

1 AN ACT relating to the Kentucky Teachers' Retirement System board of trustees.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 161.250 is amended to read as follows:

- 4 (1) (a) The general administration and management of the retirement system, and the
5 responsibility for its proper operation and for making effective provisions of
6 KRS 161.155 and 161.220 to 161.714 are vested in a board of trustees to be
7 known as the "Board of Trustees of the Teachers' Retirement System of the
8 State of Kentucky."
- 9 (b) The board of trustees shall consist of the chief state school officer, the State
10 Treasurer, and ***nine (9)***~~seven (7)~~ other trustees elected as provided in KRS
11 161.260. Four (4) of the elective trustees shall be members of the retirement
12 system, to be known as teacher trustees;~~;~~ two (2) shall be persons who are
13 not members of the teaching profession, to be known as the lay trustees;~~;~~
14 and ***three (3)***~~one (1)~~ shall be ***annuitants***~~[an annuitant]~~ of the retirement
15 system, to be known as the retired teacher ***trustees***~~[trustee]~~. One (1) teacher
16 trustee shall be elected annually for a four-year term. The retired teacher
17 ***trustees***~~[trustee]~~ shall be elected every four (4) years. The chief state school
18 officer and the State Treasurer are considered ex officio members of the board
19 of trustees and may designate in writing a person to represent them at board
20 meetings.
- 21 (c) 1. Elective trustees shall not serve more than three (3) consecutive four (4)
22 year terms. An elective trustee who has served three (3) consecutive
23 terms may be elected again after an absence of four (4) years from the
24 board of trustees.
- 25 2. The term limits established by subparagraph 1. of this paragraph shall
26 apply to elective trustees serving on or after July 1, 2012, and all terms
27 of office served prior to July 1, 2012, shall be used to determine if the

1 elective trustee has exceeded the term limits provided by subparagraph
2 1. of this paragraph.

3 (2) A member, retired member, or designated beneficiary may appeal the retirement
4 system's decisions that materially affect the amount of service retirement allowance,
5 amount of service credit, eligibility for service retirement, or eligibility for
6 survivorship benefits to which that member, retired member, or designated
7 beneficiary claims to be entitled. All appeals must be in writing and filed with the
8 retirement system within thirty (30) days of the claimant's first notice of the
9 retirement system's decision. For purposes of this section, notice shall be complete
10 and effective upon the date of mailing of the retirement system's decision to the
11 claimant at the claimant's last known address. Failure by the claimant to file a
12 written appeal with the retirement system within the thirty (30) day period shall
13 result in the decision of the retirement system becoming permanent with the effect
14 of a final and unappealable order. Appeals may include a request for an
15 administrative hearing which shall be conducted in accordance with the provisions
16 of KRS Chapter 13B. The board of trustees may establish an appeals committee
17 whose members shall be appointed by the chairperson and who shall have the
18 authority to act upon the report and recommendation of the hearing officer by
19 issuing a final order on behalf of the full board of trustees. A member, retired
20 member, or designated beneficiary who has filed a timely, written appeal of a
21 decision of the retirement system may, following the administrative hearing and
22 issuance of the final order by the board of trustees, appeal the final order of the
23 board of trustees to the Franklin Circuit Court in accordance with the provisions of
24 KRS Chapter 13B.

25 (3) The board of trustees shall establish a formal trustee education program for all
26 trustees of the board. The program shall include but not be limited to the following:

27 (a) A required orientation program for all new trustees to the board. The

1 orientation program shall include training on:

- 2 1. Benefits and benefits administration;
- 3 2. Investment concepts, policies, and current composition and
4 administration of retirement system investments;
- 5 3. Laws, bylaws, and administrative regulations pertaining to the
6 retirement system and to fiduciaries; and
- 7 4. Actuarial and financial concepts pertaining to the retirement system.

8 If a trustee fails to complete the orientation program within one (1) year from
9 the beginning of his or her first term on the board, the retirement system shall
10 withhold payment of the per diem and travel expenses due to the board
11 member under KRS 161.290 until the trustee has completed the orientation
12 program;

13 (b) Annual required training for trustees on the administration, benefits,
14 financing, and investing of the retirement system. If a trustee fails to complete
15 the annual required training during the calendar or fiscal year, the retirement
16 system shall withhold payment of the per diem and travel expenses due to the
17 board member under KRS 161.290 until the board member has met the annual
18 training requirements; and

19 (c) The retirement system shall incorporate by reference in an administrative
20 regulation, pursuant to KRS 13A.2251, the trustee education program.

