

# House File 537 - Enrolled

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HOUSE FILE 537

## AN ACT

RELATING TO THE INVESTMENT OF PUBLIC FUNDS BY THE TREASURER OF STATE, STATE AGENCIES, AND POLITICAL SUBDIVISIONS INCLUDING THE INVESTMENT OF PUBLIC FUNDS NOT COVERED BY FEDERAL DEPOSIT INSURANCE IN CERTIFICATES OF DEPOSIT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 12B.10, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The treasurer of state and the treasurer of each political subdivision shall at all times keep funds coming into their possession as public money in a vault or safe to be provided for that purpose or in one or more depositories approved pursuant to chapter 12C. However, the treasurer of state, ~~state agencies authorized to invest public funds, and the treasurer of each political subdivision subdivisions~~ shall invest, unless otherwise provided, any public funds not currently needed in investments authorized by this section.

Sec. 2. Section 12B.10, subsection 4, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. h. Investments authorized under subsection 7.

Sec. 3. Section 12B.10, subsection 5, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. Investments authorized under subsection 7.

Sec. 4. Section 12B.10, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 7. Notwithstanding sections 12C.2, 12C.4, 12C.6, 12C.6A, and any other provision of law relating to the deposits of public funds, if public funds are deposited in a depository, as defined in section 12C.1, any uninsured portion of the public funds invested through the depository may be invested in certificates of deposit arranged by the depository that are issued by one or more federally insured banks or savings associations regardless of location for the account of the public funds depositor if all of the following requirements are satisfied:

a. The full amount of the principal and any accrued interest of each certificate of deposit issued shall be covered by federal deposit insurance.

b. The depository, either directly or through an agent or subcustodian, shall act as custodian of the certificates of deposit.

c. The day the certificates of deposit are issued, the depository shall have received deposits in an amount eligible for federal deposit insurance from, and issued certificates of deposit to, customers of other financial institutions wherever located that are equal to or greater than the amount of public funds invested under this subsection by the public funds depositor through the depository.

NEW SUBSECTION. 8. As used in this section, "public funds" means the same as defined in section 12C.1, subsection 2.

Sec. 5. Section 12C.22, subsection 2, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The amount of the collateral required to be pledged by a bank shall at all times equal or exceed the total of the amount by which the public funds deposits in the bank exceeds the total capital of the bank. For purposes of this section, deposits that comply with section 12B.10, subsection 7, that are evidenced either by one or more certificates of deposit, or one or more orders for the next business day settlement and issuance of certificates of deposit, by a federally insured bank or savings association other than the depository, shall not be deemed public fund deposits in the bank or savings association. For purposes of this chapter, unless the context otherwise requires, "total capital of the bank" means its tier one capital plus both of the following components of tier two capital:

3 4 Sec. 6. Section 12C.23A, subsection 3, paragraph d, Code  
3 5 2005, is amended to read as follows:

3 6 d. If the loss of public funds is not covered by federal  
3 7 deposit insurance and the proceeds of the closed bank's assets  
3 8 that are liquidated within thirty days of the closing of the  
3 9 bank are not sufficient to cover the loss, then any further  
3 10 payments to cover the loss will come from the state sinking  
3 11 fund for public deposits in banks. If the balance in that  
3 12 sinking fund is inadequate to pay the entire loss, then the  
3 13 treasurer shall obtain the additional amount needed by making  
3 14 an assessment against other banks whose public funds deposits  
3 15 exceed federal deposit insurance coverage. A bank's  
3 16 assessment shall be determined by multiplying the total amount  
3 17 of the remaining loss to all public depositors in the closed  
3 18 bank by a percentage that represents the assessed bank's  
3 19 proportional share of the total of uninsured public funds  
3 20 deposits held by all banks and all branches of out-of-state  
3 21 banks, based upon the average of the uninsured public funds of  
3 22 the assessed bank or branch of an out-of-state bank as of the  
3 23 end of the four calendar quarters prior to the date of closing  
3 24 of the closed bank and the average of the uninsured public  
3 25 funds in all banks and branches of out-of-state banks as of  
3 26 the end of the four calendar quarters prior to the date of  
3 27 closing of the closed bank, excluding the amount of uninsured  
3 28 public funds held by the closed bank at the end of the four  
3 29 calendar quarters. Each bank shall pay its assessment to the  
3 30 treasurer of state within three business days after it  
3 31 receives notice of assessment. For purposes of this section,  
3 32 when calculating uninsured public funds, a bank shall include  
3 33 all deposits of customers of other financial institutions as  
3 34 permitted by section 12B.10, subsection 7.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JEFFREY M. LAMBERTI  
President of the Senate

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4 11 I hereby certify that this bill originated in the House and  
4 12 is known as House File 537, Eighty-first General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

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4 18 Approved \_\_\_\_\_, 2006

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THOMAS J. VILSACK

4 23 Governor