

Agency Programs/Activities: Inventory and Key Data
Department of State

Relation to Core Mission (H/M/L)	Program/Activity	Spending Category (SO, ATL, CAP)	3/31/09 FTEs (All Funds)	General Fund Disbursements				State Special Revenue Funds Disbursements				Capital Projects Funds Disbursements					
				2006-07	Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	
Historical	Administration, Division of Local Government, State Ethics Commission	SO	N/A	\$	15,951,000	\$	21,308,000										
Historical	Shared Municipal Services Initiative, Civil Legal Services, Public Utility Law Project, Domestic Violence Prevention Programs	ATL	N/A	\$	4,375,000	\$	6,804,000										
Historical	Emergency Services Revolving Loan Fund, Code Enforcement Account, Watershed Account, Fire Academy Account, Business and Licensing Account	SO, ATL	N/A							\$	36,503,000	\$	40,155,000				
Historical	Community Services Block Grant, Coastal Zone Management, other Federal programs	SO, ATL	N/A							\$	48,571,000	\$	67,012,000				
Historical	Wireless 911	CAP	N/A											\$	25,456,000	\$	29,622,000

Executive																	
H	Executive Direction	SO	21					\$	1,578,000	\$	2,280,000						
H	Office of Regional Affairs	SO	19					\$	1,644,000	\$	1,687,000						
M	Committee on Open Government	SO	3					\$	268,000	\$	276,000						

Administration																	
H	Bureau of Fiscal Management	SO	32.0					\$	2,160,000	\$	3,314,000						
H	Bureau of Administrative Support Services	SO	13.0					\$	848,000	\$	1,257,000						
H	Systems/IT	SO	44.4					\$	2,637,000	\$	4,781,000						
H	Office of Counsel	SO	22.0					\$	1,677,000	\$	2,870,000						
H	Internal Audit Unit	SO	4.0					\$	295,000	\$	492,000						
H	Administrative Assistance Unit	SO	2.0					\$	136,000	\$	211,000						
H	Human Resources	SO	13.2					\$	949,000	\$	1,541,000						
L	Civil Legal Services/Prior Year Grants	ATL	Bureau of Fiscal Management					\$	7,659,000	\$	7,659,000						

Local Government																	
H	Administration	SO	5					\$	1,042,000	\$	1,068,000						
H	Shared Services	SO	8					\$	729,000	\$	741,000						
H	Smart Growth	SO	1					\$	151,000	\$	155,000						
H	Training	SO	7.36					\$	680,000	\$	691,000						
H	Watershed	SO	3									\$	394,000	\$	401,000		
H	Appalachian Regional Commission	SO	2									\$	182,000	\$	185,000		

Relation to Core Mission (H/M/L)	Program/Activity	Spending Category (SO, ATL)	3/31/09 FTEs (All Funds)	General Fund Disbursements		State Special Revenue Funds Disbursements				Capital Projects Funds Disbursements					
				2006-07	Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan
Division of Coastal Resources															
H	South Shore Estuary Preserve (State)	SO	0.57				\$ 62,000	\$ 64,000							
H	Local Waterfront Revitalization Program (1/2 Fed, 1/2 State)	SO SO ATL	10.39 11.67				\$ 765,000	\$ 784,000			\$ 1,281,285	\$ 1,303,250	\$ 5,444,684	\$ 7,325,295	\$ 7,325,295
H	Oceans (State)	SO	9.57				\$ 796,000	\$ 817,000							
H	Brownfields (State)	SO	5.73				\$ 407,000	\$ 417,000							
H	Training (State)	SO	0.94				\$ 79,000	\$ 81,000							
H	Climate, Consistency, Special Area Protection and other Federal programs	SO	12.42				\$ 56,000	\$ 57,000			\$ 1,132,634	\$ 1,152,051			
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Division of Licensing - Administration/Direction															
M	Admin Support	SO	21								\$ 1,775,000	\$ 1,825,000			
M	License Issuance and Control	SO	40.5								\$ 1,940,000	\$ 1,963,000			
M	Customer Service and Call Center	SO	23.5								\$ 3,672,000	\$ 3,714,000			
M	Exam Unit	SO	13								\$ 2,159,000	\$ 2,184,000			
M	Qualification for Licensure - Educational Standards	SO	6								\$ 1,324,000	\$ 1,342,000			
H	Program Planning/Analysis	SO	3								\$ 589,000	\$ 596,000			
H	Enforcement	SO	53								\$ 324,000	\$ 329,000			
H	Security Guard Registry	SO	16								\$ 5,406,322	\$ 7,438,077			
Division of Cemeteries															
H	Executive/Direction	SO	2								\$ 1,473,000	\$ 1,490,000			
H	Accounting	SO	8								\$ 417,920	\$ 887,264			
H	Investigation	SO	4								\$ 870,473	\$ 885,257			
M	Support Staff	SO	3								\$ 409,034	\$ 415,640			
H	Cemetery Vandalism Fund	ATL	Accounting								\$ 278,544	\$ 282,651			
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Division of Administrative Rules															
H	Direction	SO	1.25								\$ 157,000	\$ 161,000			
H	Mandated - Publication of NYCRR, State Register	SO	8.75								\$ 609,000	\$ 619,000			
M	Support Functions: Publication Design, Printing Procurement, Events	SO	3.25								\$ 329,000	\$ 336,000			
M	Website Design and Maintenance	SO	1.25								\$ 112,641	\$ 114,759			

