



## Department of Audits and Accounts

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March 7, 2012

The Honorable Howard Maxwell  
State Representative  
State Capitol, Room 402  
Atlanta, Georgia 30334

SUBJECT: State Auditor's Certification  
Substitute to Senate Bill 402  
(LC 21 1781S)

Dear Representative Maxwell:

This substitute bill would amend provisions relating to the Public Retirement Systems Investment Authority Law. Specifically, this bill would define the term 'alternative investments' and would allow 'eligible large retirement systems' to make such alternative investments. This bill would also provide limits regarding the amount of assets that may be invested in alternative investments. Under the provisions of this bill, alternative investments, in the aggregate, may not exceed 5% of the retirement system assets at any time. In the event a system is out of compliance with the limitations, this bill provides provisions for the system to come back into compliance. Furthermore, this substitute bill would provide for confidentiality of certain documents that are used in determining which alternative investments to hold, and would provide that all funds invested pursuant to this legislation, including any return on such investments, must remain funds of the retirement system. Under the provisions of this substitute bill, the Teachers Retirement System would be prohibited from participating in such investment practices.

This substitute bill would also require directors of retirement systems created by Title 47 to provide an annual report to the chairpersons of the House and Senate Retirement Committees detailing the

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performance of investments made pursuant to the provisions of this bill. This report must be made available on the second Monday in March of each year. Additionally, the directors would be required to post such information on the retirement system's website.

Finally, this substitute bill would also clarify how the term 'aggregate historical cost' is defined for purposes of any investment made in alternative investments pursuant to O.C.G.A. §47-7-127 and for any investment made in alternative investments by retirement systems affected by this legislation. If this legislation is enacted, 'aggregate historical cost' shall include all contractually committed, unpaid amounts.

This is to certify that this substitute bill is a nonfiscal bill as defined in the Public Retirement Systems Standards Law.

Respectfully,

/s/ Russell W. Hinton  
State Auditor

RWH/cs