

5533

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. GIPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business

AN ACT to amend the economic development law, in relation to establishing the economic development performance review act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The economic development law is amended by adding a new
2 article 15 to read as follows:

3 ARTICLE 15

4 ECONOMIC DEVELOPMENT PERFORMANCE REVIEW ACT
5 SECTION 270. DEFINITION.

6 271. PROGRAM IMPLEMENTATION.

7 272. PERFORMANCE REVIEW.

8 S 270. DEFINITION. FOR PURPOSES OF THIS ARTICLE, "ECONOMIC DEVELOPMENT
9 PROGRAM" SHALL MEAN A PROGRAM THAT PROVIDES SERVICES FOR THE PURPOSE OF
10 EFFECTING THE ECONOMIC CONDITIONS OF THE STATE, PROVIDES TRAINING OR
11 EMPLOYMENT SERVICES, SUPPORTS AN ECONOMIC DEVELOPMENT ACTIVITY BY
12 ENHANCING THE SKILLS OF THE STATE'S WORKFORCE, PREPARES INDIVIDUALS FOR
13 EMPLOYMENT, IMPROVES OPPORTUNITIES FOR INDIVIDUALS TO BECOME EMPLOYED,
14 OR PROMOTES THE STATE ECONOMY.

15 S 271. PROGRAM IMPLEMENTATION. 1. ON OR BEFORE SEPTEMBER FIRST, IN THE
16 YEAR AFTER THIS SECTION BECAME LAW, EACH STATE AGENCY ADMINISTRATIVELY
17 RESPONSIBLE FOR ECONOMIC DEVELOPMENT ACTIVITIES SHALL PREPARE A SEPARATE
18 PLAN FOR EACH PROGRAM THAT SUCH AGENCY ADMINISTERS. EACH PLAN SHALL
19 INCLUDE A DESCRIPTION OF PROPOSED PROGRAM ACTIVITIES, A DESCRIPTION OF A
20 MECHANISM FOR FUNDING DISTRIBUTION, PROGRAM OBJECTIVES, POPULATION TO BE
21 SERVED, INSTITUTIONS ELIGIBLE TO RECEIVE FUNDS, AND A DESCRIPTION OF THE
22 COORDINATION AND LINKAGES BETWEEN THIS PROGRAM AND OTHER PROGRAM ACTIV-
23 ITIES FUNDED SEPARATELY. SUCH PLAN SHALL ALSO INCLUDE A PERFORMANCE
24 REVIEW COMPONENT AS PART OF THE IMPLEMENTATION OF EACH PROGRAM WHICH
25 SHALL DESCRIBE HOW THE AGENCY WILL MONITOR THE DELIVERY OF SERVICES
26 UNDER THE PROGRAM AND WHICH SHALL SET FORTH THE MEASURE OF EFFECTIVENESS
27 OF THE SERVICES BEING PROVIDED.

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

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1 2. PROGRAM PLANS SHALL BE SUBMITTED TO THE DEPARTMENT, THE SPEAKER OF
2 THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE, FOR REVIEW AND
3 COMMENT.

4 3. THE PROVISIONS OF THIS SECTION SHALL NOT EXEMPT ANY AGENCY FROM
5 REQUIREMENTS RELATING TO THE PREPARATION AND SUBMISSION OF PROGRAM PLANS
6 PURSUANT TO ANY OTHER PROVISION OF LAW.

7 S 272. PERFORMANCE REVIEW. 1. THE PERFORMANCE REVIEW COMPONENT OF
8 EACH PROGRAM PLAN SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING:

9 (A) A STATEMENT ON LEGISLATIVE HISTORY AND INTENT;

10 (B) A STATEMENT OF PROGRAM OBJECTIVES WHICH IDENTIFIES OUTCOMES
11 ATTRIBUTABLE TO THE PROGRAM, ANTICIPATED PERFORMANCE LEVELS, AND INDICA-
12 TORS OF THE EFFECTIVENESS OF THE PROGRAM;