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				2006-07	Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan
Division of Corporations, Uniform Commercial Code, and State Records															
H	Program Support	SO	19									\$ 3,156,000	\$ 3,218,000		
M	State Records	SO	8.5									\$ 785,000	\$ 793,000		
H	Division of Corporations	SO	78									\$ 7,430,000	\$ 7,516,000		
H	UCC	SO	20.5									\$ 1,914,000	\$ 1,936,000		

Division of Code Enforcement															
H	Administration	SO	3									\$ 679,000	\$ 695,000		
H	Code Development	SO	6									\$ 740,000	\$ 753,000		
M	Code Interpretation	SO	4									\$ 490,000	\$ 499,000		
H	Educational Services	SO	12									\$ 1,319,000	\$ 1,340,000		
H	Technical Services	SO	6									\$ 738,000	\$ 751,000		
H	Regional Services	SO	20									\$ 2,361,000	\$ 2,402,000		
H	Energy Services	SO	3									\$ 345,000	\$ 351,000		
M	Manufactured Housing	SO	5									\$ 510,000	\$ 518,000		

H	Administrative Law Judges	SO	4.8									\$ 627,000	\$ 638,000		

Division of Community Services															
H	Administration of Federal Community Service Block Grants	SO	18.9									\$ 2,718,000	\$ 3,220,000		
H	Federal Community Service Block Grant Awards	ATL	N/A							\$ 42,207,000	\$ 64,886,000	\$ 55,257,000	\$ 55,257,000		

Office of Fire Prevention and Control															
H	OFPC Administration	SO	3									\$ 1,657,000	\$ 1,952,000		
H	Fire Services	SO	24									\$ 3,409,000	\$ 3,470,000		
H	Arson	SO	12									\$ 1,404,000	\$ 1,426,000		
H	Haz Mat/Homeland	SO	27				\$ 2,432,000	\$ 2,507,000				\$ 599,000	\$ 642,000		
M	Special Services	SO	27									\$ 2,672,000	\$ 2,707,000		
H	Campus Fire	SO	16				\$ 1,277,000	\$ 1,300,000				\$ 1,104,000	\$ 1,120,000		
			10												
H	State Building Inspections	SO	5				\$ 581,000	\$ 593,000				\$ 195,000	\$ 206,000		
			2												
M	Fire Safe Cigarettes	SO	7									\$ 766,000	\$ 777,000		
H	Academy of Fire Sciences	SO	29									\$ 2,791,000	\$ 2,826,000		
M	Emergency Services Revolving Loan Fund	ATL	2									\$ 3,886,000	\$ 3,886,000		
H	NYC Fire Academy	ATL	OFPC Administration									\$ 1,036,000	\$ 1,036,000		
M	Local Wireless Public Safety Answering Point	ATL	OFPC Administration									\$ 9,800,000	\$ 9,800,000		
M	Local Expedited Deployment Program	CAP	OFPC Administration												\$ 22,154,000

