

4437

2009-2010 Regular Sessions

I N S E N A T E

April 23, 2009

Introduced by Sen. STACHOWSKI -- 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 the preparation of performance plans and the establishment of a private industry review council; and providing for the repeal of article 7-A of such law relating to the establishment of the New York state private industry review council upon expiration thereof

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

1 Section 1. Subdivision 19 of section 100 of the economic development
2 law, as amended by chapter 839 of the laws of 1987 and paragraph (a) as
3 amended by section 1 of part FF of chapter 59 of the laws of 2006, is
4 amended to read as follows:
5 19. (a) to study changes in and to suggest policies for the [economic]
6 development [and conservation] of the ECONOMIC resources of the state
7 and to develop an annual statewide economic development strategic plan,
8 IN CONSULTATION WITH THOSE ENTITIES POTENTIALLY AFFECTED OR INTERESTED
9 IN SUCH A PLAN, INCLUDING, BUT NOT LIMITED TO, THE NEW YORK STATE
10 PRIVATE INDUSTRY REVIEW COUNCIL. Such strategic plan, shall include but
11 shall not be limited to, a statewide inventory of all industry associ-
12 ations and clusters; a list of industries that have a competitive advan-
13 tage; and a list of industries that demonstrate the potential for
14 growth. The department shall work in cooperation with the New York State
15 Foundation for Science, Technology and Innovation in creating the stra-
16 tegic plan. The annual statewide economic development strategic plan
17 shall be submitted to the temporary president of the senate and the
18 speaker of the assembly on January first, two thousand eight and every
19 year thereafter.

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

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1 (b) to cause to be prepared [program] PERFORMANCE plans for [the
2 economic development financial] EACH FINANCIAL AND BUSINESS assistance
3 [programs] PROGRAM of the state.

4 PERFORMANCE PLANS SHALL BE PREPARED, in cooperation with the agency
5 [or], public benefit corporation, or public authority OF APPROPRIATE
6 JURISDICTION AND THE PRIVATE INDUSTRY REVIEW COUNCIL, consistent with
7 the legislative intent and statutory authorization for such programs.
8 Program plans shall be derived from and shall be consistent with the
9 annual economic development strategic plan and, accordingly, [may] SHALL
10 be updated [as necessary] ANNUALLY. Such plans shall be transmitted to
11 the agency [or], public authority, or public benefit corporation respon-
12 sible for administering the program and to the [speaker of the assembly
13 and the] temporary president of the senate [within ninety days of the
14 effective date of any statute authorizing such program. With respect to
15 existing economic development financial assistance programs, the commis-
16 sioner shall transmit program plans on or before July first, nineteen
17 hundred eighty-eight] AND THE SPEAKER OF THE ASSEMBLY.

18 [Program] PERFORMANCE plans shall describe the goals, objectives, and
19 priorities of each financial AND BUSINESS assistance program, shall
20 guide the development of operating procedures and rules and regulations
21 governing each financial AND BUSINESS assistance program, shall set
22 forth the manner in which the [financial assistance] program shall be
23 coordinated with other economic development programs, and shall set
24 forth a description of the operating relationships with relevant agen-
25 cies and regional and local public and private organizations[;].

26 (C) IN ADDITION, PERFORMANCE PLANS SHALL:

27 (I) ESTABLISH GOALS TO DEFINE THE LEVEL OF PERFORMANCE TO BE ACHIEVED
28 BY A PROGRAM ACTIVITY;

29 (II) EXPRESS SUCH GOALS IN AN OBJECTIVE, QUANTIFIABLE, AND MEASURABLE
30 FORM;

31 (III) DESCRIBE THE OPERATIONAL PROCESSES, SKILLS AND TECHNOLOGY, AND
32 THE HUMAN, CAPITAL, INFORMATION, AND OTHER RESOURCES REQUIRED TO MEET
33 THE PERFORMANCE GOALS;

34 (IV) ESTABLISH PERFORMANCE INDICATORS TO BE USED IN MEASURING OR
35 ASSESSING THE EFFECTIVENESS, SERVICE LEVELS, AND OUTCOMES OF EACH
36 PROGRAM ACTIVITY;

37 (V) PROVIDE A BASIS FOR COMPARING ACTUAL PROGRAM RESULTS WITH THE
38 ESTABLISHED PERFORMANCE GOALS;

