

**SUBSTITUTE FOR
SENATE BILL NO. 875**

A bill to amend 1943 PA 20, entitled
"An act relative to the investment of funds of public corporations
of the state; and to validate certain investments,"
by amending section 1 (MCL 129.91), as amended by 1997 PA 196.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Except as provided in section 5, the governing
2 body by resolution may authorize its investment officer to invest
3 the funds of that public corporation in 1 or more of the following:

4 (a) Bonds, securities, and other obligations of the United
5 States or an agency or instrumentality of the United States.

6 (b) Certificates of deposit, savings accounts, deposit
7 accounts, or depository receipts of a financial institution, but
8 only if the financial institution complies with subsection (2).

1 (c) Commercial paper rated at the time of purchase within the
2 2 highest classifications established by not less than 2 standard
3 rating services and that matures not more than 270 days after the
4 date of purchase.

5 (d) Repurchase agreements consisting of instruments listed in
6 subdivision (a).

7 (e) Bankers' acceptances of United States banks.

8 (f) Obligations of this state or any of its political
9 subdivisions that at the time of purchase are rated as investment
10 grade by not less than 1 standard rating service.

11 (g) Mutual funds registered under the investment company act
12 of 1940, title I of chapter 686, 54 Stat. 789, 15 ~~U.S.C.~~ USC 80a-
13 1 to 80a-3 and 80a-4 to 80a-64, with authority to purchase only
14 investment vehicles that are legal for direct investment by a
15 public corporation. However, a mutual fund is not disqualified as a
16 permissible investment solely by reason of either of the following:

17 (i) The purchase of securities on a when-issued or delayed
18 delivery basis.

19 (ii) The ability to lend portfolio securities as long as the
20 mutual fund receives collateral at all times equal to at least 100%
21 of the value of the securities loaned.

22 (iii) The limited ability to borrow and pledge a like portion of
23 the portfolio's assets for temporary or emergency purposes.

24 (h) Obligations described in subdivisions (a) through (g) if
25 purchased through an interlocal agreement under the urban
26 cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to
27 124.512.

1 (i) Investment pools organized under the surplus funds
2 investment pool act, 1982 PA 367, MCL 129.111 to 129.118.

3 (j) The investment pools organized under the local government
4 investment pool act, 1985 PA 121, MCL 129.141 to 129.150.

5 (2) A public corporation that invests its funds under
6 subsection (1) shall not deposit or invest the funds in a financial
7 institution that is not eligible to be a depository of funds
8 belonging to the state under a law or rule of this state or the
9 United States.

10 (3) Assets acceptable for pledging to secure deposits of
11 public funds are limited to assets authorized for direct investment
12 under subsection (1).

13 **(4) THE GOVERNING BODY BY RESOLUTION MAY AUTHORIZE ITS**
14 **INVESTMENT OFFICER TO POOL OR COORDINATE THE FUNDS TO BE INVESTED**
15 **UNDER THIS SECTION WITH THE FUNDS OF OTHER PUBLIC CORPORATIONS**
16 **EXCEPT IN COUNTIES WHERE A LOCAL GOVERNMENT INVESTMENT POOL IS**
17 **OPERATING AND ACCEPTING DEPOSITS.**

18 (5) ~~(4)~~ As used in this section, "financial institution"
19 means a state or nationally chartered bank or a state or federally
20 chartered savings and loan association, savings bank, or credit
21 union whose deposits are insured by an agency of the United States
22 government and that maintains a principal office or branch office
23 located in this state under the laws of this state or the United
24 States.

25 (6) ~~(5)~~ As used in this act:

26 (a) "Governing body" means the legislative body, council,
27 commission, board, or other body having legislative powers of a

1 public corporation.

2 (b) "Funds" means the money of a public corporation, the
3 investment of which is not otherwise subject to a public act of
4 this state or bond authorizing ordinance or resolution of a public
5 corporation that permits investment in fewer than all of the
6 investment options listed in subsection (1) or imposes 1 or more
7 conditions upon an investment in an option listed in subsection
8 (1).

9 (c) "Investment officer" means the treasurer or other person
10 designated by statute or charter of a public corporation to act as
11 the investment officer. In the absence of a statutory or charter
12 designation, the governing body of a public corporation shall
13 designate the investment officer.

14 (d) "Public corporation" means a county, city, village,
15 township, port district, drainage district, special assessment
16 district, or metropolitan district of this state, or a board,
17 commission, or another authority or agency created by or under an
18 act of the legislature of this state.