Athletic Commission

H

Athletic Commission

SO

7.5

\$ 1,629,000 \$ 2,223,000

Department of State
PROGRAM INFORMATION SHEET

Program: Administrative Rules - Print and Distribute NYCRR and Weekly State Register

Mandate:

Article 8, NYS Constitution; State Administrative Procedure Act (SAPA), Article 2; Executive Law, Article 6A

Mandated Funding Level:

None

Brief Description/History/Background:

The NYCRR and the State Register are New York's key rule making publications. No rule or regulation made by any State agency may be effective until filed with the Department of State (DOS). Such rules are published in the NYCRR (and have been since 1945). Statute requires DOS to make available the text of all regulations (58,000+ pages) on the DOS website (beginning in 2007). The DOS, through a "no cost contract to the State" with Thomson West, maintains 58,000+ pages via the DOS website. The site is fully searchable and also includes a drill-down table of contents that emulates the hard copy table of contents. The DOS publishes semi-monthly supplements to the NYCRR and performs historical searches of rules. The Weekly State Register (established in 1979) requires the DOS to print and distribute the Register. SAPA dictates the filing process, Register format and content, frequency of publication and subscription costs. DAR recently completed the design and implementation of an e-file process whereby state agencies now have the ability to E-file their rule making notices. A major portion of the weekly Register is now generated automatically, eliminating redundancy.

Issues:

NYCRR ARCHIVE PAGES: The entire collection of printed pages (since 1945) has never been captured for archival or search purposes. The collection is vulnerable to fire/water damage. A method for archiving the collection must be determined. **E-FILING:** The pilot portion of the E-filing initiative has been completed and has proved to be very successful. DAR will continue to further develop the processes and applications used for E-filing to save additional time and efforts for DAR staff and State agencies.

Population Served:

Law firms, law schools, general public, state agencies, municipalities; and regulated parties.

Performance Measures:

NYCRR: Numbers of: rule makings filed with the Department; pages published in a supplement; supplements completed during a calendar month; NYCRR searches performed. Dates supplements are received from contract vendor. **WEEKLY REGISTER:** Numbers of pages printed in weekly issue; rule making submissions; non rule making submissions; pages published in Quarterly Index; number of agencies utilizing new E-file system; and Register subscriptions (new and renewals).

Department of State
PROGRAM INFORMATION SHEET

Program: Administrative Rules - Publication/Form Design Services; Print Procurement and Event Planning

Mandate:

State Printing Law; Title 19 NYCRR 552; Executive Order 4 (Paterson)

Mandated Funding Level:

None

Brief Description/History/Background:

Through the Division of Administrative Rules (DAR), the DOS is able to take advantage of graphic design services that complement our web and multimedia services. The graphic design services allows the DOS to disseminate information in a manner that communicates an effective message including public health and safety, business, training opportunities, etc. The division works with DOS divisions and print vendors to determine the best method for designing products. DAR logs and manages all DOS print requests by working alongside division staff, vendors and fiscal management to secure quotes and ultimately determine the most effective method for procuring a print request (approximately 400 per year). The division also provides assistance to DOS programs with event planning (Electoral College, NYS Fair Booth) and other conferences and events. This function involves the creation of posters, display pieces, publications, working with event coordinators, and procurement of site materials (table covers, AV equipment, communication equipment, etc.) The Electoral College is hosted by the Secretary of State. DAR staff create the ballots and certificate of vote and work with OGS and DOS Executive staff to assist with the Proceedings of the Electoral College and luncheon that follows.

Issues:

Title 19 NYCRR 552 states that state agency applications are to be posted on individual agency websites. DAR is currently in the process of reviewing all forms and applications to comply. Executive Order 4 implements "green" print guidelines. DAR is working towards meeting the requirements.

Population Served:

The public, generally. Regular users of our website include DOS licensees (28 occupational and professional disciplines), local governments, businesses looking to incorporate, not-for-profit organizations, and localities seeking fire safety training and technical assistance; building code enforcement information and training, and coastal resource management and watershed protection. We also provide information to children and educators about New York.