39 (VI) DESCRIBE THE MEANS TO BE USED TO VERIFY AND VALIDATE MEASURED
40 VALUES; AND

41 (VII) INCLUDE AN EVALUATION COMPONENT, WHICH DESCRIBES HOW THE DEPART-
42 MENT WILL MONITOR THE DELIVERY OF SERVICES UNDER THE PROGRAM AND WHICH
43 SETS FORTH THE MEASURE OF EFFECTIVENESS OF THE SERVICES BEING PROVIDED.
44 THE EVALUATION COMPONENT OF EACH PLAN SHALL, AT A MINIMUM, INCLUDE THE
45 FOLLOWING:

46 (1) A STATEMENT ON LEGISLATIVE HISTORY AND INTENT, IF ANY;

47 (2) A STATEMENT OF PROGRAM OBJECTIVES, WHICH IDENTIFIES OUTCOMES
48 ATTRIBUTABLE TO THE PROGRAM, ANTICIPATED PERFORMANCE LEVELS, AND INDICA-
49 TORS OF THE EFFECTIVENESS OF THE PROGRAM;

50 (3) DEFINED QUANTITATIVE MEASURES, WHICH WILL BE INCLUDED AS PART OF
51 THE EVALUATION REPORT INCLUDING, BUT NOT LIMITED TO, A DESCRIPTION OF
52 THE TARGETED POPULATION, CRITERIA FOR PARTICIPANT SELECTION, DEMOGRAPH-
53 ICS ON PARTICIPANTS, MEASURES OF PROGRAM ACTIVITY, INVENTORY OF SERVICES
54 PROVIDED, AND BUDGET INFORMATION ON PROGRAMS AND ADMINISTRATIVE EXPENDI-
55 TURES INCLUDING, BUT NOT LIMITED TO, COSTS PER PARTICIPANT. FOR THOSE
56 PROGRAMS WHERE AN OBJECTIVE IS JOB PLACEMENT, DATA SHALL INCLUDE INFOR-

1 MATION ON THE OCCUPATIONS WHICH PARTICIPANTS ENTER, THE RATE OF JOB
 2 RETENTION, PRE-PROGRAM WAGE EARNINGS AND POST-PROGRAM WAGE EARNINGS, AS
 3 WELL AS OTHER APPROPRIATE MEASURES WHICH INDICATE THE EXTENT TO WHICH
 4 PROGRAM ACTIVITIES MEET PROGRAM OBJECTIVES. OTHER PERFORMANCE INDICATORS
 5 THAT APPROPRIATELY DESCRIBE THE EFFECT OF THE PROGRAM AND DATA AND WHICH
 6 REFLECT FOLLOW-UP ACTIVITY APPROPRIATE TO THE SERVICES PROVIDED SHALL
 7 ALSO BE INCLUDED AS PART OF THE EVALUATION REPORT;

8 (4) A STATEMENT OF METHODOLOGY, WHICH WILL RESULT IN A COMPARISON OF
 9 PROGRAM OUTCOMES AGAINST PROGRAM OBJECTIVES; AND

10 (5) ANY ADDITIONAL EVALUATION INFORMATION AS MAY BE REQUIRED BY LAW.

11 NO LATER THAN MARCH THIRTY-FIRST, TWO THOUSAND ELEVEN, AND NO LATER
 12 THAN MARCH THIRTY-FIRST OF EACH YEAR THEREAFTER, THE COMMISSIONER SHALL
 13 CAUSE TO BE PREPARED AND SUBMIT TO THE TEMPORARY PRESIDENT OF THE SENATE
 14 AND THE SPEAKER OF THE ASSEMBLY, A REPORT ON PROGRAM PERFORMANCES FOR
 15 EACH OF THE PROGRAMS FOR WHICH PERFORMANCE PLANS HAVE BEEN PREPARED FOR
 16 THE PREVIOUS FISCAL YEAR.

