

STATE OF NEW YORK

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2025-2026 Regular Sessions

IN SENATE

January 16, 2025

Introduced by Sens. KRUEGER, HOYLMAN-SIGAL, LIU, SERRANO, STAVISKY --
read twice and ordered printed, and when printed to be committed to
the Committee on Finance

AN ACT to amend the executive law, in relation to establishing the
empire state performance commission in the executive department for
the purpose of designing and advising the governor and the legislature
on the implementation of a performance-management and performance-
budgeting system

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "empire state performance commission act".

3 § 2. Legislative intent. New York's lack of a comprehensive perfor-
4 mance-budgeting scheme for state-funded programs often leads to irreg-
5 ular appropriation practices and rigid across-the-board cuts, without
6 regard to the programs' effectiveness. A performance-management and
7 performance-budgeting system that ties program funding to the results
8 the programs achieve would provide lawmakers with more flexibility in
9 making budget decisions and provide the public with a means by which
10 they can evaluate how their tax dollars are being spent.

11 The legislature recognizes that implementing and maintaining a compre-
12 hensive system of performance-management and performance-budgeting is a
13 complicated process that will require cooperation between the legisla-
14 tive and executive branches in order to be successful. Unilaterally
15 imposing performance-management and performance-budgeting requirements
16 on executive agencies would likely be unproductive and ineffective.
17 Reforming the state budget process requires careful deliberation that
18 includes feedback from the various stakeholders in the process, includ-
19 ing the public.

20 This legislation creates a blue ribbon commission that will be charged
21 with designing a performance-management and performance-budgeting model

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

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1 for New York to adopt. The commission is structured to elicit input from
2 both houses of the legislature, the governor, executive agencies, and
3 the public. Additionally, it is expected that the commission will
4 consult with performance-management and/or performance-budgeting
5 experts, other state governments, and/or academic research on perfor-
6 mance-management and performance-budgeting. The intent of the legisla-
7 ture in creating this commission is to have legislation ready for
8 passage in 2025 that implements a performance-management and perfor-
9 mance-budgeting system starting with the 2027-2028 budget.

10 § 3. Article 50 of the executive law is renumbered article 55 and
11 sections 1000, 1001, 1002, and 1003, as renumbered by chapter 770 of the
12 laws of 1978, are renumbered sections 1500, 1501, 1502 and 1503.

13 § 4. The executive law is amended by adding a new article 49-D to read
14 as follows:

15 ARTICLE 49-D

16 EMPIRE STATE PERFORMANCE COMMISSION

17 Section 1000. Empire state performance commission; purpose.

18 1001. Membership; terms; chair and vice chair.

19 1002. Duties of the commission.

20 1003. Deliberations of the commission; advisory committees.

21 1004. Staff; cooperation and assistance.

22 § 1000. Empire state performance commission; purpose. The empire state
23 performance commission is established as a blue ribbon commission in the
24 executive department. The purpose of the commission is to design and
25 advise the governor and the legislature on the implementation of a
26 performance-management and performance-budgeting system. When used in
27 this article, the term "performance-management" means a management
28 system consisting of strategic planning, strategic performance and
29 productivity measurement, program evaluation, and performance budgeting,
30 and the term "performance-budgeting" means a systemic incorporation of
31 planning, strategic performance and productivity measurement, and
32 program evaluation information into the budgetary process.

33 § 1001. Membership; terms; chair and vice chair. 1. The commission
34 shall be composed of fifteen members that include six legislative
35 members and nine non-legislative members as follows:

36 (a) the governor;

37 (b) the comptroller;

38 (c) the speaker of the assembly;

39 (d) the minority leader of the assembly;

40 (e) the chair of the assembly ways and means committee;

41 (f) the temporary president of the senate;

42 (g) the minority leader of the senate;

43 (h) the chair of the senate finance committee;

44 (i) one non-legislative citizen member appointed by the speaker of the
45 assembly;

46 (j) one non-legislative citizen member appointed by the temporary
47 president of the senate;

48 (k) the director of the division of the budget;

49 (l) two executive department heads appointed by the governor; and

50 (m) two non-legislative citizen members appointed by the governor.