Performance Measures:

PRINT DESIGN/PROCUREMENT: Number of print requests in progress, number of requests for design services; number of projects in design phase. EVENT PLANNING: Number of participants, number of materials distributed, types of items distributed. Reports/comments submitted by those who operate the booths or run the conferences. Types of Graphic Design services requested for each event.

Department of State
PROGRAM INFORMATION SHEET

Program: Administrative Rules - Website Maintenance & Update

Mandate:
Executive Law, OFT guidelines and requirements

Mandated Funding Level:
None

Brief Description/History/Background:

In 2002 DAR assumed the design, maintenance and update responsibility for the DOS website. This dynamic website provides public service announcements aimed at the public health and safety of citizens. We provide links to other agency websites to help disseminate their critical health and safety information. The site helps create transparency by making government information (i.e., corporation, licensee, and UCC information) available to the public. Services are provided to the business community, i.e., the Real Estate Professional Licensure application: e-AccessNY (Occupational Management System), allowing real estate professionals the ability to create, renew and access licensing information in real time. The website serves as a valuable resource to those who wish to do business in NY. The Kids Room serves as a resource for educators. It includes information pertaining to fire safety and NYS History for both children and educators.

Issues:

The DOS does not currently maintain a content management system (CMS). Research is being conducted to determine the best method for a CMS. A CMS would improve efficiency and eliminate redundancy. Consideration of use of consulting services to improve the website is being pursued. Review of staffing levels is in progress. The limited staffing level available for this function (1.5 FTEs) hinders the ability to improve the site and keep it both current and state of the art. Creation and use of accessible/fillable forms on the DOS site need to be researched. Compliance issues need to be addressed (i.e., Google search appliance to be reconfigured to meet accessibility requirements).

Population Served:

The public, generally. Regular users of our website include DOS licensees (28 occupational and professional disciplines), local governments, businesses looking to incorporate, not-for-profit organizations, and localities seeking fire safety training and technical assistance; building code enforcement information and training, and coastal resource management and watershed protection. We also provide information to children and educators about New York.

Performance Measures:

Visits to the site are measured using a product called WebTrends. Reports are generated each month and at six month intervals culminating in a year-end report. The reports are analyzed to determine the magnitude of hits to show usage (types of visitors, numbers of visitors, most visited pages, origin of visitors and length of visit).

Department of State
PROGRAM INFORMATION SHEET

Program: Office of Administrative Hearings

Mandate:

To conduct all adjudicatory proceedings which devolve upon the Secretary of State by statute. OAH is constituted pursuant to 19 NYCRR Part 400. The hearings are under Real Property Law Articles 12-A, 12-B and 12-C, General Business Law Articles 6-D, 7, 8-B, 8-C, 26, 27, 28, and 37-A and Executive Law Article 6-e and section 130.

Mandated Funding Level:

None

Brief Description/History/Background:

Established as a separate division of the Department of State (DOS) in 1996 and mandated to operate independently of the Office of Counsel and the other divisions of DOS. The three Administrative Law Judges, two located in New York City and one located in Albany, hear the cases and issue decisions which are final unless appealed to the Secretary of State by any of the parties. In the relatively few cases that are appealed decisions of the Secretary of State unfavorable to the respondent/applicant are then subject to review pursuant to Article 78 of the CPLR. Prior to the creation of OAH hearings were conducted by attorneys on the staff of the Office of Counsel and decisions were submitted to the General Counsel with the hearing officers' recommendations that they be approved. On the average OAH currently conducts between 1,500 and 2,000 proceedings a year. The majority of hearings are held at 123 William Street, Manhattan, where OAH's office and support staff of two secretaries are located. Upstate cases, which are conducted in Albany, Syracuse, Buffalo, and Binghamton, are generally conducted by the Albany ALJ.

Issues:

None

Population Served:

All licensees of DOS and the general public.

Performance Measures:

Number of hearings conducted and decisions issued, and time between receipt of case file and issuance of the decision.

Department of State
Program Information Sheet

Program: State Athletic Commission

Mandate:

The New York State Athletic Commission is mandated by state statute; Title 25 of the Unconsolidated Laws.