17 EACH PERFORMANCE REPORT SHALL SET FORTH THE PERFORMANCE INDICATORS
 18 ESTABLISHED IN THE DEPARTMENTAL OR OTHER PERFORMANCE PLAN, ALONG WITH
 19 THE ACTUAL PROGRAM PERFORMANCE ACHIEVED COMPARED WITH THE PERFORMANCE
 20 GOALS EXPRESSED IN THE PLAN FOR THAT FISCAL YEAR. IN ADDITION, EACH
 21 REPORT SHALL:

22 (A) REVIEW THE SUCCESS OF ACHIEVING THE PERFORMANCE GOALS FOR THE
 23 FISCAL YEAR;

24 (B) EVALUATE THE PERFORMANCE PLAN FOR THE CURRENT FISCAL YEAR RELATIVE
 25 TO THE PERFORMANCE ACHIEVED IN THE FISCAL YEAR COVERED BY THE REPORT;

26 (C) EXPLAIN AND DESCRIBE, WHERE A PERFORMANCE GOAL HAS NOT BEEN MET:

27 (I) WHY THE GOAL WAS NOT MET;

28 (II) THOSE PLANS AND SCHEDULES FOR ACHIEVING THE ESTABLISHED PERFORM-
 29 ANCE GOAL; AND

30 (III) IF THE PERFORMANCE GOAL IS IMPRACTICAL OR INFEASIBLE, WHY THAT
 31 IS THE CASE AND WHAT ACTION IS RECOMMENDED.

32 S 2. The economic development law is amended by adding a new article
 33 7-A to read as follows:

34 ARTICLE 7-A

35 NEW YORK STATE PRIVATE INDUSTRY

36 REVIEW COUNCIL

37 SECTION 198. NEW YORK STATE PRIVATE INDUSTRY REVIEW COUNCIL ESTABLISHED.

38 198-A. PURPOSE OF THE COUNCIL.

39 198-B. POWERS OF THE COUNCIL.

40 198-C. REPORTS.

41 S 198. NEW YORK STATE PRIVATE INDUSTRY REVIEW COUNCIL ESTABLISHED. 1.
 42 THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT THE NEW YORK STATE
 43 PRIVATE INDUSTRY REVIEW COUNCIL, WHICH SHALL COMPRISE TWELVE MEMBERS
 44 APPOINTED BY THE GOVERNOR, FOUR ON THE RECOMMENDATION OF THE TEMPORARY
 45 PRESIDENT OF THE SENATE; ONE ON THE RECOMMENDATION OF THE MINORITY LEAD-
 46 ER OF THE SENATE; FOUR ON THE RECOMMENDATION OF THE SPEAKER OF THE
 47 ASSEMBLY; AND ONE ON THE RECOMMENDATION OF THE MINORITY LEADER OF THE
 48 ASSEMBLY. THE MEMBERS OF THE COUNCIL SHALL SERVE FOR TERMS OF TWO YEARS.
 49 THE CHAIRPERSON AND VICE CHAIRPERSON SHALL BE ELECTED FROM AMONG THE
 50 MEMBERS OF THE COUNCIL BY THE MEMBERS OF SUCH COUNCIL.

51 2. IN APPOINTING THE MEMBERS OF THE COUNCIL, IT SHALL BE THE RESPONSI-
 52 BILITY OF THE GOVERNOR TO ENSURE, TO THE MAXIMUM EXTENT FEASIBLE, THE
 53 REPRESENTATION OF DIVERSE PRIVATE INDUSTRY AND ECONOMIC DEVELOPMENT
 54 RELATED INTERESTS INCLUDING, BUT NOT LIMITED TO, SMALL AND MEDIUM SIZE
 55 BUSINESSES, MANUFACTURING, HIGH TECHNOLOGY AND OTHER CRITICAL SECTORS OF

1 THE STATE ECONOMY, INDUSTRIAL DEVELOPMENT AGENCIES, CHAMBERS OF
2 COMMERCE, TECHNOLOGY DEVELOPMENT ORGANIZATIONS, OTHER ECONOMIC DEVELOP-
3 MENT ORIENTED ENTITIES, AND A REPRESENTATIVE OF ORGANIZED LABOR,
4 APPOINTED UPON RECOMMENDATION OF THE NEW YORK STATE AMERICAN FEDERATION
5 OF LABOR - CONGRESS OF INDUSTRIAL ORGANIZATIONS.

6 3. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR
7 SERVICES BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES
8 INCURRED IN THE PERFORMANCE OF THEIR DUTIES AS COUNCIL MEMBERS.

9 4. THE COUNCIL SHALL MEET AT LEAST FOUR TIMES A YEAR, AT THE CALL OF
10 THE COMMISSIONER OR THE CHAIRPERSON OF THE COUNCIL.

