

# STATE OF NEW YORK

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6522--A

2019-2020 Regular Sessions

## IN ASSEMBLY

March 11, 2019

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Introduced by M. of A. GALEF, O'DONNELL, STECK, MOSLEY, L. ROSENTHAL, QUART, BARNWELL -- Multi-Sponsored by -- M. of A. BUCHWALD, GOTTFRIED -- read once and referred to the Committee on Banks -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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;

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

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

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1 (iv) one member shall be appointed by the minority leader of the  
2 senate;

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

5 (vi) one member shall be appointed by the minority leader of the  
6 assembly.

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

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

11 § 3. The commission shall:

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

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

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

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

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

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

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

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

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

49 § 4. The commission shall:

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

52 b. publish its findings and recommendations, together with the draft  
53 of legislation necessary to carry those recommendations into effect, in  
54 a written report not later than one year after the effective date of  
55 this act. The report shall be published on the official website of the

1 state, and shall be contemporaneously filed with the senate finance  
2 committee and the assembly ways and means committee.

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

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