

HOUSE BILL No. 5036

October 29, 2015, Introduced by Reps. McCready, Kelly, Canfield, Heise, Hughes, LaVoy, Aaron Miller, Cole, Yonker, Bumstead and Kivela and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 622 and 1223 (MCL 380.622 and 380.1223), as amended by 2012 PA 232.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 622. (1) The intermediate school board shall select
2 financial institutions for the deposit of school funds. The
3 intermediate school board shall keep a set of coded accounts to be
4 approved by the superintendent of public instruction and shall have
5 its books audited at least annually by a certified public
6 accountant. General operating funds, building and site funds,
7 cooperative education funds, special education funds, vocational-
8 technical education funds, and debt retirement funds shall be
9 maintained separately and shall not be commingled, except that the

1 intermediate school board, by resolution, may authorize the
2 treasurer to combine money from more than 1 fund for the purpose of
3 making an investment authorized by subsection (2)(g).

4 (2) The treasurer of an intermediate school district, if
5 authorized by resolution of the intermediate school board, may
6 invest general operating funds, special education funds, area
7 vocational-technical education funds, building and site funds,
8 cooperative education funds, and debt retirement funds of the
9 district. Investments shall be made subject to subsection (4) and
10 shall be restricted to any of the following:

11 (a) Bonds, bills, or notes of the United States or obligations
12 of this state.

13 (b) Certificates of deposit issued by a financial institution.

14 (c) Commercial paper rated prime at the time of purchase and
15 maturing not more than 270 days after the date of purchase.

16 (d) Securities issued or guaranteed by agencies or
17 instrumentalities of the United States government.

18 (e) United States government or federal agency obligation
19 repurchase agreements.

20 (f) Bankers' acceptances issued by a bank that is a member of
21 the ~~federal deposit insurance corporation.~~ **FEDERAL DEPOSIT INSURANCE**
22 **CORPORATION.**

23 (g) Investment pools, as authorized by the surplus funds
24 investment pool act, 1982 PA 367, MCL 129.111 to 129.118, composed
25 entirely of instruments that are legal for direct investment by an
26 intermediate school district.

27 (h) Mutual funds composed entirely of investment vehicles that

1 are legal for direct investment by an intermediate school district.

2 (i) Certificates of deposit issued in accordance with the
3 following conditions:

4 (i) The funds are initially invested through a financial
5 institution that is not ineligible to be a depository of surplus
6 funds belonging to this state under section 6 of 1855 PA 105, MCL
7 21.146.

8 (ii) The financial institution arranges for the investment of
9 the funds in certificates of deposit in 1 or more insured
10 depository institutions, as defined in 12 USC 1813, or 1 or more
11 insured credit unions, as defined in 12 USC 1752, for the account
12 of the intermediate school district.

13 (iii) The full amount of the principal and any accrued
14 interest of each certificate of deposit is insured by an agency of
15 the United States.

16 (iv) The financial institution acts as custodian for the
17 intermediate school district with respect to each certificate of
18 deposit.

19 (v) At the same time that the funds of the intermediate school
20 district are deposited and the certificate or certificates of
21 deposit are issued, the financial institution receives an amount of
22 deposits from customers of other insured depository institutions or
23 insured credit unions equal to or greater than the amount of the
24 funds initially invested by the intermediate school district
25 through the financial institution.

26 (j) Deposit accounts that meet all of the following
27 conditions:

1 (i) The funds are initially deposited in a financial
2 institution that is not ineligible to be a depository of surplus
3 funds belonging to this state under section 6 of 1855 PA 105, MCL
4 21.146.

5 (ii) The financial institution arranges for the deposit of the
6 funds in deposit accounts in 1 or more insured depository
7 institutions, as defined in 12 USC 1813, or 1 or more insured
8 credit unions, as defined in 12 USC 1752, for the account of the
9 intermediate school district.

10 (iii) The full amount of the principal and any accrued
11 interest of each deposit account is insured by an agency of the
12 United States.

13 (iv) The financial institution acts as custodian for the
14 intermediate school district with respect to each deposit account.

15 (v) On the same date that the funds of the intermediate school
16 district are deposited under subparagraph (ii), the financial
17 institution receives an amount of deposits from customers of other
18 insured depository institutions or insured credit unions equal to
19 or greater than the amount of the funds initially deposited by the
20 intermediate school district in the financial institution.

