

STATE OF NEW YORK

5842

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. TAPIA -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to establishing the New York state infrastructure bank

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

Section 1. The state finance law is amended by adding a new article 17 to read as follows:

ARTICLE 17

NEW YORK STATE INFRASTRUCTURE BANK

Section 300. Short title.

301. Definitions.

302. New York state infrastructure bank created.

303. Board and executive committee.

304. Powers and duties.

305. Infrastructure projects; eligibility and assistance.

306. Exemption from taxation.

307. Compliance.

308. Effect of bonds.

309. Reports.

310. Appropriation.

311. Severability.

§ 300. Short title. This article shall be known and may be cited as the "New York state infrastructure bank act".

§ 301. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Applicant" means any person, corporation, partnership, state or local governmental entity, or other entity applying to the bank for financial assistance authorized under this article.

2. "Bank" means the New York state infrastructure bank created pursuant to section three hundred two of this article.

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

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1 3. "Board" means the board of directors established pursuant to
2 section three hundred three of this article.

3 4. "Director" or "member" means a member of the board of directors.

4 5. "Infrastructure project" means a project to construct or improve
5 any of the following systems: wastewater treatment; storm water manage-
6 ment; solid waste disposal; drinking water treatment; flood control
7 levees; energy efficiency enhancements; roads, streets, and bridges;
8 transportation infrastructure, including freight and passenger rail and
9 public transit; broadband and telecommunications infrastructure; outdoor
10 recreation and habitat protection facilities; community, social service,
11 or public safety facilities; schools and educational facilities; or
12 affordable housing.

13 § 302. New York state infrastructure bank created. There is hereby
14 created the New York state infrastructure bank. The bank shall be a
15 corporate governmental agency constituting a public benefit corporation
16 and an instrumentality of the state.

17 § 303. Board and executive committee. 1. The bank shall be governed by
18 a board of directors consisting of five members representing different
19 regions of the state. The members of the board shall be appointed by the
20 governor from a list agreed to by the senate and assembly. Of such
21 members, two shall have public sector experience, and three shall have
22 private sector experience. The head of the board shall be a chairperson
23 of the board, who shall be appointed by a majority vote of the members.
24 The chairperson shall be the chief executive officer of the bank, with
25 such executive functions, powers and duties as may be prescribed by this
26 article, the bylaws of the bank or the board.

27 2. Members of the board shall serve staggered six-year terms,
28 provided, however, that the governor shall have the authority to deter-
29 mine separate durations of initial terms for members initially appointed
30 to the board to ensure that such terms are staggered in accordance with
31 this subdivision. Such initial appointments shall be made on or before
32 the effective date of this article.

33 3. No director shall participate in any review or decision affecting a
34 project under consideration for assistance under this article if such
35 director has, or is affiliated with any person who has, an interest in
36 such project.

37 4. The board shall initially meet no later than ninety days after the
38 effective date of this section, and thereafter shall meet at the call of
39 the chairperson of the board.

40 5. The chairperson of the board, shall appoint, remove, fix the
41 compensation of and define the duties of qualified personnel to serve
42 under the board, including a chief risk officer, chief compliance offi-
43 cer, executive committee, risk management committee or audit committee.

44 6. (a) The board shall appoint an executive committee consisting of
45 nine members, headed by the chairperson of the board, and shall have the
46 powers appointed to such executive committee by the board, consistent
47 with this article. The executive director and each of the other officers
48 appointed to the executive committee shall have demonstrated experience
49 and expertise in one or more of the following:

- 50 (i) transportation infrastructure;
51 (ii) environmental infrastructure;
52 (iii) energy infrastructure;
53 (iv) telecommunications infrastructure;
54 (v) economic development;
55 (vi) workforce development;
56 (vii) public health; or

1 (viii) private or public finance.

2 (b) The executive officers appointed pursuant to paragraph (a) of this
3 subdivision shall not: (i) hold any other public office; (ii) have any
4 interest in an infrastructure project considered by the board; (iii)
5 have any interest in an investment institution, commercial bank or other
6 entity seeking financial assistance for any infrastructure project from
7 the bank; or (iv) have any such interest during the two year period
8 beginning on the date such executive officer ceases to serve in such
9 capacity.

10 § 304. Powers and duties. The bank shall be responsible for monitoring
11 and overseeing infrastructure projects in the state, and shall establish
12 criteria for determining project eligibility for financial assistance
13 under this article and shall have the following powers:

14 1. to issue public bonds and provide direct subsidies to infrastruc-
15 ture projects;

16 2. to borrow on the global capital market and lend to entities and
17 commercial banks for funding infrastructure projects;

18 3. to purchase, pool and sell infrastructure-related loans and securi-
19 ties on such market; and

20 4. to request the assistance, on a reimbursable basis, of personnel
21 from any state agencies with specific expertise not available from with-
22 in the bank or elsewhere. The head of any state agency may assign, on a
23 reimbursable basis, any personnel of such agency requested by the board
24 and shall not unreasonably refuse the assistance of any personnel
25 requested by the board.

26 § 305. Infrastructure projects; eligibility and assistance. 1. Finan-
27 cial assistance shall be available from the bank to applicants that have
28 demonstrated to the satisfaction of the board that the project for which
29 such assistance is being sought meets:

30 (a) the requirements of this article; and

31 (b) any criteria established in accordance with this article by the
32 board.