13 (C) DEFINED QUANTITATIVE MEASURES WHICH WILL BE INCLUDED AS PART OF
14 THE PERFORMANCE REVIEW REPORT INCLUDING, BUT NOT LIMITED TO, A
15 DESCRIPTION OF THE TARGETED POPULATION, CRITERIA FOR PARTICIPANT
16 SELECTION, DEMOGRAPHICS ON PARTICIPANTS, MEASURES OF PROGRAM ACTIVITY,
17 INVENTORY OF SERVICES PROVIDED, AND BUDGET INFORMATION ON PROGRAMS AND
18 ADMINISTRATIVE EXPENDITURES INCLUDING, BUT NOT LIMITED TO, COSTS PER
19 PARTICIPANT. FOR THOSE PROGRAMS WHERE AN OBJECTIVE IS JOB PLACEMENT,
20 DATA SHALL INCLUDE INFORMATION ON THE OCCUPATIONS WHICH PARTICIPANTS
21 ENTER, THE RATE OF JOB RETENTION, PRE-PROGRAM WAGE EARNINGS AND
22 POST-PROGRAM WAGE EARNINGS AS WELL AS OTHER APPROPRIATE MEASURES WHICH
23 INDICATE THE EXTENT TO WHICH PROGRAM ACTIVITIES MEET PROGRAM OBJECTIVES.
24 OTHER PERFORMANCE INDICATORS THAT APPROPRIATELY DESCRIBE THE EFFECT OF
25 THE PROGRAM AND DATA WHICH REFLECTS FOLLOW-UP ACTIVITY APPROPRIATE TO
26 THE SERVICES PROVIDED SHALL ALSO BE INCLUDED AS PART OF THE PERFORMANCE
27 REVIEW REPORT;

28 (D) A STATEMENT OF METHODOLOGY WHICH WILL RESULT IN A COMPARISON OF
29 PROGRAM OUTCOMES AGAINST PROGRAM OBJECTIVES; AND

30 (E) ANY ADDITIONAL PERFORMANCE REVIEW OR INFORMATION AS MAY BE
31 REQUIRED BY LAW.

32 2. (A) THE PERFORMANCE REVIEW REPORT FOR EACH PROGRAM SHALL BE SUBMIT-
33 TED TO THE COMMISSIONER FOR REVIEW AND RECOMMENDATION.

34 (B) THE REPORT SHALL INCLUDE, AT A MINIMUM, ALL PROGRAM DATA AND AN
35 ANALYSIS WHICH COMPARES PERFORMANCE OUTCOMES AGAINST PROGRAM OBJECTIVES
36 AS SPECIFIED IN THE PERFORMANCE REVIEW COMPONENT OF THE PROGRAM PLAN
37 DEFINED HEREIN AND SHALL INCLUDE A PERFORMANCE REVIEW OF ACTIVITY FOR
38 THE COMPLETED PROGRAM YEAR IMMEDIATELY PRECEDING THE ISSUANCE OF THE
39 REPORT AND AN INTERIM PERFORMANCE REVIEW OF CURRENT PROGRAM YEAR ACTIV-
40 ITY IF APPLICABLE.

41 3. BASED ON THE REVIEW CONDUCTED PURSUANT TO PARAGRAPH (A) OF SUBDIVI-
42 SION TWO OF THIS SECTION, THE DEPARTMENT SHALL PREPARE A UNIFIED SUMMARY
43 OF PERFORMANCE REVIEW REPORTS SUBMITTED BY EACH AGENCY PURSUANT TO THIS
44 ARTICLE FOR SUBMISSION TO THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY
45 PRESIDENT OF THE SENATE NO LATER THAN JANUARY THIRTY-FIRST, TWO THOUSAND
46 FOURTEEN AND EACH YEAR THEREAFTER PROVIDED, HOWEVER, THAT THE DEPARTMENT
47 SHALL MAKE AVAILABLE EACH INDIVIDUAL PROGRAM PERFORMANCE REVIEW REPORT
48 SUBMITTED PURSUANT TO THIS ARTICLE UPON REQUEST OF THE LEGISLATURE. THE
49 DEPARTMENT SHALL INCLUDE IN SUCH SUMMARY RECOMMENDATIONS TO THE GOVERNOR
50 AND THE LEGISLATURE RELATING TO IMPROVED PROGRAM COORDINATION AND
51 SERVICE DELIVERY, PROGRAM IMPROVEMENTS OR ENHANCEMENTS AND NECESSARY
52 STATUTORY CHANGES.

53 4. THE PROVISIONS OF THIS SECTION SHALL NOT EXEMPT ANY AGENCY FROM
54 REQUIREMENTS PURSUANT TO ANY OTHER PROVISION OF LAW.

55 S 2. This act shall take effect immediately.