

STATE OF NEW YORK

9423

IN ASSEMBLY

March 14, 2024

Introduced by M. of A. TAYLOR -- Multi-Sponsored by -- M. of A. DeSTEFANO -- read once and referred to the Committee on Banks

AN ACT to amend the general municipal law and the banking law, in relation to the establishment of a savings bank, savings and loan association or credit union municipal deposit program, and limiting deposits of public funds in such institutions to two hundred fifty thousand dollars

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph c of subdivision 1 of section 10 of the general
2 municipal law, as amended by chapter 623 of the laws of 1998, is amended
3 to read as follows:

4 c. "Public deposits" shall mean deposits of public funds in a bank,
5 savings bank, savings and loan association, credit union, or trust
6 company which are available for all uses generally permitted by the
7 bank, savings bank, savings and loan association, credit union, or trust
8 company to the depositing local government for actually and finally
9 collected funds under the bank's, savings bank's, savings and loan asso-
10 ciation's, credit union's, or trust company's account agreement or poli-
11 cies.

12 § 2. Paragraphs f, g and h of subdivision 1 of section 10 of the
13 general municipal law are relettered paragraphs g, h and i and three new
14 paragraphs f, j and k are added to read as follows:

15 f. "Credit union" shall mean a state-chartered credit union as defined
16 by subdivision nine of section two of the banking law or a federally-
17 chartered credit union as defined by the federal credit union act,
18 located and authorized to do business in New York.

19 j. "Savings bank" shall mean a savings bank as defined by subdivision
20 four of section two of the banking law or any federal savings bank.

21 k. "Savings and loan association" shall mean a savings and loan asso-
22 ciation as defined by subdivision eight of section two of the banking
23 law or any federal savings and loan association.

24 § 3. Subdivisions 2 and 4 of section 10 of the general municipal law,
25 as amended by chapter 623 of the laws of 1998, paragraph a of subdivi-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 sion 2 as amended by chapter 128 of the laws of 2012 and paragraph c of
2 subdivision 2 and paragraph (e) of subdivision 4 as further amended by
3 section 104 of part A of chapter 62 of the laws of 2011, are amended to
4 read as follows:

5 2. a. (i) The governing board of every local government shall design-
6 nate one or more banks, savings banks, savings and loan associations,
7 credit unions or trust companies for the deposit of public funds, the
8 disposition of which is not otherwise provided for by law, received by
9 the chief fiscal officer or any other officer authorized by law to make
10 deposits. Such designation shall be by resolution of the governing board
11 or, in the case of a city, such other body as may be authorized or
12 required by law to designate depositories. Such resolution shall specify
13 the maximum amount which may be kept on deposit at any time in each such
14 bank, savings bank, savings and loan association, credit union or trust
15 company. Such designations and amounts may be changed at any time by
16 further resolution.

17 (ii) The governing board of a local government that has designated one
18 or more banks or trust companies for the deposit of public funds pursu-
19 ant to subparagraph (i) of this paragraph may, in its discretion,
20 authorize the designated bank or trust company to arrange for the rede-
21 posit of the local government's funds in one or more banking insti-
22 tutions, as defined in section nine-r of the banking law, for the
23 account of the local government, through a deposit placement program
24 that meets all of the following conditions:

25 (A) On or after the date that the local government's funds are
26 received, the designated bank or trust company (I) arranges for the
27 redeposit of such funds into deposit accounts in one or more banking
28 institutions and (II) serves as custodian for the local government with
29 respect to the funds redeposited into such accounts.

30 (B) Local government funds deposited in a designated bank or trust
31 company in accordance with this subparagraph and held in the designated
32 bank or trust company in excess of the amount insured by the federal
33 deposit insurance corporation pending redeposit of the funds pursuant to
34 this subparagraph shall be secured in accordance with subdivision three
35 of this section.

36 (C) The full amount of local government funds redeposited by the
37 designated bank or trust company into deposit accounts in banking insti-
38 tutions pursuant to this subparagraph (plus accrued interest, if any)
39 shall be insured by the federal deposit insurance corporation.

40 (D) At the same time that the money of the local government is rede-
41 posited pursuant to this subparagraph, the selected depository receives
42 an amount of deposits from customers of other financial institutions
43 pursuant to the deposit placement program that are at least equal to the
44 amount of the local government's funds redeposited by the designated
45 bank or trust company. The governing board of every local government
46 shall forward a copy of such resolution to the office of the state comp-
47 troller who shall retain such copy until such resolution is amended or
48 dissolved. A copy of such resolution shall be retained by the state
49 comptroller for record keeping purposes only.

50 b. Public funds deposited into a savings bank, federal savings bank,
51 credit union, federal credit union, savings and loan association or
52 federal savings and loan association shall be limited to two hundred
53 fifty thousand dollars.

54 c. Except as otherwise provided by law, all deposits shall be made to
55 the credit of the local government. The deposit of public funds pursu-
56 ant to this subdivision shall release the officer making the deposit and

1 his or her surety from any liability for loss of such public funds by
2 reason of the default or insolvency of any such bank, savings bank,
3 savings and loan association, credit union or trust company.