11 5. UNLESS A MEMBER HAS BEEN EXCUSED FROM ATTENDANCE AT SUCH MEETINGS
12 BY THE CHAIRPERSON OR VICE CHAIRPERSON UPON GOOD CAUSE BEING SHOWN, ANY
13 MEMBER WHO FAILS TO ATTEND THREE CONSECUTIVE MEETINGS SHALL BE DEEMED TO
14 HAVE RESIGNED. ANY VACANCY ON THE COUNCIL SHALL BE FILLED FOR THE
15 REMAINING TERM OF THE INDIVIDUAL REPLACED. THE APPOINTMENT TO FILL SUCH
16 VACANCY SHALL BE MADE IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT WAS
17 MADE.

18 6. THE DEPARTMENT SHALL PROVIDE NECESSARY TECHNICAL AND STAFF ASSIST-
19 ANCE TO THE COUNCIL.

20 S 198-A. PURPOSE OF THE COUNCIL. THE COUNCIL SHALL UNDERTAKE A THOR-
21 OUGH AND COMPLETE REVIEW OF EACH EXISTING FINANCIAL AND BUSINESS ASSIST-
22 ANCE PROGRAM FUNDED OR ADMINISTERED BY THE DEPARTMENT, THE URBAN DEVEL-
23 OPMENT CORPORATION, THE NEW YORK JOB DEVELOPMENT AUTHORITY, THE NEW YORK
24 STATE OFFICE OF SCIENCE, TECHNOLOGY AND ACADEMIC RESEARCH, AND OTHER
25 AGENCIES, PUBLIC AUTHORITIES, AND PUBLIC BENEFIT CORPORATIONS ADMINIS-
26 TERING SUCH PROGRAMS AND SHALL SUBMIT A DETAILED REPORT TO THE GOVERNOR
27 AND THE LEGISLATURE RECOMMENDING APPROPRIATE CHANGES AS MAY BE NECESSARY
28 TO ELIMINATE DUPLICATION, WHETHER IN PROGRAM DELIVERY OR ADMINISTRATION,
29 AND REORGANIZE AND STREAMLINE ECONOMIC DEVELOPMENT DELIVERY MECHANISMS
30 TO PROVIDE THE MOST DIRECT, COST-EFFICIENT, AND EFFECTIVE MEANS FOR
31 PROVIDING STATE ECONOMIC DEVELOPMENT PROGRAMS AND SERVICES.

32 S 198-B. POWERS OF THE COUNCIL. 1. THE COUNCIL IS HEREBY AUTHORIZED TO
33 REQUEST, AND THE DEPARTMENT, THE URBAN DEVELOPMENT CORPORATION, THE NEW
34 YORK JOB DEVELOPMENT AUTHORITY, THE NEW YORK STATE OFFICE OF SCIENCE,
35 TECHNOLOGY AND ACADEMIC RESEARCH, AND OTHER AGENCIES, PUBLIC AUTHORI-
36 TIES, AND PUBLIC BENEFIT CORPORATIONS WHICH ADMINISTER PROGRAMS SUBJECT
37 TO REVIEW BY THE COUNCIL SHALL, WHEN REQUESTED, PROVIDE ALL INFORMATION
38 AND ASSISTANCE WHICH MAY BE NECESSARY OR APPROPRIATE TO ENABLE THE COUN-
39 CIL TO CARRY OUT THE PURPOSES SET FORTH IN SECTION ONE HUNDRED
40 NINETY-EIGHT-A OF THIS ARTICLE.

41 2. THE COUNCIL SHALL HAVE THE POWER TO ADMINISTER OATHS OR AFFIRMA-
42 TIONS, TAKE TESTIMONY, SUBPOENA WITNESSES, REQUIRE THE PRODUCTION OF
43 BOOKS, RECORDS, DOCUMENTS, AND PAPERS, AND HOLD PUBLIC AND PRIVATE HEAR-
44 INGS.

45 S 198-C. REPORTS. THE COUNCIL SHALL TRANSMIT TO THE GOVERNOR AND THE
46 LEGISLATURE, ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TEN, FIND-
47 INGS AND RECOMMENDATIONS REGARDING REFORMS TO THE ORGANIZATION, OPER-
48 ATIONS, PROGRAMS, AND SERVICES OF THE DEPARTMENT, THE URBAN DEVELOPMENT
49 CORPORATION, THE NEW YORK JOB DEVELOPMENT AUTHORITY, THE NEW YORK STATE
50 OFFICE OF SCIENCE, TECHNOLOGY AND ACADEMIC RESEARCH, AND OTHER AGENCIES,
51 PUBLIC AUTHORITIES, AND PUBLIC BENEFIT CORPORATIONS WHICH ADMINISTER
52 PROGRAMS SUBJECT TO REVIEW BY THE COUNCIL THAT WOULD IMPROVE THE EFFEC-
53 TIVENESS OF PROGRAM FUNDING AND SERVICE DELIVERY. SUCH REPORT SHALL
54 IDENTIFY, DESCRIBE, AND EVALUATE THE EFFECTIVENESS OF EACH PROGRAM
55 CURRENTLY FUNDED OR ADMINISTERED BY THE DEPARTMENT OR THE URBAN DEVELOP-
56 MENT CORPORATION, THE NEW YORK JOB DEVELOPMENT AUTHORITY, THE NEW YORK