Mandated Funding Level:

None.

Brief Description/History/Background:

The New York State Athletic Commission was created in 1920 by state statute. The Commission's mission is to ensure the health and safety of professional boxers and wrestlers and the integrity of these sports in New York State. The Commission consists of three members who are appointed by the Governor with the consent of the Senate. Some of its functions are the management, control and jurisdiction over all boxing and sparring matches held within New York State, including the establishment, review and enforcement of rules and regulations to govern boxing activities. It also issues, suspends and revokes licenses to participants, and officials involved in professional boxing and wrestling. In addition, the Commission licenses the gyms involved in the training of professional boxers and administers training programs for ringside physicians, referees, judges, inspectors, managers, promoters and matchmakers.

Issues:

The Commission is in the preliminary phases of developing a campaign to target child/youth obesity. This will include a comprehensive curriculum, using boxers and other athletes who will talk to our children and young people.

Population Served:

Professional boxers, wrestlers, judges, referees, promoters and matchmakers, and general public.

Performance Measures:

The Commission is responsible for ensuring that those participating in boxing and wrestling events in the state of New York meet the current required safety and health standards for the athletes as well as the audience. This is done by monitoring and licensing all participants and officials, and by offering continuous, appropriate training to judges, inspectors, and referees.

Department of State
PROGRAM INFORMATION SHEET

Program: Bureau of Administrative Support Services (BASS)

Mandate:

None specifically, although BASS provides support for many mandated programs. Also responsible for meeting requirements of numerous Executive Orders (e.g., 4, 134, 142, etc.), as well as ensuring compliance with various OSHA and Department of Labor requirements.

Mandated Funding Level:

None

Brief Description/History/Background:

The BASS was formed in the late 1980s, to give much-needed attention to the growing needs of the agency in terms of administrative functions such as space planning, lease management, telecommunications, records management, mail & stockroom services, laborer services, centralized equipment procurement and inventory. Employee Health and Safety issues have become an area requiring increased attention (e.g., OSHA requirements).

Issues:

1) Telecommunications needs of the agency continue to require greater support than BASS can currently provide. A new Telecommunications Analyst had been scheduled to start in July, but opted to remain in the private sector at the last minute. The hiring freeze took effect and the approved waiver was withdrawn before another candidate could be hired. Hiring an Analyst with specific experience in call center applications and who can prepare the agency as we move toward the eventual development of VoIP is essential; and 2) The agency is currently working with OGS on addressing space needs upon expiration of the existing lease (next summer) at 123 William Street in lower Manhattan. Costs are expected to be significantly higher under the new lease, given the increase in market rents.

Population Served:

BASS supports the entire agency in its overall mission and mandated responsibilities. BASS is also the agency's primary point of contact with OGS and the State Records Center.

Performance Measures:

The Bureau is working on developing measures of how well and quickly requests for service are addressed.

Department of State
PROGRAM INFORMATION SHEET

Program: Cemeteries - Accounting

Mandate:

Not-for-Profit Corporation Law Article 15 - provisions of law relating to the maintenance, operation and preservation of cemetery associations in the State of New York; 19 NYCRR Parts 200 - Rules of Procedure of the State Cemetery Board, 201 - Cemetery Operations, 202 - Volunteer Cemetery Maintenance, and 203 - Crematories; NYS GBL Article 35-C - Operation of Pet Cemeteries and Pet Crematoriums.

Mandated Funding Level:

Brief Description/History/Background:

Schedule and conduct field examinations of cemeteries, prepare reports, prepare rate application requests, audit submitted annual reports, review and make recommendations on permanent maintenance loan requests and land purchase requests, based on cemetery's finances. Assist cemeteries as necessary with financial matters. Section 1501 was originally enacted as the result of many abuses disclosed by the Attorney General's investigation of certain cemetery operations. The basic intent of the law is that cemeteries be financially self-sustaining in perpetuity and be operated on a nonprofit basis in the public interest. In 1949, jurisdiction was vested in a Cemetery Board, consisting of the Secretary of State as chairperson, the Attorney General and the Commissioner of Health, under which the Division of Cemeteries administers the law and the rules and regulations promulgated by the Board.

