

# STATE OF NEW YORK

2115--B

Cal. No. 337

2019-2020 Regular Sessions

## IN SENATE

January 22, 2019

Introduced by Sens. SANDERS, KRUEGER, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to establish a commission to determine what benefits a public bank or network of public banks owned by the state of New York or by a public authority constituted by the state of New York can provide; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. A temporary state commission, to be known as the New York  
2 state commission on establishing a bank owned by New York state, herein-  
3 after referred to as the commission, is hereby established to determine  
4 what benefits a public bank or network of public banks owned by the  
5 state of New York or by a public authority constituted by the state of  
6 New York could provide for the New York state government, local govern-  
7 ments, communities, private businesses, community banks, credit unions  
8 and people.

9 § 2. a. The commission shall consist of seventeen members, to be  
10 appointed as follows:

11 (i) eight members shall be appointed by the governor, one of whom  
12 shall be a representative of the New York state department of financial  
13 services, one shall be a representative from the New York state depart-  
14 ment of taxation and finance, the remaining six governor's appointees  
15 shall not be employees of the executive branch and at least one member  
16 shall represent the banking and financial industries;

17 (ii) one member shall be the New York state comptroller or the comp-  
18 troller's designee;

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

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1 (iii) three members shall be appointed by the temporary president of  
2 the senate, one of whom shall be a member of the senate;

3 (iv) one member shall be appointed by the minority leader of the  
4 senate;

5 (v) three members shall be appointed by the speaker of the assembly,  
6 one of whom shall be a member of the assembly; and

7 (vi) one member shall be appointed by the minority leader of the  
8 assembly.

9 b. The governor shall designate one of his or her appointees as the  
10 chair of the commission.

11 c. The members of the commission shall be appointed no later than  
12 ninety days after the effective date of this act.

13 § 3. The commission shall:

14 a. determine what the existing laws and regulatory structures would  
15 need to be amended to create a public bank in New York state;

16 b. evaluate the experiences of other states and countries with state-  
17 owned banks, identifying the financial performance of such banks and  
18 evaluating the lending practices of such banks to show whether such  
19 banks successfully fill lending gaps not filled by the private sector;

20 c. identify changes to the current financial system that would maxi-  
21 mize the state's independence and free up capital for public priorities,  
22 including but not limited to:

23 (i) a public bank model in which the state creates a public bank to  
24 serve its own banking needs as currently provided by commercial banks;  
25 and

26 (ii) a public bank model in which the state creates a public bank to  
27 serve its own banking needs as currently provided by commercial banks  
28 and engages in supplemental activities, including accepting public  
29 deposits, accepting deposits from the general public, and issuing loans.

30 d. identify steps that can be taken immediately to further the ends  
31 identified in subdivision c of this section and to create a gradual plan  
32 under which the state could comply with both models listed in paragraphs  
33 (i) and (ii) of subdivision c of this section;

34 e. examine the lending practices, including lending to support  
35 infrastructure, of the existing public agencies in the state that  
36 perform lending services. Any other public authority in the state that  
37 lends money shall cooperate fully with the commission and shall supply  
38 information reasonably required by the commission to carry out its  
39 charge;

40 f. determine the benefits with respect to the availability of afford-  
41 able credit; job and wealth creation; the diminishment of racial, gender  
42 and other social disparities in economic outcomes; and any other benefit  
43 that the commission deems appropriate that a state-owned public bank or  
44 network of locally-controlled public banks could provide to: New York  
45 state government; industry, including agriculture; small businesses;  
46 local governments; communities; credit unions and community banks; and  
47 people; and

48 g. examine the political, economic, and social climate of public banks  
49 world-wide, and recommend safeguards to insulate a New York public bank  
50 from such conditions.

51 § 4. The commission shall:

52 a. hold at least three public hearings in distinct geographic regions  
53 of the state; and

54 b. publish its findings and recommendations, together with the draft  
55 of legislation necessary to carry those recommendations into effect, in  
56 a written report not later than one year after the effective date of

1 this act. The report shall be published on the official website of the  
2 state, and shall be contemporaneously filed with the senate finance  
3 committee and the assembly ways and means committee.

4 § 5. The members of the commission shall receive no compensation for  
5 their services, but shall be allowed their actual and necessary expenses  
6 incurred in the performance of their duties pursuant to this act. The  
7 department of financial services shall provide staff and other resources  
8 to the commission.

9 § 6. This act shall take effect immediately and shall expire and be  
10 deemed repealed one year after such effective date.