1 STATE OFFICE OF SCIENCE, TECHNOLOGY AND ACADEMIC RESEARCH, AND OTHER
2 AGENCIES, PUBLIC AUTHORITIES, AND PUBLIC BENEFIT CORPORATIONS WHICH
3 ADMINISTER PROGRAMS SUBJECT TO REVIEW BY THE COUNCIL AND INCLUDE RECOM-
4 MENDATIONS REGARDING THE RETENTION, MODIFICATION, CONSOLIDATION, OR
5 ELIMINATION OF EACH SUCH PROGRAM. SUCH REPORT SHALL, FURTHER, INCLUDE
6 RECOMMENDATIONS WHICH PROMOTE ECONOMY, EFFICIENCY, AND IMPROVED SERVICE
7 DELIVERY AND SHALL INCLUDE WAYS TO:

8 1. REFORM PERSONNEL AND MANAGEMENT SYSTEMS SO AS TO IMPROVE MORALE,
9 INSPIRE INITIATIVE, MAXIMIZE PRODUCTIVITY AND EFFECTIVENESS, PROMOTE
10 PERSONAL ACCOUNTABILITY, AND REWARD EXCELLENCE;

11 2. INCREASE PROGRAM RESPONSIVENESS BY REDUCING PAPERWORK AND PROCE-
12 DURAL REQUIREMENTS;

13 3. CONSOLIDATE AND STREAMLINE PROGRAMS SO AS TO REDUCE COSTS, MINIMIZE
14 HIERARCHY, AND FOCUS RESPONSIBILITY;

15 4. PROMOTE THE APPLICATION OF NEW INFORMATION TECHNOLOGIES TO IMPROVE
16 MANAGEMENT AND REDUCE ADMINISTRATIVE COSTS;

17 5. CONSOLIDATE GOVERNMENTAL ADMINISTRATION OF PROGRAMS AND SERVICES TO
18 IMPROVE AND ENHANCE PROGRAM AND SERVICE DELIVERY;

19 6. DEVELOP PROCEDURES FOR THE SUBSTANTIVE REVIEW AND REAUTHORIZATION
20 OF EACH PROGRAM OR SERVICE AT LEAST ONCE EVERY FIVE YEARS; AND

21 7. DEVELOP MECHANISMS TO PROMOTE GREATER COOPERATION AND COORDINATION
22 AMONG THE DEPARTMENT, THE URBAN DEVELOPMENT CORPORATION, THE NEW YORK
23 JOB DEVELOPMENT AUTHORITY, AND THE NEW YORK STATE OFFICE OF SCIENCE,
24 TECHNOLOGY AND ACADEMIC RESEARCH AND THE PRIVATE SECTOR TO ENSURE THE
25 PRESENT AND FUTURE EFFECTIVENESS OF ECONOMIC DEVELOPMENT PROGRAMS AND
26 SERVICES.

27 S 3. Subdivision 1 of section 196 of the economic development law, as
28 amended by chapter 524 of the laws of 2005, is amended to read as
29 follows:

