

ENROLLED SENATE  
BILL NO. 739

By: Hobson and Brown of the  
Senate

and

Benson and Wells of the  
House

An Act relating to public finance; amending 62 O.S.

1991, Section 348.3, which relates to investments  
of certain cities and counties; modifying  
investments which may be authorized pursuant to  
written investment policy; providing an effective  
date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 62 O.S. 1991, Section 348.3, is  
amended to read as follows:

Section 348.3 A. In addition to the investments authorized by  
Section 348.1 of this title, the governing body of a city with a  
population of not less than three hundred thousand (300,000) persons  
according to the latest Federal Decennial Census or of a county with  
a population of not less than four hundred thousand (400,000)  
persons according to the latest Federal Decennial Census may adopt a  
written investment policy directing the investment of the funds of  
the city or county and any of its public trusts or authorities. If  
such a policy is adopted by the governing body, such funds shall be  
invested pursuant to the provisions of the policy. The written  
policy shall address liquidity, diversification, safety of  
principal, yield, maturity and quality and capability of investment  
management, with primary emphasis on safety and liquidity. To the  
extent practicable, taking into account the need to use sound  
investment judgment, the written investment policies shall include  
provision for utilization of a system of competitive bidding in the  
investment of municipal funds. Such system shall be designed to  
maximize yield within each class of investment instrument,  
consistent with the safety of the funds invested.

B. The written investment policy may authorize the city  
treasurer or county treasurer to purchase and invest in any or all  
of the following:

1. Obligations of the United States government, its agencies  
and instrumentalities;

2. Collateralized or insured certificates of deposit and other  
evidences of deposit at banks, savings banks, savings and loan  
associations and credit unions located in this state, or fully  
insured certificates of deposit at banks, savings banks, savings and  
loan associations and credit unions located out of state;

3. Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings bank, a savings and loan association or a state-licensed branch of a foreign bank. Purchases of negotiable certificates of deposit shall not exceed ten percent (10%) of the surplus funds of the city or county which may be invested pursuant to this section. Not more than one-half (1/2) of the ten percent (10%) limit shall be invested in any one financial institution specified in this paragraph;

4. Prime banker's acceptances which are eligible for purchase by the Federal Reserve System and which do not exceed two hundred seventy (270) days' maturity. Purchases of prime banker's acceptances shall not exceed ten percent (10%) of the surplus funds of the city or county which may be invested pursuant to this section. Not more than one-half (1/2) of the ten percent (10%) limit shall be invested in any one commercial bank pursuant to this paragraph;

5. Prime commercial paper which shall not have a maturity that exceeds one hundred eighty (180) days nor represent more than ten percent (10%) of the outstanding paper of an issuing corporation. Purchases of prime commercial paper shall not exceed seven and one-half percent (7 1/2%) of the surplus funds of the city or county which may be invested pursuant to this section;

6. Repurchase agreements that have underlying collateral consisting of those items specified in paragraphs 1 through 5 of this subsection; and

7. Money market funds regulated by the Securities and Exchange Commission and which investments consist of those items and those restrictions specified in paragraphs 1 through 6 of this subsection.

C. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

SECTION 2. This act shall become effective July 1, 1996.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.