33 2. The bank shall conduct an analysis that takes into account the
34 economic, environmental, social benefits and costs of each project under
35 consideration for financial assistance, prioritizing projects that
36 contribute to economic growth, lead to job creation and are of regional
37 or local significance.

38 3. The criteria established by the board shall provide for the consid-
39 eration of the following factors in considering eligibility for finan-
40 cial assistance:

41 (a) the means by which development of the infrastructure project under
42 consideration is being financed, including the terms and conditions and
43 financial structure of the proposed financing, and the financial assump-
44 tions and projections on which the project is based;

45 (b) the likelihood that the provision of assistance by the bank will
46 cause such development to proceed more promptly and with lower costs for
47 financing than would be the case without such assistance;

48 (c) job creation, including workforce development for women and minor-
49 ities, responsible employment practices, and quality job training oppor-
50 tunities;

51 (d) potential reduction in carbon emissions;

52 (e) potential reduction in surface and air traffic congestion;

53 (f) smart growth in urban areas;

54 (g) poverty and inequality reduction through targeted training and
55 employment opportunities for low-income workers;

1 (h) use of smart tolling, such as vehicle miles traveled, for highway,
2 road, and bridge projects;
3 (i) public health benefit;
4 (j) pollution reductions;
5 (k) environmental justice;
6 (l) expanded use of renewable energy, including, but not limited to
7 hydroelectric, solar, wind and waste-to-energy;
8 (m) smart grid development;
9 (n) energy efficient building, housing, school modernization and
10 weatherization;
11 (o) improvement of public housing or other public space;
12 (p) mobility improvements for residents; and
13 (q) expansion or improvement of broadband and wireless services in
14 underserved communities.

15 4. The board shall conduct assessments of the criteria under subdivi-
16 sion three of this section with qualified personnel including from rele-
17 vant state agencies.

18 5. A fee may be charged for the review of any project proposal in such
19 amount as may be considered appropriate by the executive committee to
20 cover the cost of such review.

21 6. Any determination of the board to provide assistance to any
22 project, and the manner in which such assistance is provided, including
23 the terms, conditions, fees and charges shall be at the sole discretion
24 of the board.

25 7. The provision of assistance by the board in accordance with this
26 article shall not be deemed to relieve any recipient of assistance or
27 the related project of any obligation to obtain required, state, local
28 and federal permit and approvals.

29 8. An entity receiving assistance from the board shall make annual
30 reports to the board on the use of any such assistance, criteria set
31 forth in this section and a disclosure of all entities with a develop-
32 ment, ownership or operational interest in a project assisted or
33 proposed to be assisted by the bank.

34 9. To carry out the purposes of the bank, the bank shall establish
35 disclosure and application procedures for applicants; accept, for
36 consideration, project proposals relating to the development of infras-
37 tructure projects, which meet the basic criteria established by the
38 board, and which are submitted by an applicant; provide recommendations
39 to the board and place accepted project proposals on the list for
40 consideration for financial assistance from the board; provide technical
41 assistance to entities receiving financing from the bank and otherwise
42 implement decisions of the board.

43 § 306. Exemption from taxation. All notes, debentures, bonds or other
44 such obligations issued by the bank, and the interest on or credits with
45 respect to such bonds or other obligations, shall not be subject to
46 taxation by any state, county, municipality or local taxing authority.

47 § 307. Compliance. The bank shall comply with all federal and state
48 laws regulating budgetary and auditing and ethics practices of a govern-
49 ment corporation.

50 § 308. Effect of bonds. Bonds issued by the bank shall not constitute
51 a debt or a pledge of the full faith and credit of the state, or any of
52 its political subdivisions other than the bank, but shall be payable
53 solely from the revenue, money, or property of the bank as provided in
54 this chapter. The bonds issued shall not constitute an indebtedness of
55 the state within the meaning of any constitutional or statutory limita-
56 tion. No member of the bank or any person executing bonds of the bank

1 shall be liable personally on the bonds by reason of their issuance or
2 execution. Each bond issued under this article shall contain on its
3 face a statement to the effect that: "neither the state, nor any of its
4 political subdivisions, nor the bank is obligated to pay the principal
5 of or interest on the bond or other costs incident to the bond except
6 from the revenue, money, or property of the bank pledged; neither the
7 full faith and credit nor the taxing power of the state, or any of its
8 political subdivisions, is pledged to the payment of the principal of or
9 interest on the bond; the bank does not have taxing power".

10 § 309. Reports. The board shall submit to the governor, the temporary
11 president of the senate and the speaker of the assembly, within ninety
12 days after the last day of each fiscal year, a complete and detailed
13 report with respect to the preceding fiscal year.

14 § 310. Appropriation. No bond or other instrument shall be issued by
15 the bank until sufficient appropriation has been made therefor by the
16 legislature.

17 § 311. Severability. If any clause, sentence, paragraph, subdivision,
18 section or part of this article shall be adjudged by a court of compe-
19 tent jurisdiction to be invalid, such judgment shall not affect, impair
20 or invalidate the remainder thereof, but shall be confined in its opera-
21 tion to the clause, sentence, paragraph, subdivision, section or part of
22 this article directly involved in the controversy in which such judgment
23 shall have been rendered.

24 § 2. This act shall take effect one year after it shall have become a
25 law. Effective immediately, the addition, amendment and/or repeal of any
26 rule or regulation necessary for the implementation of this act on its
27 effective date are authorized to be made and completed on or before such
28 effective date.