Issues:

Due to economic and demographic trends, cemeteries are in an increasingly at-risk condition. Increased costs and decreased income in cemeteries requires additional support from accounting staff. Ensuring that cemeteries remain financially self-sustaining in perpetuity and to prevent them from becoming a burden on the community is a challenge to each accountant who works with individual cemetery personnel to achieve this goal. The increased concerns over cremations and the operation of crematories has resulted in the initiation of specialized auditing of crematories. Crematories will require field auditing more frequently than the average cemetery. Since there is a growing at-risk cemetery population, opportunities for fraud and embezzlement are rising.

Population Served:

General public, cemetery administrators, and volunteer cemetery operators.

Performance Measures:

Field audits - 650/yearly - year-to-date (January - July) 229 Desk audits - 1850/yearly - year-to-date (January - July) 1414

Department of State
PROGRAM INFORMATION SHEET

Program: Cemeteries - Administrative/Technical

Mandate:

Not-for-Profit Corporation Law Article 15 - provisions of law relating to the maintenance, operation and preservation of cemetery associations in the State of New York; 19 NYCRR Parts 200 - Rules of Procedure of the State Cemetery Board, 201 - Cemetery Operations, 202 - Volunteer Cemetery Maintenance, and 203 - Crematories; NYS GBL Article 35-C - Operation of Pet Cemeteries and Pet Crematoriums.

Mandated Funding Level:

None.

Brief Description/History/Background:

Communicate with the public and cemetery officials relative to cemetery law, policies, and procedures. Work with NYS Association of Cemeteries, NYS Funeral Directors Association, Jewish Community Relations Council, Department of Health, Department of Environmental Conservation, and other groups concerned with cemeteries. Collect vandalism and assessment monies for processing. Section 1501 was originally enacted as the result of many abuses disclosed by the Attorney General's investigation of certain cemetery operations. The basic intent of the law is that cemeteries be financially self-sustaining in perpetuity and be operated on a nonprofit basis in the public interest. In 1949, jurisdiction was vested in a Cemetery Board, consisting of the Secretary of State as chairperson, the Attorney General and the Commissioner of Health, under which the Division of Cemeteries administers the law and the rules and regulations promulgated by the Board.

Issues:

Due to economic and demographic trends, cemeteries are in an increasingly at-risk condition. Outreach and participation has increased dramatically in recent years and the requests for cemetery personnel to attend cemetery meetings, association meetings, town meetings, and historians conference increases yearly. Division presentations and participation helps to educate the general public, cemetery personnel, town officials, and other interested parties in the hopes of ensuring that cemeteries remain financially self-sustaining in perpetuity and to prevent them from becoming a burden on the community.

Population Served:

General public, cemetery administrators, and volunteer cemetery operators.

Performance Measures:

None - Technical advice and guidance is given as needed and as requested.

Department of State
PROGRAM INFORMATION SHEET

Program: Cemeteries - Investigations

Mandate:

Not-for-Profit Corporation Law Article 15 - provisions of law relating to the maintenance, operation and preservation of cemetery associations in the State of New York; 19 NYCRR Parts 200 - Rules of Procedure of the State Cemetery Board, 201 - Cemetery Operations, 202 - Volunteer Cemetery Maintenance, and 203 - Crematories; NYS GBL Article 35-C - Operation of Pet Cemeteries and Pet Crematoriums.

Mandated Funding Level:

Brief Description/History/Background:

Investigate and prepare recommendations for cemetery applications for vandalism, dangerous monument, and abandoned cemetery grants; public mausoleums, lawn crypts, major renovations, land sales or purchases, burial in path/walkways, rules and regulations, and transfers of cemetery lots. Conduct site inspections of cemeteries and crematories on a routine basis. Investigate and resolve complaints. Identification of compliance or violation of the N-PCL and the observance of hazardous conditions or recent vandalism. Section 1501 was originally enacted as the result of many abuses disclosed by the Attorney General's investigation of certain cemetery operations. The basic intent of the law is that cemeteries be financially self-sustaining in perpetuity and be operated on a nonprofit basis in the public interest. In 1949, jurisdiction was vested in a Cemetery Board, consisting of the Secretary of State as chairperson, the Attorney General and the Commissioner of Health, under which the Division of Cemeteries administers the law and the rules and regulations promulgated by the Board.

