

STATE OF NEW YORK

4761

2017-2018 Regular Sessions

IN SENATE

February 27, 2017

Introduced by Sen. GOLDEN -- (at request of the State Comptroller) --
read twice and ordered printed, and when printed to be committed to
the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to
prohibiting the use of placement agents by managers doing business
with the common retirement fund

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The retirement and social security law is amended by adding
2 a new section 424-a to read as follows:

3 § 424-a. Use of placement agents or intermediaries prohibited. 1. The
4 fund shall not engage, hire, invest with or commit to an investment
5 manager that is using the services of a placement agent or intermediary
6 to assist such investment manager in obtaining investments by the fund
7 nor shall the fund engage, hire, invest with or commit to an investment
8 manager without obtaining from such investment manager a certification
9 in the form and manner prescribed by the fund stating that such invest-
10 ment manager has not used the services of a placement agent or other
11 intermediary to assist such investment manager in obtaining investments
12 by the fund.

13 2. For the purposes of this section:

14 (a) "investment manager" shall mean any person, other than an employee
15 of the comptroller, or entity engaged by the common retirement fund to
16 manage a part or all of an investment portfolio of the fund. "Manage"
17 shall include, but is not limited to, the analysis of portfolio hold-
18 ings, and the purchase, sale, and lending thereof. Any investment made
19 by the fund pursuant to subdivision seven of section one hundred seven-
20 ty-seven of this chapter shall be deemed to be the investment of the
21 fund in such investment entity rather than in the assets of such invest-
22 ment entity.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (b) "placement agent or intermediary" shall mean any person or entity,
2 including registered lobbyists, directly or indirectly engaged and
3 compensated by an investment manager, other than an employee of the
4 investment manager, to assist the investment manager in obtaining
5 investments by the fund whether compensated on a flat fee, a contingent
6 fee, or any other basis. Employees of an investment manager and its
7 affiliates are excluded from this definition unless they are employed
8 principally for the purpose of securing or influencing the decision to
9 secure a particular investment transaction or investment by the fund.

10 § 2. This act shall take effect immediately.