51 2. The legislative leaders shall submit their appointments to the
52 governor, and the governor shall make appointments, no later than thirty
53 days after the effective date of this article. If any such appointment
54 is not made by such date, the appointing officer may make the appoint-
55 ment after that date, but the vacant appointment shall not count for
56 calculation of a quorum until it is filled. The governor and the comp-

1 troller shall serve on the commission coincident with their terms of
2 office. Legislative members, the director of the division of the budget,
3 and the two executive department heads appointed by the governor shall
4 serve on the commission coincident with their holding their respective
5 positions. In the event that a legislative member holds more than one
6 of the positions listed in subdivision one of this section, such legis-
7 lative member shall designate another legislative member or members, as
8 applicable, to serve as the representative for the other position or
9 positions. Non-legislative citizen members shall be appointed for a term
10 ending one year subsequent to the effective date of this article, or
11 June first, two thousand twenty-six, whichever is later. Vacancies shall
12 be filled in the same manner as the original appointments. The governor
13 shall serve as the chair of the commission. The commission shall elect a
14 vice chair from its membership.

15 3. The members of the commission shall receive no compensation for
16 their services as members, but shall be allowed their actual and neces-
17 sary expenses incurred in the performance of their duties. Members of
18 the commission shall be considered public officers for purposes of
19 section seventeen of the public officers law.

20 § 1002. Duties of the commission. The commission shall have the
21 following duties:

22 1. Design a performance-management and performance-budgeting system
23 for the state which may include, but is not limited to, the following:

24 (a) strategic planning;

25 (b) performance measurement;

26 (c) program evaluation;

27 (d) uniform standards for measuring, compiling, and reporting perform-
28 ance information;

29 (e) a website or other appropriate means for disseminating information
30 about the performance-management and performance-budgeting system to the
31 public; and

32 (f) a continuing oversight and advisory role for the commission.

33 2. Establish a timetable for phasing in and establishing a perfor-
34 mance-management and performance-budgeting system.

35 3. Provide advice on the implementation of the performance-management
36 and performance-budgeting system across state government.

37 4. Recommend a systematic process for the periodic evaluation of the
38 performance-management and performance-budgeting system which provides
39 for enhanced opportunities for public participation and input.

40 5. Solicit public input on appropriate aspects of performance-manage-
41 ment and performance-budgeting as determined by the commission.

42 6. On or before March first, two thousand twenty-six, the commission
43 shall recommend to the governor and the legislature legislation imple-
44 menting a performance-management and performance-budgeting system for
45 the state starting with fiscal year two thousand twenty-seven--two thou-
46 sand twenty-eight. At the same time, the commission shall submit to the
47 governor and the legislature a summary report of the activity and find-
48 ings of the commission. The commission shall dissolve at the expiration
49 of one year subsequent to the effective date of this article, or June
50 first, two thousand twenty-six, whichever is later.

51 § 1003. Deliberations of the commission; advisory committees. 1. The
52 commission shall meet at least four times. The meetings of the commis-
53 sion shall be held at the call of the chair or whenever five or more
54 members so request. A majority of members of the commission shall
55 constitute a quorum. Approval of any matter shall require the affirma-
56 tive vote of a majority of the members voting thereon. Members may

1 designate and authorize another person to act for such member by proxy.
2 Proxies shall be revocable at the pleasure of the member executing it.

3 2. The deliberations, meetings and other proceedings of the commission
4 and any committee thereof shall be governed by article seven of the
5 public officers law. Any one or more members may participate in a meet-
6 ing by means of a conference telephone, conference video or similar
7 communications equipment allowing all persons participating in the meet-
8 ing to hear each other at the same time. Participation by such means
9 shall constitute presence in person at a meeting. At any meetings of the
10 commission conducted by means of a conference telephone, conference
11 video or similar communications equipment, other than executive
12 sessions, the public shall be given an opportunity to listen. If a meet-
13 ing other than an executive session is to be conducted by means of a
14 conference telephone, conference video or similar communications equip-
15 ment, the public notice for the meeting shall inform the public that
16 such equipment will be used, and identify the means by which the public
17 may listen to such meeting.

18 3. The commission may form such advisory committees as it deems neces-
19 sary, convenient, or desirable to advise and assist in performing the
20 duties conferred by this article.

21 § 1004. Staff; cooperation and assistance. 1. The division of the
22 budget shall provide staff assistance to the commission. Additional
23 assistance as needed shall be provided by the staffs of the assembly
24 ways and means committee and the senate finance committee. All agencies,
25 authorities, and institutions of the state shall cooperate and provide
26 such assistance to the commission as the commission may request.

27 2. The chair, in consultation with the commission, may hire or appoint
28 an executive director for the commission if deemed necessary.

29 § 5. This act shall take effect immediately.