

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 283
Committee Substitute Favorable 4/19/99

Short Title: State Treasurer's Investment Authority.

(Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATE TREASURER'S INVESTMENT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 147-69.1 reads as rewritten:

"§ 147-69.1. Investments authorized for General Fund and Highway ~~Fund~~ Funds assets.

(a) The Governor and Council of State, with the advice and assistance of the State Treasurer, shall adopt such rules and regulations as shall be necessary and appropriate to implement the provisions of this section.

(b) This section applies to funds held by the State Treasurer to the credit of:

(1) The General Fund;

(2) The Highway ~~Fund~~ Fund and Highway Trust Fund.

(c) It shall be the duty of the State Treasurer to invest the cash of the funds enumerated in subsection (b) of this section in excess of the amount required to meet the current needs and demands on such funds, selecting from among the following:

(1) Obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States;

(2) Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank,

1 the Federal Land Banks, the Federal Home Loan Banks, the Federal
2 Home Loan Mortgage Corporation, the Federal National Mortgage
3 Association, the Government National Mortgage Association, the
4 Federal Housing Administration, the Farmers Home Administration, the
5 United States Postal Service, the Export-Import Bank, the International
6 Bank for Reconstruction and Development, the International Finance
7 Corporation, the Inter-American Development Bank, the Asian
8 Development Bank, the African Development Bank, and the Student
9 Loan Marketing Association.

10 (3) Repurchase Agreements with respect to securities issued or guaranteed
11 by the United States government or its agencies or other securities
12 eligible for investment by this section executed by a bank or trust
13 company or by primary or other reporting dealers to the Federal Reserve
14 Bank of New York.

15 (4) Obligations of the State of North Carolina;

16 (5) a. ~~Savings certificates issued by any savings and loan association~~
17 ~~organized under the laws of the State of North Carolina or by any~~
18 ~~federal savings and loan association having its principal office~~ Time
19 deposits of financial institutions with a physical presence in North
20 Carolina; Carolina for the purpose of receiving commercial or retail
21 deposits; provided that any principal amount of such certificate deposit
22 in excess of the amount insured by the federal government or any
23 agency thereof, or by a mutual deposit guaranty association authorized
24 by the Administrator of the Savings Institutions Division of the
25 Department of Commerce of the State of North Carolina, be fully
26 collateralized; be fully secured by surety bonds, or

27 b. ~~Certificates of deposit issued by banks organized under the laws~~
28 ~~of the State of North Carolina, or by any national bank having its~~
29 ~~principal office in North Carolina; provided that any principal~~
30 ~~amount of such certificate in excess of the amount insured by the~~
31 ~~federal government or any agency thereof, be fully collateralized;~~
32 provided further that

33 e. ~~With respect to savings certificates and certificates of deposit, the rate~~
34 ~~of return or investment yield may not be less than that available~~
35 ~~in the market on United States government or agency obligations~~
36 ~~of comparable maturity;~~

37 d. ~~Shares of or deposits in any savings and loan association~~
38 ~~organized under the laws of the State of North Carolina, or any~~
39 ~~federal savings and loan association having its principal office in~~
40 ~~North Carolina; provided that any moneys invested in such~~
41 ~~shares or deposits in excess of the amount insured by the federal~~
42 ~~government or any agency thereof, or by a mutual deposit~~
43 ~~guaranty association authorized by the Administrator of the~~

1 Savings Institutions Division of the Department of Commerce of
2 the State of North Carolina, be fully secured by surety bonds, or
3 be fully collateralized.

4 e.(6) Prime quality commercial paper bearing the highest
5 rating of at least one nationally recognized rating
6 service and not bearing a rating below the highest by
7 any nationally recognized rating service which rates the
8 particular obligation.

9 f.(7) Bills of exchange or time drafts drawn on and accepted
10 by a commercial bank and eligible for use as collateral
11 by member banks in borrowing from a federal reserve
12 bank, provided that the accepting bank or its holding
13 company is either (i) incorporated in the State of North
14 Carolina or (ii) has outstanding publicly held obligations
15 bearing the highest rating of at least one nationally
16 recognized rating service and not bearing a rating below
17 the highest by any nationally recognized rating service
18 which rates the particular obligations.