30 1. The commissioner shall submit to the director of the budget, the
31 chairperson of the senate finance committee and the chairperson of the
32 assembly ways and means committee an evaluation of the success of the
33 industrial effectiveness program prepared by an entity independent of
34 the department. THE DEPARTMENT SHALL SELECT THE PROGRAM EVALUATOR
35 THROUGH A REQUEST FOR PROPOSAL PROCESS AND SHALL NOT REQUEST OR DIRECT
36 THE PROGRAM EVALUATOR TO ALTER THE CONTENT OF ANY EVALUATION SUBMITTED
37 OR PROPOSED TO BE SUBMITTED. THE DEPARTMENT MAY PREPARE A TIMELY WRITTEN
38 RESPONSE TO THE EVALUATION FINDINGS, WHICH THE EVALUATOR SHALL ATTACH TO
39 THE EVALUATION. Such evaluation shall determine whether OR NOT the
40 services provided have helped client firms to succeed, based on a
41 comparison of the performance of client firms to the norms of their
42 specific industry, and shall assess the effect, if any, of the program
43 on the continued location and growth of industrial firms within the
44 state. Such an evaluation shall be submitted by September first, two
45 thousand [five] TEN and by September first every four years thereafter.
46 SUCH REPORT SHALL INCLUDE THE INFORMATION REQUIRED FOR PERFORMANCE
47 REPORTS CONTAINED IN SUBDIVISION NINETEEN OF SECTION ONE HUNDRED OF THIS
48 CHAPTER.

49 S 4. Paragraph (b) of subdivision 7 of section 202 of the economic
50 development law, as amended by chapter 524 of the laws of 2005, is
51 amended to read as follows:

52 (b) The department shall submit to the director of the division of the
53 budget, the chairperson of the senate finance committee and the chair-
54 person of the assembly ways and means committee an evaluation of this
55 program prepared by an entity independent of the department. THE
56 DEPARTMENT SHALL SELECT THE PROGRAM EVALUATOR THROUGH A REQUEST FOR

1 PROPOSAL PROCESS AND SHALL NOT REQUEST OR DIRECT THE PROGRAM EVALUATOR
2 TO ALTER THE CONTENT OF ANY EVALUATION SUBMITTED OR PROPOSED TO BE
3 SUBMITTED. THE DEPARTMENT MAY PREPARE A TIMELY WRITTEN RESPONSE TO THE
4 EVALUATION FINDINGS, WHICH THE EVALUATOR SHALL ATTACH TO THE EVALUATION.
5 Such evaluation shall INCLUDE THE INFORMATION REQUIRED FOR PERFORMANCE
6 REPORTS CONTAINED IN SUBDIVISION NINETEEN OF SECTION ONE HUNDRED OF THIS
7 CHAPTER AND SHALL be submitted by September first, two thousand [five]
8 TEN and by September first every four years thereafter.

9 S 5. The opening paragraph of subdivision 2 and paragraph (a) of
10 subdivision 3 of section 213 of the economic development law, the open-
11 ing paragraph of subdivision 2 as added by chapter 839 of the laws of
12 1987 and paragraph (a) of subdivision 3 as amended by chapter 524 of the
13 laws of 2005, are amended to read as follows:

14 [evaluate] SUBMIT AN EVALUATION OF the entrepreneurial assistance
15 programs established under this article, PREPARED BY AN ENTITY INDEPEND-
16 ENT OF THE DEPARTMENT, and report, on or before October first, [nineteen
17 hundred eighty-eight] TWO THOUSAND TEN, and on or before each October
18 first thereafter, and submit the results of such evaluation to the
19 governor and the legislature. THE DEPARTMENT SHALL SELECT THE PROGRAM
20 EVALUATOR THROUGH A REQUEST FOR PROPOSAL PROCESS AND SHALL NOT REQUEST
21 OR DIRECT THE PROGRAM EVALUATOR TO ALTER THE CONTENT OF ANY EVALUATION
22 SUBMITTED OR PROPOSED TO BE SUBMITTED. THE DEPARTMENT MAY PREPARE A
23 TIMELY WRITTEN RESPONSE TO THE EVALUATION FINDINGS, WHICH THE EVALUATOR
24 SHALL ATTACH TO THE EVALUATION. Such report shall INCLUDE THE INFORMA-
25 TION REQUIRED FOR PERFORMANCE REPORTS CONTAINED IN SUBDIVISION NINETEEN
26 OF SECTION ONE HUNDRED OF THIS CHAPTER AND SHALL discuss:

27 (a) submit to the director of the division of the budget, the chair-
28 person of the senate finance committee and the chairperson of the assem-
29 bly ways and means committee an evaluation of the effectiveness of the
30 programs established under this article prepared by an entity independ-
31 ent of the department. THE DEPARTMENT SHALL SELECT THE PROGRAM EVALU-
32 ATOR THROUGH A REQUEST FOR PROPOSAL PROCESS AND SHALL NOT REQUEST OR
33 DIRECT THE PROGRAM EVALUATOR TO ALTER THE CONTENT OF ANY EVALUATION
34 SUBMITTED OR PROPOSED TO BE SUBMITTED. THE DEPARTMENT MAY PREPARE A
35 TIMELY WRITTEN RESPONSE TO THE EVALUATION FINDINGS, WHICH THE EVALUATOR
36 SHALL ATTACH TO THE EVALUATION. Such evaluation shall INCLUDE THE INFOR-
37 MATION REQUIRED FOR PERFORMANCE REPORTS CONTAINED IN SUBDIVISION NINE-
38 TEEN OF SECTION ONE HUNDRED OF THIS CHAPTER AND SHALL be submitted by
39 September first, two thousand [five] TEN and by September first every
40 four years thereafter.

