

# STATE OF NEW YORK

3284--A

2021-2022 Regular Sessions

## IN SENATE

January 28, 2021

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Commerce, Economic Development and Small Business -- recommitted to the Committee on Commerce, Economic Development and Small Business in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

### ARTICLE 15

#### ECONOMIC DEVELOPMENT PERFORMANCE REVIEW ACT

##### Section 270. Definition.

##### 271. Program implementation.

##### 272. Performance review.

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8 § 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 § 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

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

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1 coordination and linkages between this program and other program activ-  
2 ities funded separately. Such plan shall also include a performance  
3 review component as part of the implementation of each program which  
4 shall describe how the agency will monitor the delivery of services  
5 under the program and which shall set forth the measure of effectiveness  
6 of the services being provided.

7 2. Program plans shall be submitted to the department, the speaker of  
8 the assembly and the temporary president of the senate, for review and  
9 comment.

10 3. The provisions of this section shall not exempt any agency from  
11 requirements relating to the preparation and submission of program plans  
12 pursuant to any other provision of law.

13 § 272. Performance review. 1. The performance review component of  
14 each program plan shall, at a minimum, include the following:

15 (a) a statement on legislative history and intent;

16 (b) a statement of program objectives which identifies outcomes  
17 attributable to the program, anticipated performance levels, and indica-  
18 tors of the effectiveness of the program;

19 (c) defined quantitative measures which will be included as part of  
20 the performance review report including, but not limited to, a  
21 description of the targeted population, criteria for participant  
22 selection, demographics on participants, measures of program activity,  
23 inventory of services provided, and budget information on programs and  
24 administrative expenditures including, but not limited to, costs per  
25 participant. For those programs where an objective is job placement,  
26 data shall include information on the occupations which participants  
27 enter, the rate of job retention, pre-program wage earnings and post-  
28 program wage earnings as well as other appropriate measures which indi-  
29 cate the extent to which program activities meet program objectives.  
30 Other performance indicators that appropriately describe the effect of  
31 the program and data which reflects follow-up activity appropriate to  
32 the services provided shall also be included as part of the performance  
33 review report;

34 (d) a statement of methodology which will result in a comparison of  
35 program outcomes against program objectives; and

36 (e) any additional performance review or information as may be  
37 required by law.

38 2. (a) The performance review report for each program shall be submit-  
39 ted to the commissioner for review and recommendation.

40 (b) The report shall include, at a minimum, all program data and an  
41 analysis which compares performance outcomes against program objectives  
42 as specified in the performance review component of the program plan  
43 defined herein and shall include a performance review of activity for  
44 the completed program year immediately preceding the issuance of the  
45 report and an interim performance review of current program year activ-  
46 ity if applicable.

47 3. Based on the review conducted pursuant to paragraph (a) of subdivi-  
48 sion two of this section, the department shall prepare a unified summary  
49 of performance review reports submitted by each agency pursuant to this  
50 article for submission to the speaker of the assembly and the temporary  
51 president of the senate no later than January thirty-first, two thousand  
52 twenty-three and each year thereafter provided, however, that the  
53 department shall make available each individual program performance  
54 review report submitted pursuant to this article upon request of the  
55 legislature. The department shall include in such summary recommenda-  
56 tions to the governor and the legislature relating to improved program

1 coordination and service delivery, program improvements or enhancements  
2 and necessary statutory changes.  
3 4. The provisions of this section shall not exempt any agency from  
4 requirements pursuant to any other provision of law.  
5 § 2. This act shall take effect immediately.