

5523

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to creating the "New York state social impact bond" initiative

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York state social impact bond initiative."

3 S 2. The state finance law is amended by adding a new article 5-G to
4 read as follows:

5 ARTICLE 5-G

6 NEW YORK STATE SOCIAL IMPACT BOND INITIATIVE

7 SECTION 69-P. LEGISLATIVE INTENT.

8 69-Q. DEFINITIONS.

9 69-R. THE NEW YORK STATE SOCIAL IMPACT BOND TASK FORCE.

10 69-S. THE DUTIES AND RESPONSIBILITIES OF THE TASK FORCE.

11 69-T. SOCIAL IMPACT BOND ISSUANCE.

12 S 69-P. LEGISLATIVE INTENT. IT IS THE INTENT OF THE LEGISLATURE TO
13 ESTABLISH A STATEWIDE PILOT PROGRAM MODELED AFTER THE NEW YORK CITY
14 SOCIAL IMPACT BOND PROJECT TO LOWER RECIDIVISM AND IMPROVE THE LIVES OF
15 SIXTEEN TO EIGHTEEN YEAR OLDS IN NEW YORK'S CORRECTIONAL FACILITIES. THE
16 FIRST STATEWIDE PROGRAM OF ITS KIND IN THE UNITED STATES, THIS PROGRAM
17 WILL CREATE FINANCING ARRANGEMENTS THAT AIM TO INCREASE FUNDING AVAIL-
18 ABLE FOR PREVENTATIVE SERVICES THROUGH PUBLIC-PRIVATE PARTNERSHIPS.

19 S 69-Q. DEFINITIONS. "SOCIAL IMPACT BOND" SHALL MEAN A FINANCIAL
20 ARRANGEMENT BETWEEN ONE OR MORE GOVERNMENT AGENCIES AND AN EXTERNAL
21 ORGANIZATION THAT CAN BE EITHER A NONPROFIT OR A FOR-PROFIT ENTITY.

22 S 69-R. THE NEW YORK STATE SOCIAL IMPACT BOND TASK FORCE. 1. THERE
23 SHALL BE HEREBY ESTABLISHED A PERMANENT TASK FORCE ON THE NEW YORK STATE
24 SOCIAL IMPACT TASK FORCE.

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

LBD11138-01-3

1 2. THE TASK FORCE SHALL HAVE THE GOALS OF: (A) INCREASING THE IMPACT
2 OF STATE FUNDS GRANTED OR CONTRACTED TO NONPROFITS AND FOR-PROFITS; (B)
3 IMPROVING EFFICIENCY IN THE GRANT AND CONTRACTING SYSTEMS AND PROCESSES
4 BETWEEN STATE GOVERNMENT AND NONPROFITS AND FOR-PROFITS FOR THE PURPOSE
5 OF CREATING A PARTNERSHIP TO LOWER RECIDIVISM AND IMPROVE THE LIVES OF
6 SIXTEEN TO EIGHTEEN YEAR OLDS IN NEW YORK'S CORRECTIONAL FACILITIES.

7 3. THE TASK FORCE SHALL CONSIST OF AT LEAST THIRTEEN MEMBERS: (A) ONE
8 OF WHOM SHALL BE APPOINTED BY THE GOVERNOR, WHO SHALL SERVE AS THE
9 CHAIR; (B) ONE OF WHOM SHALL BE APPOINTED BY THE ASSEMBLY SPEAKER; (C)
10 ONE OF WHOM SHALL BE APPOINTED BY THE ASSEMBLY MINORITY LEADER; (D) ONE
11 OF WHOM SHALL BE APPOINTED BY THE SENATE MAJORITY LEADER; (E) ONE OF
12 WHOM SHALL BE APPOINTED BY THE SENATE MINORITY LEADER; (F) ONE OF WHOM
13 SHALL BE APPOINTED BY THE DEPARTMENT OF EDUCATION; (G) ONE OF WHOM SHALL
14 BE APPOINTED BY THE DEPARTMENT OF CRIMINAL JUSTICES SERVICES; (H) ONE OF
15 WHOM SHALL BE APPOINTED BY THE COMPTROLLER; (I) ONE OF WHOM SHALL BE
16 APPOINTED BY THE DEPARTMENT OF HEALTH; (J) ONE OF WHOM SHALL BE
17 APPOINTED BY THE DEPARTMENT OF LABOR; (K) ONE OF WHOM SHALL BE APPOINTED
18 BY THE OFFICE OF MENTAL HEALTH; (L) ONE OF WHOM SHALL BE APPOINTED BY
19 THE OFFICE OF CHILDREN AND FAMILY SERVICES; AND (M) ONE OF WHOM SHALL BE
20 APPOINTED BY THE DEPARTMENT OF FINANCIAL SERVICES. ADDITIONAL MEMBERS
21 MAY BE APPOINTED FROM STATE AGENCIES AS DEEMED NECESSARY BY THE GOVER-
22 NOR.