21 (3) The earnings of an investment shall become a part of the
22 fund from which the investment was made. When money of more than 1
23 fund of a single intermediate school district or money of more than
24 1 intermediate school district are combined for an investment pool
25 authorized by subsection (2)(g), the money shall be accounted for
26 separately, and the earnings from the investment shall be
27 separately and individually computed, recorded, and credited to the

1 fund or intermediate school district, as the case may be, for which
2 the investment was acquired.

3 (4) Notwithstanding subsection (2), additional funds of an
4 intermediate school district shall not be deposited or invested in
5 a financial institution that is not eligible to be a depository of
6 surplus funds belonging to this state under section 6 of 1855 PA
7 105, MCL 21.146.

8 (5) Assets acceptable for pledging to secure deposits of funds
9 under this act are limited to any of the following:

10 (a) Assets considered acceptable to the state treasurer under
11 section 3 of 1855 PA 105, MCL 21.143, to secure deposits of state
12 surplus funds.

13 (b) Any of the following:

14 (i) Securities issued by the ~~federal home loan mortgage~~
15 ~~corporation.~~ **FEDERAL HOME LOAN MORTGAGE CORPORATION.**

16 (ii) Securities issued by the ~~federal national mortgage~~
17 ~~association.~~ **FEDERAL NATIONAL MORTGAGE ASSOCIATION.**

18 (iii) Securities issued by the ~~government national mortgage~~
19 ~~association.~~ **GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.**

20 (c) Securities considered acceptable to the intermediate
21 school board and the financial institution.

22 (6) Security in the form of collateral, surety bond, or
23 another form may be taken for the deposits or investments of an
24 intermediate school district in a financial institution. However,
25 an investment under subsection (2)(e) or in an investment pool that
26 includes instruments eligible for investments under subsection
27 (2)(e) shall be secured by the transfer of title and custody of the

1 obligations to which the repurchase agreements relate and an
2 undivided interest in those obligations must be pledged to the
3 intermediate school district for these agreements.

4 (7) As used in this section, "deposit" includes purchases of
5 or investment in shares of a credit union.

6 (8) As used in this section, "financial institution" means a
7 state or nationally chartered bank or a state or federally
8 chartered savings and loan association, savings bank, or credit
9 union whose deposits are insured by an agency of the United States
10 government. ~~and that maintains a principal office or branch office~~
11 ~~located in this state under the laws of this state or the United~~
12 ~~States.~~

13 Sec. 1223. (1) If authorized by resolution of the board of a
14 school district, the treasurer may invest debt retirement funds,
15 building and site funds, building and site sinking funds, or
16 general funds of the district. The investment shall be made subject
17 to subsection (7) and shall be restricted to the following:

18 (a) Bonds, bills, or notes of the United States; obligations,
19 the principal and interest of which are fully guaranteed by the
20 United States; or obligations of the state. In a primary or fourth
21 class school district, the bonds, bills, or notes shall be payable,
22 at the option of the holder, upon not more than 90 days' notice, or
23 if not so payable, shall have maturity dates not more than 5 years
24 after the purchase dates.

25 (b) Certificates of deposit issued by a financial institution
26 or share certificates of a state or federal credit union that is a
27 financial institution.

1 (c) Commercial paper rated prime at the time of purchase and
2 maturing not more than 270 days after the date of purchase.

3 (d) Securities issued or guaranteed by agencies or
4 instrumentalities of the United States government.

5 (e) United States government or federal agency obligation
6 repurchase agreements.

7 (f) Bankers' acceptances issued by a bank that is a member of
8 the ~~federal deposit insurance corporation.~~ **FEDERAL DEPOSIT INSURANCE**
9 **CORPORATION.**

10 (g) Mutual funds composed entirely of investment vehicles that
11 are legal for direct investment by a school district.

12 (h) Investment pools, as authorized by the surplus funds
13 investment pool act, 1982 PA 367, MCL 129.111 to 129.118, composed
14 entirely of instruments that are legal for direct investment by a
15 school district.

16 (i) Certificates of deposit issued in accordance with the
17 following conditions:

18 (i) The funds are initially invested through a financial
19 institution that is not ineligible to be a depository of surplus
20 funds belonging to this state under section 6 of 1855 PA 105, MCL
21 21.146.

22 (ii) The financial institution arranges for the investment of
23 the funds in certificates of deposit in 1 or more insured
24 depository institutions, as defined in 12 USC 1813, or 1 or more
25 insured credit unions, as defined in 12 USC 1752, for the account
26 of the school district.

