

# STATE OF NEW YORK

3539

2025-2026 Regular Sessions

## IN ASSEMBLY

January 28, 2025

Introduced by M. of A. LEVENBERG, STECK, BEEPHAN -- 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

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.

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

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1 § 3. Subdivisions 2 and 4 of section 10 of the general municipal law,  
2 as amended by chapter 623 of the laws of 1998, paragraph a of subdivi-  
3 sion 2 as amended by chapter 128 of the laws of 2012 and paragraph c of  
4 subdivision 2 and paragraph (e) of subdivision 4 as further amended by  
5 section 104 of part A of chapter 62 of the laws of 2011, are amended to  
6 read as follows:

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

19 (ii) The governing board of a local government that has designated one  
20 or more banks, savings banks, savings and loan associations, credit  
21 unions or trust companies for the deposit of public funds pursuant to  
22 subparagraph (i) of this paragraph may, in its discretion, authorize the  
23 designated bank, savings bank, savings and loan associations, credit  
24 unions or trust [~~company~~] companies to arrange for the redeposit of the  
25 local government's funds in one or more banking institutions, as defined  
26 in section nine-r of the banking law, for the account of the local  
27 government, through a deposit placement program that meets all of the  
28 following conditions:

29 (A) On or after the date that the local government's funds are  
30 received, the designated bank, savings bank, savings and loan associ-  
31 ation, credit union or trust company: (I) arranges for the redeposit of  
32 such funds into deposit accounts in one or more banking institutions and  
33 (II) serves as custodian for the local government with respect to the  
34 funds redeposited into such accounts.

35 (B) Local government funds deposited in a designated bank, savings  
36 bank, savings and loan association, credit union or trust company in  
37 accordance with this subparagraph and held in the designated bank,  
38 savings bank, savings and loan association, credit union or trust compa-  
39 ny in excess of the amount insured by the federal deposit insurance  
40 corporation or the National Credit Union share insurance fund, pending  
41 redeposit of the funds pursuant to this subparagraph shall be secured in  
42 accordance with subdivision three of this section.

43 (C) The full amount of local government funds redeposited by the  
44 designated bank, savings bank, savings and loan association, credit  
45 union or trust company into deposit accounts in banking institutions  
46 pursuant to this subparagraph (plus accrued interest, if any) shall be  
47 insured by the federal deposit insurance corporation or the National  
48 Credit Union share insurance fund.

49 (D) At the same time that the money of the local government is rede-  
50 posited pursuant to this subparagraph, the selected depository receives  
51 an amount of deposits from customers of other financial institutions  
52 pursuant to the deposit placement program that are at least equal to the  
53 amount of the local government's funds redeposited by the designated  
54 bank, savings bank, savings and loan association, credit union or trust  
55 company. The governing board of every local government shall forward a  
56 copy of such resolution to the office of the state comptroller who shall

1 retain such copy until such resolution is amended or dissolved. A copy  
2 of such resolution shall be retained by the state comptroller for record  
3 keeping purposes only.

4 b. Except as otherwise provided by law, all deposits shall be made to  
5 the credit of the local government. The deposit of public funds pursu-  
6 ant to this subdivision shall release the officer making the deposit and  
7 [~~his or her~~] their surety from any liability for loss of such public  
8 funds by reason of the default or insolvency of any such bank, savings  
9 bank, savings and loan association, credit union or trust company.