Issues:

Due to economic and demographic trends, cemeteries are in an increasingly at-risk condition. Increased costs of cemetery operations result in lower levels of maintenance, which causes increases in cemetery complaints for investigators to handle. Increased concerns over cremations and the operation of crematories requires additional vigilance by investigators. Since there is a growing at-risk cemetery population, opportunities for fraud and embezzlement are increasing.

Population Served:

General public, cemetery administrators, and volunteer cemetery operators.

Performance Measures:

Inspect 650 cemeteries annually and 48 crematories annually. Year-to-date (January - July) cemetery inspections = 284. Year-to-date crematory inspections = 48.

Department of State
PROGRAM INFORMATION SHEET

Program: Coastal - Climate Change

Mandate:

Federal Statute: Section 306 of the Coastal Zone Management Act of 1972; State Statute: NYS Executive Law, Article 42, Waterfront Revitalization of Coastal Areas and Inland Waterways; and Chapter 613, Laws of New York, 2007.

Mandated Funding Level:

None. Federal funds are provided for program implementation through NOAA's Office of Coastal Resource Management. The required match for the federal funds is provided through state funds.

Brief Description/History/Background:

The State Coastal Management Program (CMP) received federal approval in 1982 pursuant to the Federal Coastal Zone Management Act. Legislation and the NYS CMP direct DOS to address flooding, erosion, and water level issues in the coastal area – largely driven by global climate change and the resulting rise in sea levels and storm activity. DOS uses its consistency review authority and Local Waterfront Revitalization Programs to ensure that activities do not pose a threat to human life or natural resources. Through its federal consistency review mandate, and as requested by the International Joint Commission (IJC), the Department is heavily involved in ensuring that NYS' interests are protected and its liability reduced as the IJC considers changes to its current lake level control plan. The Department will prepare strategies to manage impacts. DOS is participating on the Sea Level Rise Task Force. The program is addressing the climate change/sea level rise issue through planning efforts on many fronts, including use of EPF LWRP funds to assist communities in becoming disaster resilient.

Issues:

To address the anticipated climate change/sea level rise impacts in New York's coastal area requires that appropriate plans and policies are in place to ensure an orderly response which minimizes human disruptions and ecological missteps. A shortage of staff, and lack of funding to prepare appropriate informational and outreach products (e.g. maps showing areas of inundation in the next 25 or 50 years, and maps showing inundation from Lake Ontario level changes), conduct necessary research and monitoring, prepare plans and implementation strategies, affects this effort. The need to prepare plans for the proposed change in lake levels on Lake Ontario is urgent. This human induced change in lake level, coupled with climate change impacts, can have significant consequences for riparian owners, local economies, state liability, and the ecosystem of the lake. Work on this problem is progressing slowly due to shortage of funds and staff.

Population Served:

Climate change, sea level rise, and changes in water levels will have significant impacts on the economy, quality of life, and natural resources along more than 3,000 miles of NY's coastline. Residents adjacent to the coast (e.g., Long Island, NYC, Hudson River, Great Lakes, St. Lawrence River) and recreational/commercial users of the coast (e.g., fishermen, boaters, park users, eco-tourists), and those local governments whose economy depends on services provided by coastal waters, are already being affected by climate induced changes. As the climate changes grow, so will the impact on these populations and the state's economy.

Performance Measures:

None have been adopted yet for this program, but establishment of performance measures is in progress.

Department of State
PROGRAM INFORMATION SHEET

Program: Coastal - Brownfield Opportunity Areas Program

Mandate:

General Municipal Law (Section 970-r).