41 S 6. Paragraph (a) of subdivision 3 of section 223 of the economic
42 development law, as amended by chapter 524 of the laws of 2005, is
43 amended to read as follows:

44 (a) Submit to the director of the division of the budget, the chair-
45 person of the senate finance committee and the chairperson of the assem-
46 bly ways and means committee an evaluation of program effectiveness
47 prepared by an entity independent of the department. THE DEPARTMENT
48 SHALL SELECT THE PROGRAM EVALUATOR THROUGH A REQUEST FOR PROPOSAL PROC-
49 ESS AND SHALL NOT REQUEST OR DIRECT THE PROGRAM EVALUATOR TO ALTER THE
50 CONTENT OF ANY EVALUATION SUBMITTED OR PROPOSED TO BE SUBMITTED. THE
51 DEPARTMENT MAY PREPARE A TIMELY WRITTEN RESPONSE TO THE EVALUATION FIND-
52 INGS, WHICH THE EVALUATOR SHALL ATTACH TO THE EVALUATION. Such an evalu-
53 ation shall INCLUDE THE INFORMATION REQUIRED FOR PERFORMANCE REPORTS
54 CONTAINED IN SUBDIVISION NINETEEN OF SECTION ONE HUNDRED OF THIS CHAPTER
55 AND SHALL be submitted on or before September first, two thousand [five]
56 TEN and on or before September first every four years thereafter.

1 S 7. Subdivisions 9 and 10 of section 224 of the economic development
2 law, as added by chapter 291 of the laws of 1990, are amended to read as
3 follows:

4 9. Reporting. On or before October first, [nineteen hundred ninety-
5 one] TWO THOUSAND TEN and on or before October first of each year there-
6 after, the commissioner shall report to the governor and the legislature
7 on the operation and accomplishments of the export diagnostic and market
8 development program, including but not limited to the number of firms
9 assisted, the number of export diagnostic assessments and export market
10 development plans completed, the degree to which productivity and export
11 activity of participants were increased, the total costs per project
12 [and], the number of jobs created due to state assistance, AND THE
13 INFORMATION REQUIRED FOR PERFORMANCE REPORTS CONTAINED IN SUBDIVISION
14 NINETEEN OF SECTION ONE HUNDRED OF THIS CHAPTER.

15 10. Evaluation. The commissioner shall submit to the director of the
16 division of the budget, the [chairman] CHAIRPERSON of the senate finance
17 committee, and the [chairman] CHAIRPERSON of the assembly ways and means
18 committee an evaluation of the export diagnostic and market development
19 program prepared by an entity independent of the department. THE
20 DEPARTMENT SHALL SELECT THE PROGRAM EVALUATOR THROUGH A REQUEST FOR
21 PROPOSAL PROCESS AND SHALL NOT REQUEST OR DIRECT THE PROGRAM EVALUATOR
22 TO ALTER THE CONTENT OF ANY EVALUATION SUBMITTED OR PROPOSED TO BE
23 SUBMITTED. THE DEPARTMENT MAY PREPARE A TIMELY WRITTEN RESPONSE TO THE
24 EVALUATION FINDINGS, WHICH THE EVALUATOR SHALL ATTACH TO THE EVALUATION.
25 Such [an] evaluation shall INCLUDE THE INFORMATION REQUIRED FOR PERFORM-
26 ANCE REPORTS CONTAINED IN SUBDIVISION NINETEEN OF SECTION ONE HUNDRED OF
27 THIS CHAPTER AND SHALL be submitted on or before September first, [nine-
28 teen hundred ninety-two] TWO THOUSAND TEN and on or before September
29 first every two years thereafter.

