of the several funds created by KRS 16.510, 61.515, 61.701, and 78.520, notwithstanding the provisions of any other statute to the contrary, and shall have exclusive power to invest and reinvest such funds in accordance with federal law.
- (b)
 1. The board shall establish an investment committee whose membership shall be composed of the following:
 - a. The two (2) trustees appointed by the Governor pursuant to KRS 61.645(1)(e)2.; and
 - b. Three (3) trustees appointed by the board chair.
 2. The investment committee shall have authority to implement the investment policies adopted by the board and act on behalf of the board on all investment-related matters and to acquire, sell, safeguard, monitor, and manage the assets and securities of the several funds.
- (c) A trustee, officer, employee, or other fiduciary shall discharge duties with respect to the retirement system:
 1. Solely in the interest of the members and beneficiaries;
 2. For the exclusive purpose of providing benefits to members and beneficiaries and paying reasonable expenses of administering the system;
 3. With the care, skill, and caution under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an activity of like character and purpose;
 4. Impartially, taking into account any differing interests of members and beneficiaries;
 5. Incurring any costs that are appropriate and reasonable; and
 6. In accordance with a good-faith interpretation of the law governing the retirement system.
- (2) All securities acquired under authority of KRS 61.510 to 61.705 shall be registered in the name "Kentucky Retirement Systems" or nominee name as provided by KRS 286.3-225 and every change in registration, by reason of sale or assignment of such securities, shall be accomplished pursuant to written policies adopted by the board.
- (3) The board, in keeping with its responsibility as trustee and wherever consistent with its fiduciary responsibilities, shall give priority to the investment of funds in obligation calculated to improve the industrial development and enhance the economic welfare of the Commonwealth.
- (4) The contents of real estate appraisals, engineering or feasibility estimates, and evaluations made by or for the system relative to the acquisition or disposition of property, until such time as all of the property has been acquired or sold, shall be

excluded from the application of KRS 61.870 to 61.884 and shall be subject to inspection only upon order of a court of competent jurisdiction.

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

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 127, sec. 2, effective July 15, 2010; and ch. 173, sec. 7, effective July 15, 2010. -- Amended 2004 Ky. Acts ch. 36, sec. 24, effective July 13, 2004. -- Amended 2003 Ky. Acts ch. 169, sec. 11, effective March 31, 2003. -- Amended 2002 Ky. Acts ch. 52, sec. 12, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 105, sec. 16, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 349, sec. 25, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 232, sec. 3, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 246, sec. 11, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 321, sec. 40. -- Amended 1974 Ky. Acts ch. 128, sec. 27, effective March 26, 1974. -- Amended 1972 Ky. Acts ch. 116, sec. 49. -- Amended 1966 Ky. Acts ch. 35, sec. 13. -- Amended 1964 Ky. Acts ch. 86, sec. 9. -- Amended 1962 Ky. Acts ch. 58, sec. 20. -- Amended 1960 Ky. Acts ch. 165, Part II, sec. 15. -- Created 1956 Ky. Acts ch. 110, sec. 29.

Legislative Research Commission Note (7/15/2010). This section was amended by 2010 Ky. Acts chs. 127 and 173, which do not appear to be in conflict and have been codified together.

Legislative Research Commission Note (7/12/2006). 2006 Ky. Acts ch. 247 instructs the Reviser of Statutes to adjust KRS references throughout the statutes to conform with the 2006 renumbering of the Financial Services Code, KRS Chapter 286. Such an adjustment has been made in this statute.