27 (iii) The full amount of the principal and any accrued

1 interest of each certificate of deposit is insured by an agency of
2 the United States.

3 (iv) The financial institution acts as custodian for the
4 school district with respect to each certificate of deposit.

5 (v) At the same time that the funds of the school district are
6 deposited and the certificate or certificates of deposit are
7 issued, the financial institution receives an amount of deposits
8 from customers of other insured depository institutions or insured
9 credit unions equal to or greater than the amount of the funds
10 initially invested by the school district through the financial
11 institution.

12 (j) Deposit accounts that meet all of the following
13 conditions:

14 (i) The funds are initially deposited in a financial
15 institution that is not ineligible to be a depository of surplus
16 funds belonging to this state under section 6 of 1855 PA 105, MCL
17 21.146.

18 (ii) The financial institution arranges for the deposit of the
19 funds in deposit accounts in 1 or more insured depository
20 institutions, as defined in 12 USC 1813, or 1 or more insured
21 credit unions, as defined in 12 USC 1752, for the account of the
22 school district.

23 (iii) The full amount of the principal and any accrued
24 interest of each deposit account is insured by an agency of the
25 United States.

26 (iv) The financial institution acts as custodian for the
27 school district with respect to each deposit account.

1 (v) On the same date that the funds of the school district are
2 deposited under subparagraph (ii), the financial institution
3 receives an amount of deposits from customers of other insured
4 depository institutions or insured credit unions equal to or
5 greater than the amount of the funds initially deposited by the
6 school district in the financial institution.

7 (2) An obligation purchased under this section, when received
8 by the treasurer, shall be deposited with the financial institution
9 having the deposit of the money of the particular fund from which
10 the obligation was purchased.

11 (3) Money in the several funds of a school district shall not
12 be commingled for the purpose of making an investment authorized by
13 this section except as follows:

14 (a) The board of a school district may establish and maintain
15 1 common debt retirement fund for issues of bonds of similar
16 character.

17 (b) The board of a school district, by resolution, may
18 authorize the treasurer to combine money from more than 1 fund for
19 the purpose of making an investment authorized by subsection
20 (1)(h).

21 (4) Earnings of an investment shall become a part of the fund
22 for which the investment was made. When money of more than 1 fund
23 of a single district or money of more than 1 district are combined
24 for an investment pool authorized by subsection (1)(h), the money
25 shall be accounted for separately, and the earnings from the
26 investment shall be separately and individually computed, recorded,
27 and credited to the fund or district, as the case may be, for which

1 the investment was acquired.

2 (5) The treasurer of a school district, if authorized by
3 resolution of the board, may deposit upon approval of the employee,
4 funds accumulated under a deferred compensation program in a
5 federally insured financial institution authorized by law to do
6 business in this state. If authorized by a resolution of the board,
7 the treasurer of a school district, with the prior consent of the
8 employee, may use funds accumulated under a deferred compensation
9 plan to purchase from a life insurance company authorized to do
10 business in this state an annuity contract or life insurance policy
11 in the manner and for the purposes described in section 457 of the
12 internal revenue code **OF 1986, 26 USC 457.**

13 (6) Security in the form of collateral, surety bond, or
14 another form may be taken for the deposits or investments of a
15 school district in a financial institution. However, an investment
16 under subsection (1)(e) or in an investment pool that includes
17 instruments eligible for investments under subsection (1)(e) shall
18 be secured by the transfer of title and custody of the obligations
19 to which the repurchase agreements relate and an undivided interest
20 in those obligations must be pledged to the school district for
21 these agreements.

22 (7) Notwithstanding subsection (1), additional funds of a
23 school district shall not be deposited or invested in a financial
24 institution that is not eligible to be a depository of surplus
25 funds belonging to this state under section 6 of 1855 PA 105, MCL
26 21.146.

27 (8) As used in this section, "deposit" includes purchase of or

1 investment in shares of a credit union.

2 (9) As used in this section, "financial institution" means a
3 state or nationally chartered bank or a state or federally
4 chartered savings and loan association, savings bank, or credit
5 union whose deposits are insured by an agency of the United States
6 government. ~~and which maintains a principal office or branch office~~
7 ~~located in this state under the laws of this state or the United~~
8 ~~States.~~

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.