23 4. APPOINTMENT OF ALL MEMBERS OF THE TASK FORCE SHALL BE COMPLETED NO
24 LATER THAN NINETY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS ARTICLE.

25 5. THE TASK FORCE SHALL HOLD ITS FIRST MEETING NO MORE THAN ONE
26 HUNDRED FIFTY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS ARTICLE.

27 6. THE TASK FORCE SHALL MEET AT LEAST FIVE TIMES EACH CALENDAR YEAR.

28 7. THE TASK FORCE MAY EMPLOY ADDITIONAL STAFF OR CONTRACT WITH
29 CONSULTANTS, INCLUDING INDEPENDENT RESEARCH ORGANIZATIONS.

30 S 69-S. THE DUTIES AND RESPONSIBILITIES OF THE TASK FORCE. 1. THE
31 MEMBERS OF THE TASK FORCE SHALL DEVELOP A PUBLIC-PRIVATE PARTNERSHIP AND
32 IMPLEMENT A COMPREHENSIVE, STATEWIDE SOCIAL IMPACT BOND INITIATIVE WITH
33 THE PURPOSE OF: INCREASING THE FUNDING AVAILABLE FOR PREVENTIVE SERVICES
34 TO LOWER RECIDIVISM AND DELINQUENCY TO IMPROVE THE LIVES OF SIXTEEN TO
35 EIGHTEEN YEAR OLDS, IN OR RELEASED FROM ANY TYPE OF CORRECTIONAL FACILI-
36 TY.

37 2. THE PUBLIC-PRIVATE PARTNERSHIP AS SET FORTH IN THIS SECTION SHALL
38 INCLUDE STATE AGENCIES AND BODIES REPRESENTING JUVENILE JUSTICE,
39 CORRECTIONS, REENTRY, RECIDIVISM, SOCIAL SERVICES, EDUCATION, ECONOMIC
40 DEVELOPMENT, AND OTHER RELEVANT ENTITIES. THE PUBLIC ENTITIES WITHIN THE
41 PARTNERSHIP SHALL COLLABORATE WITH COMMUNITY BASED ORGANIZATIONS AND
42 RELEVANT PRIVATE SECTOR ENTITIES SUCH AS FOUNDATIONS, CORPORATIONS,
43 ASSOCIATIONS, AND INSTITUTES TO ACHIEVE SUCH PURPOSES.

44 3. THE MEMBERS OF THE TASK FORCE SHALL ENSURE THAT THE INITIATIVE AS
45 SET FORTH IN THIS SECTION SHALL INCLUDE BUT NOT BE LIMITED TO:

46 (A) CREATING A GEOGRAPHIC STATEWIDE INVENTORY OF JUVENILE SERVICES AND
47 OTHER RELEVANT CORRECTIONS AND JUSTICE SERVICES FOR THE TARGETED POPU-
48 LATION. THE INVENTORY SHALL:

49 (I) DEFINE TARGET PROGRAMS AND POPULATION;

50 (II) IDENTIFY GOVERNMENT AGENCIES THAT SERVICE THE TARGETED POPU-
51 LATION;

52 (III) IDENTIFY THE POTENTIAL NONPROFIT AND FOR-PROFIT ORGANIZATIONS
53 THAT SERVICE OR MAY WISH TO SERVICE THE TARGETED POPULATION;

54 (IV) IDENTIFY ALREADY EXISTING TARGETED PROGRAMS;

1 (V) PROVIDE A BASELINE ASSESSMENT OF JUVENILES IN THE STATE IN TERMS
2 OF PERCENTAGE OF HOUSEHOLDS WITH JUVENILES; AND PROVIDE UPDATES TO SUCH
3 DATA ANNUALLY; AND

