

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 72
Committee Substitute Favorable 3/22/11

Short Title: Community College Investment Flexibility.

(Public)

Sponsors:

Referred to:

February 14, 2011

1 A BILL TO BE ENTITLED
2 AN ACT GRANTING COMMUNITY COLLEGES ADDITIONAL FLEXIBILITY WITH
3 REGARD TO INVESTMENTS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115D-58.6 reads as rewritten:

6 "**§ 115D-58.6. Investment of idle cash.**

7 (a) Definitions. – As used in this section:

8 (1) "Cash balance" means the amount equal to all moneys received into
9 institutional fund accounts minus all expenses and withdrawals from those
10 accounts in an official depository of the institution as designated by the local
11 board of trustees consistent with G.S. 115D-58.7.

12 (2) "Official depository" means one or more banks, savings and loan
13 associations, or trust companies in North Carolina that a community college
14 board of trustees has designated consistent with G.S. 115D-58.7.

15 (a1) Deposits. – The institution may deposit at interest ~~or invest~~ all or part of the cash
16 balance of any fund in an official depository of the institution. ~~The institution shall manage~~
17 ~~investments subject to whatever restrictions and directions the board of trustees may impose.~~
18 ~~The institution shall have the power to purchase, sell, and exchange securities on behalf of the~~
19 ~~board of trustees. The investment program shall be so managed that investments and deposits~~
20 ~~can be converted into cash when needed. Moneys may be deposited at interest in any official~~
21 ~~depository of the institution in the form of certificates of deposit or such other forms of time~~
22 ~~deposits as may be approved for county governments. In addition, moneys may be deposited in~~
23 ~~the form of certificates of deposit as provided for a local government or public authority in~~
24 ~~G.S. 159-30(b1). Investment deposits shall be secured as provided in G.S. 159-31(b).~~

25 (b) ~~Moneys may be deposited at interest in any bank, savings and loan association or~~
26 ~~trust company in this State in the form of certificates of deposit or such other forms of time~~
27 ~~deposits as may be approved for county governments. In addition, moneys may be deposited in~~
28 ~~the form of certificates of deposit as provided for a local government or public authority in~~
29 ~~G.S. 159-30(b1). Investment deposits shall be secured as provided in G.S. 159-31(b).~~

30 (e)(b) Investments. – The institution may invest all or part of the cash balance of any fund
31 in an official depository of the institution. The institution shall manage investments subject to
32 whatever restrictions and directions the board of trustees may impose. The institution shall have
33 the power to purchase, sell, and exchange securities on behalf of the board of trustees. The
34 investment program shall be so managed that investments and deposits can be converted into
35 cash when needed.



1 (1) Moneys ~~may~~ shall only be invested in the form of investments pursuant to
2 G.S. 159-30(c) to county governments ~~and no others or in any form of~~
3 investment established or managed by an investment advisor who is
4 registered and in good standing with either the Securities and Exchange
5 Commission or the North Carolina Secretary of State, Securities Division,
6 and is a member of the Securities Investor Protection Corporation. Money in
7 endowment funds may be invested pursuant to G.S. 147-69.2. Provided,
8 however, the institution may elect to deposit at interest any local funds with
9 the State Treasurer for investment as special trust funds pursuant to the
10 provisions of G.S. 147-69.3, and the interest thereon shall accrue to the
11 institution as local funds.

12 (d) Investment

13 (2) The investment securities listed in G.S. 159-30(c) may be bought, sold, and
14 traded by private negotiation, and the institutions may pay all incidental
15 costs thereof and all reasonable costs of administering the investment and
16 deposit program from local funds. The institution shall be responsible for
17 their safekeeping and for keeping accurate investment accounts and records.

18 ~~(e)~~(c) Interest earned on deposits and investments shall be credited to the fund whose cash
19 is deposited or invested. Cash of several funds may be combined for deposit or investment if
20 not otherwise prohibited by law; and when such joint deposits or investments are made, interest
21 earned shall be prorated and credited to the various funds on the basis of the amounts thereof
22 invested, figured according to an average periodic balance or some other sound accounting
23 principle. Interest earned on the deposit or investment of bond funds shall be deemed a part of
24 the bond proceeds.

25 ~~(f)~~(d) Registered securities acquired for investment may be released from registration and
26 transferred by signature of the official designated by the board of ~~trustees.~~ trustees.

27 (e) The Board of Trustees shall appoint an Investment Committee which shall consist of
28 a minimum of three people who have sufficient financial background to review and evaluate
29 investment options. These individuals should have experience in institutional or retail
30 investment management with knowledge of fixed income and public equities. This committee
31 shall make recommendations to the Board on those investment options, as well as monitor the
32 performance of investments once made.

33 (f) The Board of Trustees shall discharge their duties with respect to the management
34 and investment of college funds as follows:

35 (1) Investment decisions shall be solely in the interest of the college, and the
36 students, faculty, and staff of the college.

37 (2) The investments shall be for the exclusive purpose of providing an adequate
38 return to the college.

39 (3) Investments shall be made with the care, skill, and caution under the
40 circumstances then prevailing which a prudent person acting in a like
41 capacity and familiar with those matters would use in the conduct of an
42 activity of like character and purpose.

43 (4) Investment decisions shall be made impartially, taking into account the best
44 interest of the college, with special attention to conflicts of interest or
45 potential conflicts of interest.

46 (5) Investments shall incur only costs that are appropriate and reasonable."

47 **SECTION 2.** G.S. 147-69.2 is amended by adding a new subdivision to read:

48 "(20) Institutional funds of the colleges of the North Carolina Community College
49 System."

50 **SECTION 3.** This act becomes effective July 1, 2011.