19 g.(8) Asset-backed securities (whether considered debt or
20 equity) provided they bear the highest rating of at least
21 one nationally recognized rating service and do not bear
22 a rating below the highest rating by any nationally
23 recognized rating service which rates the particular
24 securities.

25 h.(9) Corporate bonds and notes provided they bear the
26 highest rating of at least one nationally recognized
27 rating service and do not bear a rating below the highest
28 by any nationally recognized rating service which rates
29 the particular obligation.

30 (6) Repealed by Session Laws 1989 (Regular Session, 1990), c. 813, s. 10.

31 (d) Unless otherwise provided by law, the interest or income received and accruing
32 from all deposits or investments of such cash balances shall be paid into the State's
33 General Fund, except that all interest or income received and accruing on the monthly
34 balance of the Highway Fund-Fund and Highway Trust Fund shall be paid into the State
35 Highway Fund-Fund and Highway Trust Fund. The cash balances of the several funds
36 may be combined for deposit or investment purposes; and when such combined deposits
37 or investments are made, the interest or income received and accruing from all deposits
38 or investments shall be prorated among the funds in conformity with applicable law and
39 the rules and regulations adopted by the Governor and Council of State.

40 (e) The State Treasurer shall cause to be prepared quarterly statements on or
41 before the tenth day of January, April, July and October in each year, which shall show
42 the amount of cash on hand, the amount of money on deposit, the name of each
43 depository, and all investments for which he is in any way responsible. Each quarterly

1 statement shall be delivered to the Governor and Council of State; and a copy shall be
2 posted in the office of the State Treasurer for the information of the public.

3 (f) Repealed by Session Laws 1989 (Regular Session, 1990), c. 813, s. 10.

4 (g) If and to the extent the General Assembly shall authorize the sale of all or any
5 part of the stock owned by the State in the North Carolina Railroad Company or the
6 Atlantic and North Carolina Railroad Company, the proceeds of any sale shall be
7 separately accounted for and invested as expressly directed by the General Assembly, but
8 in the absence of any express direction as to investment, the proceeds may be invested as
9 authorized by this section."

10 Section 2. G.S. 147-69.2(a) reads as rewritten:

11 "(a) This section applies to funds held by the State Treasurer to the credit of:

12 (1) The Teachers' and State Employees' Retirement System,

13 (2) The Consolidated Judicial Retirement System,

14 (3) The Teachers' and State Employees' Hospital and Medical Insurance
15 Plan,

16 (4) The General Assembly Medical and Hospital Care Plan,

17 (5) The Disability Salary Continuation Plan,

18 (6) The Firemen's and Rescue Workers' Pension Fund,

19 (7) The Local Governmental Employees' Retirement System,

20 (8) The Legislative Retirement System,

21 (9) The Escheat Fund,

22 (10) The Legislative Retirement Fund,

23 (11) The State Education Assistance Authority,

24 (12) The State Property Fire Insurance Fund,

25 (13) The Stock Workers' Compensation Fund,

26 (14) The Mutual Workers' Compensation Fund,

27 (15) The Public School Insurance Fund,

28 (16) The Liability Insurance Trust Fund,

29 (17) Trust funds of The University of North Carolina and its constituent
30 institutions deposited with the State Treasurer pursuant to G.S. 116-
31 36.1, ~~and~~

32 ~~(17a)~~(18) North Carolina Veterans Home Trust Fund, ~~Fund~~, Fund,

33 (19) North Carolina National Guard Pension Fund,

34 (20) Retiree Health Premium Reserve Account, and

35 ~~(18)~~(21) Any other special fund created by or pursuant to law for purposes
36 other than meeting appropriations made pursuant to the Executive
37 Budget Act."

38 Section 3. This act is effective when it becomes law.