STATE OF NEW YORK

1912

2023-2024 Regular Sessions

IN SENATE

January 17, 2023

Introduced by Sen. CLEARE -- 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 disclosing certain investment managers and investments

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

Section 1. Section 423 of the retirement and social security law, as amended by chapter 770 of the laws of 1970, is amended to read as follows:

§ 423. Investments. **1.** a. On and after April first, nineteen hundred sixty-seven, the comptroller shall invest the available monies of the common retirement fund in any investments and securities authorized by law for each retirement system and shall hold such investments in his name as trustee of such fund, notwithstanding any other provision of this chapter. Participating interests in such investments shall be credited to each retirement system in the manner and at the time specified in [~~paragraph~~] **subdivision** two of section four hundred twenty-two of this article.

b. To assist in the management of the monies of the common retirement fund, the comptroller shall appoint an investment advisory committee consisting of not less than seven members who shall serve for his term of office. A vacancy occurring from any cause other than expiration of term shall be filled by the comptroller for the remainder of the term. Each member of the committee shall be experienced in the field of investments and shall have served, or shall be serving, as a senior officer or member of the board of an insurance company, banking corporation or other financial or investment organization authorized to do business in the state of New York. The committee shall advise the comptroller on investment policies relating to the monies of the common retirement fund and shall review, from time to time, the investment

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

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portfolio of the fund and make such recommendations as may be deemed necessary.

2. The comptroller shall appoint a separate mortgage advisory committee, with the advice and consent of the investment advisory committee, to review proposed mortgage and real estate investments by the common retirement fund. In making investments, as authorized by law, the comptroller shall be guided by policies established by each committee from time to time; and, in the event the mortgage advisory committee disapproves a proposed mortgage or real estate investment, such shall not be made.

3. No officer or employee of any state department or agency shall be eligible for membership on either committee. Each committee shall convene periodically on call of the comptroller, or on call of the chairman. The members of each committee shall be entitled to reimbursement for their actual and necessary expenses but shall receive no compensation for their services.

4. a. Any investment manager on contract with the office of state comptroller to make investment contracts for the office of state comptroller division of pensions, investment, and cash management shall be disclosed to any enrollee of the New York state common retirement fund upon request.

b. The contents of investment contracts for the office of state comptroller division of pensions, investment, and cash management and the contents of opportunistic investment contracts shall be disclosed to any enrollee of the New York state common retirement fund upon request.

c. For the purposes of this subdivision the term "opportunistic investment" shall mean any one-off investment that is brought by an investment manager and can only be sourced through such investment manager and shall include private equity funds, hedge funds and real estate funds. Such investments may be available only for a set time period determined by the investment manager and at a set price also determined by the investment manager. Opportunistic investments may also include public market products and niche strategies.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.