10 c. The governing board of a local government, in which a banking  
11 development district has been designated by the superintendent of finan-  
12 cial services pursuant to section ninety-six-d of the banking law, may  
13 designate a bank, savings bank, savings and loan association, credit  
14 union, trust company or national bank located in such district for the  
15 deposit of public funds, the disposition of which is not otherwise  
16 provided for by law, received by the chief fiscal officer or other offi-  
17 cer authorized by law to make such deposits. Such designation shall be  
18 by resolution of the governing board or, in the case of a city, such  
19 other body as may be authorized or required by law to designate deposi-  
20 tories. Such resolution shall specify the maximum amount which may be  
21 kept on deposit at any time with such bank, savings bank, savings and  
22 loan association, credit union, trust company or national bank located  
23 in such district. Subject to an agreement between such governing board  
24 and such banking institution, public funds deposited in such banking  
25 institution may earn a fixed interest rate which is at or below such  
26 banking institution's posted two year certificate of deposit rate. In  
27 those instances where there is such an agreement, its terms and condi-  
28 tions shall also be specified in the resolution. Any such designation,  
29 amount, or agreement provisions may be changed at any time by further  
30 resolution.

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

38 (b) The entrusting of public funds for deposit pursuant to paragraph  
39 (a) of this subdivision shall release the officer entrusting the public  
40 funds to the courier service and [~~his or her~~] their surety from any  
41 liability for loss of such public funds by the courier service in the  
42 process of delivering such public funds to the designated bank, savings  
43 bank, savings and loan association, credit union or trust company.

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

54 (d) A deposit made by a courier on behalf of a local government shall  
55 be deemed to be a deposit made by the chief fiscal officer or other

1 officer entrusting such funds for purposes of the requirements contained  
2 in this section for securing public deposits.

3 (e) A bank, savings bank, savings and loan association, credit union  
4 or trust company may, from time to time and as agreed upon with a local  
5 government, reimburse all or part of, but not more than, the actual cost  
6 incurred by the local government in transporting cash, negotiable  
7 instruments or other items for deposit through a courier service. Any  
8 such reimbursement agreement shall apply only to a specified deposit  
9 transaction, and may be subject to such terms, conditions and limita-  
10 tions as the bank, savings bank, savings and loan association, credit  
11 union or trust company deems necessary to ensure sound banking prac-  
12 tices, including, but not limited to, any terms, conditions or limita-  
13 tions that may be required by the department of financial services or  
14 other federal or state authority.

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

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

28 (i) the moneys are invested through a bank, savings bank, savings and  
29 loan association, credit union or trust company located and authorized  
30 to do business in this state;

31 (ii) the bank, savings bank, savings and loan association, credit  
32 union or trust company arranges for the deposit of the moneys in certifi-  
33 cates of deposit or share certificates in one or more banking insti-  
34 tutions, as defined in section nine-r of the banking law, for the  
35 account of the local government;

36 (iii) the full amount of principal and accrued interest of each such  
37 certificate of deposit or share certificate must be insured by the  
38 federal deposit insurance corporation or the National Credit Union share  
39 insurance fund;

40 (iv) the bank, savings bank, savings and loan association, credit  
41 union or trust company acts as custodian for the local government with  
42 respect to such certificates of deposit issued for the local govern-  
43 ment's account; and

44 (v) at the same time that the local government's moneys are deposited  
45 and the certificates of deposit or share certificates are issued for the  
46 account of the local government, the bank, savings bank, savings and  
47 loan association, credit union or trust company receives an amount of  
48 deposits from customers of other financial institutions equal to or  
49 greater than the amount of the moneys invested by the local government  
50 through the bank, savings bank, savings and loan association, credit  
51 union or trust company.

52 b. For any investment made pursuant to paragraph a of this subdivi-  
53 sion, such time deposit account or certificate of deposit or share  
54 certificates shall be payable within such time as the proceeds shall be  
55 needed to meet expenditures for which such moneys were obtained and  
56 provided further that such time deposit account or certificate of depos-

1 it or share certificates be secured in the same manner as is provided  
2 for securing deposits of public funds by subdivision three of section  
3 ten of this article.

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

6 § 454-a. Deposits of public money with credit unions; security. A  
7 credit union accepting deposits of public money is subject to the limi-  
8 tations provided in section ten of the general municipal law and shall  
9 pledge assets or furnish other security satisfactory in form and amount  
10 to the depositor, for the repayment of monies held in the name of such  
11 depositor, when required to be secured by applicable law, decree, or  
12 regulation.

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