

**51-7-18 Duties of council.**

- (1) The council shall:
  - (a) advise the state treasurer and other public treasurers about investment policies;
  - (b) cooperate with the commissioner of financial institutions by promoting measures and rules that will assist in strengthening the banking and credit structure of the state;
  - (c) at least annually, review the rules adopted under the authority of this chapter that relate to the deposit and investment of public funds;
  - (d) at least annually, distribute the rules and amendments to rules adopted under the authority of this chapter that relate to the deposit and investment of public funds to all public treasurers; and
  - (e) provide, at least semiannually, a list of certified dealers that meet criteria established by this chapter and council rules.
- (2) The council may:
  - (a) recommend proposed changes in statutes governing the deposit and investment of public funds to the Legislature;
  - (b) make rules governing:
    - (i) the financial reporting requirements of qualified depositories in which public funds may be deposited;
    - (ii) the conditions and procedures for maintaining and revoking a financial institution's designation as a qualified depository;
    - (iii) the definition of depository capital;
    - (iv) the conditions for maintaining deposits at a permitted depository;
    - (v) the conditions and procedures for maintaining and revoking a primary reporting dealer's or a broker dealer's designation as a certified dealer;
    - (vi) certified investment advisers who deal with public treasurers, including establishing standards and requirements for the use, qualification, and regulation of certified investment advisers;
    - (vii) the conditions and procedures for maintaining and revoking a federal covered adviser's or an investment adviser's designation as a certified investment adviser;
    - (viii) the conditions and procedures by which public treasurers may deposit and invest public funds;
    - (ix) quality criteria for corporate obligations;
    - (x) the conditions and procedures by which public entities may use interest rate contracts authorized by Subsection 51-7-17(3); and
    - (xi) other rules necessary to carry out its functions, powers, duties, and responsibilities under this chapter.
- (3) The council may not make rules requiring a qualified depository to pledge or deposit any of its assets in order to secure a deposit of public funds, except that public deposits in excess of the maximum amount shall be collateralized as provided in Subsections 51-7-18.1(5)(b) and (6).
- (4) Subject to legislative funding, the state treasurer shall supply qualified staff to the council.
- (5) If any rule or act of the council would constitute an infringement upon the state treasurer's constitutional duties and powers to have custody of and invest public money, the conflicting rule or act is advisory and not mandatory.

Amended by Chapter 248, 2004 General Session