30 S 8. Subdivisions 4 and 5 of section 225 of the economic development
31 law, as added by chapter 291 of the laws of 1990, are amended to read as
32 follows:

33 4. Reporting. On or before October first, [nineteen hundred ninety-
34 one] TWO THOUSAND TEN and on or before October first of each year there-
35 after, the commissioner shall report to the governor and the legislature
36 on the operation and accomplishments of the export finance service. SUCH
37 REPORT SHALL INCLUDE THE INFORMATION REQUIRED FOR PERFORMANCE REPORTS
38 CONTAINED IN SUBDIVISION NINETEEN OF SECTION ONE HUNDRED OF THIS CHAP-
39 TER.

40 5. Evaluation. The commissioner shall submit to the director of the
41 division of the budget, the [chairman] CHAIRPERSON of the senate finance
42 committee, and the [chairman] CHAIRPERSON of the assembly ways and means
43 committee an evaluation of the export finance service prepared by an
44 entity independent of the department. THE DEPARTMENT SHALL SELECT THE
45 PROGRAM EVALUATOR THROUGH A REQUEST FOR PROPOSAL PROCESS AND SHALL NOT
46 REQUEST OR DIRECT THE PROGRAM EVALUATOR TO ALTER THE CONTENT OF ANY
47 EVALUATION SUBMITTED OR PROPOSED TO BE SUBMITTED. THE DEPARTMENT MAY
48 PREPARE A TIMELY WRITTEN RESPONSE TO THE EVALUATION FINDINGS, WHICH THE
49 EVALUATOR SHALL ATTACH TO THE EVALUATION. Such [an] evaluation shall
50 INCLUDE THE INFORMATION REQUIRED FOR PERFORMANCE REPORTS CONTAINED IN
51 SUBDIVISION NINETEEN OF SECTION ONE HUNDRED OF THIS CHAPTER AND SHALL be
52 submitted on or before September first, [nineteen hundred ninety-two]
53 TWO THOUSAND TEN and on or before September first every two years there-
54 after.

1 S 9. Paragraph (a) of subdivision 9 of section 250 of the economic
2 development law, as amended by chapter 524 of the laws of 2005, is
3 amended to read as follows:

4 (a) The department shall submit to the director of the division of the
5 budget, the chairperson of the senate finance committee and the chair-
6 person of the assembly ways and means committee, an evaluation of
7 program effectiveness prepared by an entity independent of the depart-
8 ment. THE DEPARTMENT SHALL SELECT THE PROGRAM EVALUATOR THROUGH A
9 REQUEST FOR PROPOSAL PROCESS AND SHALL NOT REQUEST OR DIRECT THE PROGRAM
10 EVALUATOR TO ALTER THE CONTENT OF ANY EVALUATION SUBMITTED OR PROPOSED
11 TO BE SUBMITTED. THE DEPARTMENT MAY PREPARE A TIMELY WRITTEN RESPONSE TO
12 THE EVALUATION FINDINGS, WHICH THE EVALUATOR SHALL ATTACH TO THE EVALU-
13 ATION. Such an evaluation shall INCLUDE THE INFORMATION REQUIRED FOR
14 PERFORMANCE REPORTS CONTAINED IN SUBDIVISION NINETEEN OF SECTION ONE
15 HUNDRED OF THIS CHAPTER AND SHALL be submitted on or before September
16 first, two thousand [five] TEN, and on or before September first every
17 four years thereafter.

18 S 10. This act shall take effect immediately; provided that the
19 provisions of article 7-A of the economic development law, added by
20 section two of this act, shall take effect on the first of September
21 next succeeding the date on which it shall have become a law and shall
22 expire and be deemed repealed 2 years after such effective date; and
23 provided further that, insofar as the amendment of sections 223, 224,
24 and 225 of the economic development law made by sections six, seven, and
25 eight, respectively, of this act pertain to the port authority of New
26 York and New Jersey, each shall respectively apply to such port authori-
27 ty only upon the enactment into law by the state of New Jersey of legis-
28 lation having an identical effect with sections six, seven, and eight of
29 this act, respectively, but if the state of New Jersey shall have
30 already enacted such legislation, the corresponding section of this act
31 shall apply to such port authority immediately provided that the commis-
32 sioner of economic development shall notify the legislative bill draft-
33 ing commission upon the occurrence of the enactment of the legislation
34 provided for in sections six, seven and eight of this act in order that
35 the commission may maintain an accurate and timely effective data base
36 of the official text of the laws of the state of New York in furtherance
37 of effectuating the provisions of section 44 of the legislative law and
38 section 70-b of the public officers law.