

House Bill 318 (AS PASSED HOUSE AND SENATE)

By: Representatives Benton of the 31st, Coleman of the 97th, Bridges of the 10th, Meadows of the 5th, and Maxwell of the 17th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the
2 "Public Retirement Systems Investment Authority Law," so as to provide that certain foreign
3 corporations shall be deemed to be United States corporations for purposes of investment by
4 public retirement systems; to allow the investment of public retirement system assets in
5 certain real estate trusts; to increase the percentage of the assets of certain public retirement
6 systems that may be invested in foreign corporations; to provide that certain public
7 retirement systems may enter into certain contracts, agreements, and other obligations; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 7 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public
12 Retirement Systems Investment Authority Law," is amended by revising paragraph (1) of
13 subsection (a) of Code Section 47-20-83, relating to certificated or uncertificated forms of
14 investment and real estate investments, as follows:

15 "(1) Corporations or obligations of corporations organized under the laws of this state or
16 any other state or under the laws of Canada, but only if the corporation has a market
17 capitalization equivalent to \$100 million; provided, however, that except as provided in
18 Code Section 47-20-84, no fund shall invest in corporations or in obligations of
19 corporations organized in a country other than the United States or Canada; provided,
20 further, that such obligation shall be listed as investment grade by a nationally recognized
21 rating agency. For purposes of this paragraph, a corporation organized under the laws of
22 a country other than the United States or Canada shall be deemed to be organized under
23 the laws of this state or another state unless it is a private foreign issuer within the
24 meaning of United States Securities and Exchange Commission Rule 3b-4, 17 C.F.R.
25 Section 240.3b-4, as such appears on July 1, 2007; this will not include any investment
26 with any corporation that is included in the terrorism sanctions issued by the Office of

1 Foreign Assets Control of the United States Department of the Treasury pursuant to
2 Executive Order 13224 signed by the President of the United States on September 23,
3 2001."

4 **SECTION 2.**

5 Said article is further amended in subsection (a) of said Code Section 47-20-83, by striking
6 "and" at the end of paragraph (20), by replacing the period with "; and" at the end of
7 paragraph (21), and by adding a new paragraph to read as follows:

8 "(22) Business entities organized under the laws of this state or any other state or under
9 the laws of Canada, but only if the business entity has a minimum market capitalization
10 equivalent to \$100 million and if the business entity has elected to be taxed and continues
11 to qualify as a real estate investment trust under Section 856 through Section 860 of the
12 federal Internal Revenue Code, 26 U.S.C. Section 856 through Section 860; provided,
13 however, that except as provided in Code Section 47-20-84, no fund shall invest in
14 business entities organized in a country other than the United States or Canada."

15 **SECTION 3.**

16 Said article is further amended by revising subsection (b) of Code Section 47-20-84, relating
17 to large retirement systems, as follows:

18 "(b) A large retirement system may not invest more than ~~10~~ 15 percent of the retirement
19 system assets in corporations or in obligations of corporations organized in a country other
20 than the United States or Canada subject to the provisions of paragraph (1) of subsection
21 (a) of Code Section 47-20-83."

22 **SECTION 4.**

23 Said article is further amended in said Code Section 47-20-84, by adding a new subsection
24 to read as follows:

25 "(f) A large retirement system may enter into contracts, agreements, and other instruments
26 designed to manage risk exposure."

27 **SECTION 5.**

28 All laws and parts of laws in conflict with this Act are repealed.