

# SENATE BILL No. 1516

September 18, 2008, Introduced by Senators BIRKHOLZ, STAMAS and RICHARDVILLE 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),  
section 622 as amended by 2001 PA 127 and section 1223 as amended  
by 1997 PA 47.

**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-

1 technical education funds, and debt retirement funds shall be  
2 maintained separately and shall not be commingled, except that the  
3 intermediate school board, by resolution, may authorize the  
4 treasurer to combine money from more than 1 fund for the purpose of  
5 making an investment authorized by subsection (2)(g).

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

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

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

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

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

20 (e) United States government or federal agency obligation  
21 repurchase agreements.

22 (f) Bankers' acceptances issued by a bank that is a member of  
23 the federal deposit insurance corporation.

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

1 (h) Mutual funds composed entirely of investment vehicles that  
2 are legal for direct investment by an intermediate school district.

3 (I) CERTIFICATES OF DEPOSIT ISSUED IN ACCORDANCE WITH THE  
4 FOLLOWING CONDITIONS:

5 (i) THE FUNDS ARE INITIALLY INVESTED THROUGH A FINANCIAL  
6 INSTITUTION THAT IS NOT INELIGIBLE TO BE A DEPOSITORY OF SURPLUS  
7 FUNDS BELONGING TO THIS STATE UNDER SECTION 6 OF 1855 PA 105, MCL  
8 21.146.

9 (ii) THE FINANCIAL INSTITUTION ARRANGES FOR THE INVESTMENT OF  
10 THE FUNDS IN CERTIFICATES OF DEPOSIT IN 1 OR MORE INSURED  
11 DEPOSITORY INSTITUTIONS AS DEFINED IN SECTION 1813 OF THE FEDERAL  
12 DEPOSIT INSURANCE ACT, 12 USC 1813, FOR THE ACCOUNT OF THE  
13 INTERMEDIATE SCHOOL DISTRICT.

14 (iii) THE FULL AMOUNT OF THE PRINCIPAL AND ANY ACCRUED INTEREST  
15 OF EACH CERTIFICATE OF DEPOSIT IS INSURED BY AN AGENCY OF THE  
16 UNITED STATES.

17 (iv) THE FINANCIAL INSTITUTION ACTS AS CUSTODIAN FOR THE  
18 INTERMEDIATE SCHOOL DISTRICT WITH RESPECT TO EACH CERTIFICATE OF  
19 DEPOSIT.

20 (v) AT THE SAME TIME THAT THE FUNDS OF THE INTERMEDIATE SCHOOL  
21 DISTRICT ARE DEPOSITED AND THE CERTIFICATE OR CERTIFICATES OF  
22 DEPOSIT ARE ISSUED, THE FINANCIAL INSTITUTION RECEIVES AN AMOUNT OF  
23 DEPOSITS FROM CUSTOMERS OF OTHER INSURED DEPOSITORY INSTITUTIONS  
24 EQUAL TO OR GREATER THAN THE AMOUNT OF THE FUNDS INITIALLY INVESTED  
25 BY THE INTERMEDIATE SCHOOL DISTRICT THROUGH THE FINANCIAL  
26 INSTITUTION.

27 (3) The earnings of an investment shall become a part of the

1 fund from which the investment was made. When money of more than 1  
2 fund of a single intermediate school district or money of more than  
3 1 intermediate school district are combined for an investment pool  
4 authorized by subsection (2)(g), the money shall be accounted for  
5 separately, and the earnings from the investment shall be  
6 separately and individually computed, recorded, and credited to the  
7 fund or intermediate school district, as the case may be, for which  
8 the investment was acquired.

9 (4) Notwithstanding subsection (2), additional funds of an  
10 intermediate school district shall not be deposited or invested in  
11 a financial institution that is not eligible to be a depository of  
12 surplus funds belonging to this state under section 6 of 1855 PA  
13 105, MCL 21.146.

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

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

19 (b) Any of the following:

20 (i) Securities issued by the federal home loan mortgage  
21 corporation.

22 (ii) Securities issued by the federal national mortgage  
23 association.

24 (iii) Securities issued by the government national mortgage  
25 association.

26 (c) Securities considered acceptable to the intermediate  
27 school board and the financial institution.

1           (6) As used in this section, "deposit" includes purchases of  
2 or investment in shares of a credit union.

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

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

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

22           (b) Certificates of deposit issued by a financial institution  
23 or share certificates of a state or federal credit union that is a  
24 financial institution.

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

27           (d) Securities issued or guaranteed by agencies or

1 instrumentalities of the United States government.

2 (e) United States government or federal agency obligation  
3 repurchase agreements.

4 (f) Bankers' acceptances issued by a bank that is a member of  
5 the federal deposit insurance corporation.

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

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

12 (I) CERTIFICATES OF DEPOSIT ISSUED IN ACCORDANCE WITH THE  
13 FOLLOWING CONDITIONS:

14 (i) THE FUNDS ARE INITIALLY INVESTED THROUGH 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 INVESTMENT OF  
19 THE FUNDS IN CERTIFICATES OF DEPOSIT IN 1 OR MORE INSURED  
20 DEPOSITORY INSTITUTIONS AS DEFINED IN SECTION 1813 OF THE FEDERAL  
21 DEPOSIT INSURANCE ACT, 12 USC 1813, FOR THE ACCOUNT OF THE SCHOOL  
22 DISTRICT.

23 (iii) THE FULL AMOUNT OF THE PRINCIPAL AND ANY ACCRUED INTEREST  
24 OF EACH CERTIFICATE OF DEPOSIT IS INSURED BY AN AGENCY OF THE  
25 UNITED STATES.

26 (iv) THE FINANCIAL INSTITUTION ACTS AS CUSTODIAN FOR THE SCHOOL  
27 DISTRICT WITH RESPECT TO EACH CERTIFICATE OF DEPOSIT.

1           (v) AT THE SAME TIME THAT THE FUNDS OF THE SCHOOL DISTRICT ARE  
2 DEPOSITED AND THE CERTIFICATE OR CERTIFICATES OF DEPOSIT ARE  
3 ISSUED, THE FINANCIAL INSTITUTION RECEIVES AN AMOUNT OF DEPOSITS  
4 FROM CUSTOMERS OF OTHER INSURED DEPOSITORY INSTITUTIONS EQUAL TO OR  
5 GREATER THAN THE AMOUNT OF THE FUNDS INITIALLY INVESTED BY THE  
6 SCHOOL DISTRICT THROUGH 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 that:

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.

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 section 622(2)(e) or ~~section 1223(1)(e)~~ **SUBSECTION (1)(E)** or  
17 in an investment pool that includes instruments eligible for  
18 investments under ~~sections~~ **SECTION** 622(2)(e) and ~~1223(1)(e)~~ **OR**  
19 **SUBSECTION (1)(E)** shall be secured by the transfer of title and  
20 custody of the obligations to which the repurchase agreements  
21 relate and an undivided interest in those obligations must be  
22 pledged to the school district for these agreements.

23 (7) Notwithstanding subsection (1), additional funds of a  
24 school district shall not be deposited or invested in a financial  
25 institution ~~which~~ **THAT** is not eligible to be a depository of  
26 surplus funds belonging to this state under section 6 of 1855 PA  
27 105, MCL 21.146.

1           (8) As used in this section, "deposit" includes purchase of or  
2 investment in shares of a credit union.

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