4 [~~e~~] d. The governing board of a local government, in which a banking
5 development district has been designated by the superintendent of finan-
6 cial services pursuant to section ninety-six-d of the banking law, may
7 designate a bank, trust company or national bank located in such
8 district for the deposit of public funds, the disposition of which is
9 not otherwise provided for by law, received by the chief fiscal officer
10 or other officer authorized by law to make such deposits. Such desig-
11 nation shall be by resolution of the governing board or, in the case of
12 a city, such other body as may be authorized or required by law to
13 designate depositories. Such resolution shall specify the maximum amount
14 which may be kept on deposit at any time with such bank, trust company
15 or national bank located in such district. Subject to an agreement
16 between such governing board and such banking institution, public funds
17 deposited in such banking institution may earn a fixed interest rate
18 which is at or below such banking institution's posted two year certif-
19 icate of deposit rate. In those instances where there is such an agree-
20 ment, its terms and conditions shall also be specified in the resol-
21 ution. Any such designation, amount, or agreement provisions may be
22 changed at any time by further resolution.

23 4. (a) Notwithstanding any other provision of law to the contrary, the
24 chief fiscal officer, or other officer authorized by law to make depos-
25 its, may, subject to the approval of the governing body of a local
26 government, by resolution, enter into a contract with a courier service
27 for the purpose of causing the deposit of public funds with a bank,
28 savings bank, savings and loan association, credit union or trust compa-
29 ny as provided in this section.

30 (b) The entrusting of public funds for deposit pursuant to paragraph
31 (a) of this subdivision shall release the officer entrusting the public
32 funds to the courier service and his or her surety from any liability
33 for loss of such public funds by the courier service in the process of
34 delivering such public funds to the designated bank, savings bank,
35 savings and loan association, credit union or trust company.

36 (c) The local government authorizing the deposit of public funds by a
37 courier service pursuant to paragraph (a) of this subdivision shall
38 require the courier service to obtain a surety bond for the full amount
39 entrusted to the courier, payable to the local government and executed
40 by an insurance company authorized to do business in this state, the
41 claims paying ability of which is rated in the highest rating category
42 by at least two nationally recognized statistical rating organizations,
43 to insure against any loss of public funds entrusted to the courier
44 service for deposit or failure to deposit the full amount entrusted to
45 the courier.

46 (d) A deposit made by a courier on behalf of a local government shall
47 be deemed to be a deposit made by the chief fiscal officer or other
48 officer entrusting such funds for purposes of the requirements contained
49 in this section for securing public deposits.

50 (e) A bank, savings bank, savings and loan association, credit union
51 or trust company may, from time to time and as agreed upon with a local
52 government, reimburse all or part of, but not more than, the actual cost
53 incurred by the local government in transporting cash, negotiable
54 instruments or other items for deposit through a courier service. Any
55 such reimbursement agreement shall apply only to a specified deposit
56 transaction, and may be subject to such terms, conditions and limita-

1 tions as the bank, savings bank, savings and loan association, credit
2 union or trust company deems necessary to ensure sound banking prac-
3 tices, including, but not limited to, any terms, conditions or limita-
4 tions that may be required by the department of financial services or
5 other federal or state authority.

6 § 4. Subdivision 2 of section 11 of the general municipal law, as
7 amended by chapter 128 of the laws of 2012, is amended to read as
8 follows:

9 2. a. The governing board of any local government or, if the governing
10 board so delegates, the chief fiscal officer or other officer having
11 custody of the moneys may temporarily invest moneys not required for
12 immediate expenditure, except moneys the investment of which is other-
13 wise provided for by law, either: (1) in special time interest-bearing
14 deposit accounts in, or certificates of deposit issued by, a bank,
15 savings bank, savings and loan association, or share certificates issued
16 by a credit union or trust company located and authorized to do business
17 in this state; or (2) in accordance with all of the following condi-
18 tions:

19 (i) the moneys are invested through a bank or trust company located
20 and authorized to do business in this state;

21 (ii) the bank or trust company arranges for the deposit of the moneys
22 in certificates of deposit or share certificates in one or more banking
23 institutions, as defined in section nine-r of the banking law, for the
24 account of the local government;

25 (iii) the full amount of principal and accrued interest of each such
26 certificate of deposit or share certificate must be insured by the
27 federal deposit insurance corporation;

28 (iv) the bank or trust company acts as custodian for the local govern-
29 ment with respect to such certificates of deposit issued for the local
30 government's account; and

31 (v) at the same time that the local government's moneys are deposited
32 and the certificates of deposit or share certificates are issued for the
33 account of the local government, the bank or trust company receives an
34 amount of deposits from customers of other financial institutions equal
35 to or greater than the amount of the moneys invested by the local
36 government through the bank or trust company.

37 b. For any investment made pursuant to paragraph a of this subdivi-
38 sion, such time deposit account or certificate of deposit or share
39 certificates shall be payable within such time as the proceeds shall be
40 needed to meet expenditures for which such moneys were obtained and
41 provided further that such time deposit account or certificate of depos-
42 it or share certificates be secured in the same manner as is provided
43 for securing deposits of public funds by subdivision three of section
44 ten of this article.

45 § 5. The banking law is amended by adding a new section 454-a to read
46 as follows:

47 § 454-a. Deposits of public money with credit unions; security. A
48 credit union may accept deposits of public money subject to the limita-
49 tions provided in section ten of the general municipal law. Such credit
50 union shall pledge assets or furnish other security satisfactory in form
51 and amount to the depositor, for the repayment of monies held in the
52 name of such depositor, when required to be secured by applicable law,
53 decree or regulation.

54 § 6. This act shall take effect on the ninetieth day after it shall
55 have become a law.