21 (4) In order to improve public transparency regarding the administration of the system,
22 the board of trustees shall adopt a best practices model by posting the following
23 information to the retirement system's Web site and shall make available to the
24 public:

25 (a) Meeting notices and agendas for all meetings of the board. Notices and
26 agendas shall be posted to the retirement system's Web site at least seventy-
27 two (72) hours in advance of the board or committee meetings, except in the

- 1 case of special or emergency meetings as provided by KRS 61.823;
- 2 (b) The Comprehensive Annual Financial Report with the information as follows:
- 3 1. A general overview and update on the retirement system by the
- 4 executive secretary;
- 5 2. A listing of the board of trustees;
- 6 3. A listing of key staff;
- 7 4. An organizational chart;
- 8 5. Financial information, including a statement of plan net assets, a
- 9 statement of changes in plan net assets, an actuarial value of assets, a
- 10 schedule of investments, a statement of funded status and funding
- 11 progress, and other supporting data;
- 12 6. Investment information, including a general overview, a list of the
- 13 retirement system's professional consultants, a total return on retirement
- 14 system investments over a historical period, an investment summary,
- 15 contracted investment management expenses, transaction commissions,
- 16 and a schedule of investments;
- 17 7. The annual actuarial valuation report on the pension benefit and the
- 18 medical insurance benefit; and
- 19 8. A general statistical section, including information on contributions,
- 20 benefit payouts, and retirement system demographic data;
- 21 (c) All external audits;
- 22 (d) All board minutes or other materials that require adoption or ratification by
- 23 the board of trustees. The items listed in this paragraph shall be posted within
- 24 seventy-two (72) hours of adoption or ratification of the board;
- 25 (e) All bylaws, policies, or procedures adopted or ratified by the board of trustees;
- 26 (f) The retirement system's summary plan description;
- 27 (g) The retirement system's law book;

- 1 (h) A listing of the members of the board of trustees and membership on each
2 committee established by the board, including any investment committees;
- 3 (i) All investment holdings and commissions for each fund administered by the
4 board. The board shall update the list of holdings and commissions on a
5 quarterly basis for fiscal years beginning on or after July 1, 2008;
- 6 (j) An update of investment returns, asset allocations, and the performance of the
7 funds against benchmarks adopted by the board for each fund and for each
8 asset class administered by the board. The update shall be posted on a
9 quarterly basis for fiscal years beginning on or after July 1, 2008; and
- 10 (k) A searchable database of the system's expenditures and a listing of each
11 individual employed by the system along with the employee's salary or wages.
12 In lieu of posting the information required by this paragraph to the system's
13 Web site, the system may provide the information through a Web site
14 established by the executive branch to inform the public about executive
15 branch agency expenditures and public employee salaries and wages. No
16 provision of this paragraph shall require the system to disclose confidential
17 member information protected under KRS 161.585.
- 18 (5) Notwithstanding the requirements of subsection (4) of this section, the retirement
19 system shall not be required to furnish information that is protected under KRS
20 161.585, exempt under KRS 61.878, or that, if disclosed, would compromise the
21 retirement system's ability to competitively invest in real estate or other asset classes
22 or to competitively negotiate vendor fees.
- 23 (6) For any benefit improvements the General Assembly has authorized the board of
24 trustees to establish under KRS 161.220 to 161.716 and that require formal
25 adoption by the board, the board shall establish the benefits by promulgation of
26 administrative regulations in accordance with KRS Chapter 13A.
- 27 ➔Section 2. KRS 161.300 is amended to read as follows:

1 Seven (7)~~Five (5)~~ members of the board of trustees shall constitute a quorum. Each
2 trustee shall be entitled to one (1) vote. Four (4) votes or a majority of the trustees
3 present, whichever is the larger number, shall be necessary for a decision by the trustees
4 at any meeting of the board.

5 ➔Section 3. The Kentucky Teachers' Retirement System shall conduct an election
6 in accordance with KRS 161.260 to ensure the retired teacher trustees added to the board
7 by subsection (1)(b) of Section 1 of this Act shall begin their initial term of office on July
8 1, 2017.