4 (VI) ACQUIRE DATA ON THE COST OF INTERVENTION AND THE ABILITY TO QUAN-
5 TIFY COST SAVINGS;

6 (B) BUILDING AND FACILITATING A PARTNERSHIP THAT INCLUDES BUT IS NOT
7 LIMITED TO REPRESENTATIVES OF BUSINESS, KINDERGARTEN THROUGH TWELFTH
8 GRADE EDUCATION, HEALTH CARE, MENTAL HEALTH SERVICES, SOCIAL SERVICES,
9 LIBRARIES, HIGHER EDUCATION, COMMUNITY-BASED ORGANIZATIONS, JUVENILE
10 JUSTICE AND LOCAL GOVERNMENTS;

11 (C) DEVELOPING A PLAN FOR ACHIEVING ITS GOALS WITH SPECIFIC RECOMMEN-
12 DATIONS;

13 (D) IDENTIFYING SUCH ADDITIONAL PUBLIC-PRIVATE PARTNERSHIP PROJECTS
14 THAT ACHIEVE THE GOALS AS SET FORTH IN THIS ARTICLE.

15 4. THE TASK FORCE SHALL FILE ANNUAL REPORTS TO THE GOVERNOR'S OFFICE,
16 THE SPEAKER OF THE ASSEMBLY, AND THE LEADER OF THE SENATE NO LATER THAN
17 JUNE FIRST.

18 5. THE REPORTS SHALL INCLUDE, BUT NOT BE LIMITED TO:

19 (A) THE ACTIVITIES OF THE TASK FORCE;

20 (B) THE IMPACT OF THE PARTNERSHIP ON REDUCING JUVENILE DELINQUENCY AND
21 RECIDIVISM;

22 (C) THE IMPACT OF THE PARTNERSHIP ON THE ECONOMY OF THE STATE; AND

23 (D) ANY RECOMMENDATIONS FOR LEGISLATION, POLICY CHANGES, OR AD HOC
24 COMMISSIONS ON FURTHER IMPROVING THE SOCIAL IMPACT BOND INITIATIVE.

25 S 69-T. SOCIAL IMPACT BOND ISSUANCE. 1. THE COMPTROLLER MAY ISSUE
26 BONDS IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN THIS ARTICLE.

27 2. THE COMPTROLLER SHALL SELECT AN INDEPENDENT ASSESSOR IN ORDER TO
28 DETERMINE IF THE OUTCOME HAS BEEN ACHIEVED AS AGREED.

29 3. THE COMPTROLLER SHALL ESTABLISH CLEAR CONTRACTUAL TERMS WHEN DRAFT-
30 ING A SOCIAL IMPACT BOND AGREEMENT THAT BINDS ALL PARTIES TO PREDETER-
31 MINED OUTCOMES, MEASUREMENT METHODOLOGIES, TIMEFRAMES, AND PAYMENT TERMS
32 AS SET FORTH BY THE TASK FORCE AND INDEPENDENT ASSESSOR.

33 4. EACH SOCIAL IMPACT BOND AGREEMENT SHALL AT MINIMUM COVER THE
34 FOLLOWING:

35 (A) THE RESPONSIBILITIES OF BOTH PARTIES, INCLUDING DETAILED EXPECTA-
36 TIONS ESTABLISHING A WORKING RELATIONSHIP BETWEEN THE GOVERNMENT AND
37 EXTERNAL ORGANIZATION;

38 (B) THE TIMEFRAME FOR THE AGREEMENT AND THE POPULATION TO BE SERVED;

39 (C) THE OUTCOMES AND HOW THEY WILL BE MEASURED;

40 (D) THE OUTCOME PAYMENTS, HOW THEY WILL BE CALCULATED AND HOW AND WHEN
41 THEY WILL BE DISBURSED;

42 (E) CIRCUMSTANCES UNDER WHICH EITHER PARTY CAN TERMINATE THE AGREEMENT
43 AND MECHANISMS FOR AN ORDERLY DISSOLUTION OF THE SOCIAL IMPACT BOND;

44 (F) METHODS FOR RESOLVING DISPUTES BETWEEN THE PARTIES; AND

45 (G) THE EXTERNAL ORGANIZATION SHALL HAVE THE RESPONSIBILITY FOR STRUC-
46 TURING CONTRACTS WITH INVESTORS AND SERVICE PROVIDERS.

47 S 3. This act shall take effect one year after it shall have become a
48 law.