Mandated Funding Level:

\$15.5 million allocated from fiscal years 2007-2008 and 2008-2009 for BOA grants, program administration and other brownfield cleanup and hazardous waste remediation projects. The \$15.5 million budget appropriation allows DEC to sub-allocate funding to DOS and other state agencies. Close to \$33 million is available for BOA grants and other brownfield related projects from previous budgets (fiscal years 2003-2004; 2004-2005; 2005-2006; and 2006-2007). The \$15.5 million and \$33 million are needed to respond to program demand for new starts and to advance existing projects to the next phase.

Brief Description/History/Background:

The BOA Program was established with the passage of the Superfund/Brownfield Law in October 2003. The statute was recently amended (July 2008) to designate the Secretary of State as program administrator, effective April 2009, to provide expertise and financing to grantees to complete revitalization plans for areas affected by brownfields, abandoned or vacant buildings and economic distress. The program provides support to develop the communities' vision and to comprehensively analyze and develop a strategy to improve impacted areas. Key deliverables include: area-wide revitalization strategies, site specific redevelopment strategies on key sites, and preconstruction activities to induce investment and development; site assessments to understand environmental conditions prior to development; portfolio of sites ready for redevelopment; and marketing materials describing key projects and investment priorities.

Issues:

BOA project funding announcements have lacked timeliness due to the 3-way MOU requirement. With elimination of the MOU requirement beginning in fiscal year 2007-2008, the problem has been resolved except for \$33 million still subject to MOUs from previous appropriations (fiscal years 2003 - 2007). Requests for more frequent MOU amendments may result in more timely funding announcements.

The program will transition to open enrollment so applicants/grantees can apply at any time during the year. DOS revised the solicitation package accordingly and awaits approval by DEC and the State Comptroller. A combination of open enrollment and more frequent MOU announcements is expected to improve timeliness of funding announcements.

Existing contracting and payment reimbursement processes have also lacked timeliness due to the existing 3-party (DEC, DOS, and grantee) contract. These processes will improve once the program is transferred from DEC to DOS in April 2009 when a 2-party (DOS and grantee) contract will be established which will cut in half the time it currently takes to execute contracts (6 months or longer) and process payment requests (four months or longer) using the 3-party contract structure.

Population Served:

Residents, business owners, and property owners living in or near areas characterized and affected by brownfields and economic distress including but not limited to: low resident incomes, high unemployment, high commercial vacancy rates and or depressed property values. Close to 80% percent of the current 103 BOA projects are in communities that are, in whole or in part, potential environmental justice areas, or are non-residential areas immediately adjacent to potential environmental justice areas (as defined by the Department of Environmental Conservation's Environmental Justice Impact Grant Program web site).

Performance Measures:

Number of contracts executed; amount of funds paid to grantees; number of report products completed and approved; and amount investment leveraged from private and public sectors to implement BOA plans. Status of existing projects: 53 projects totaling \$7.6 million from fiscal years 2004 - 2005 (announced in March 05 through the Governor/Legislative Leaders MOU). Of the 53 projects, 49 contracts executed (one pending, three rescinded); \$1.3 million paid out. Four initial report products have been approved and completed. As a result of the amendment to the Governor/Legislative Leaders MOU in March 2008, an additional 50 projects were announced totaling \$7.2 million. These contracts are being executed and work plans are being finalized.

Department of State
PROGRAM INFORMATION SHEET

Program: Coastal - New York State Community Seminar Series

Mandate:

None specifically, but supports preparation and implementation of Local Waterfront Revitalization Programs mandated by Coastal Zone Management Act of 1972, 16 USC 1451, sec. 306; NYS Executive Law, Article 42

Mandated Funding Level:

None

Brief Description/History/Background:

The New York State Community Seminar Series is a training program for local governments who receive EPF LWRP and Brownfield Opportunity Area grants. The curriculum covers all aspects of preparing and implementing LWRPs and BOA programs. Seminar sessions focus on helping community leaders and others better manage grants and in developing community projects. The program was developed in 2006. It is a joint project of the Department and the Center for Community Design Research at SUNY-ESF.

Issues:

The Department of Environmental Conservation currently funds development and delivery of the BOA seminars. Seminars for EPF LWRP recipients are funded through registration fees. This is administratively cumbersome.

Population Served:

The program is open to all EPF LWRP and BOA grant recipients. If there is room in a seminar, it is open to the public. To date, 550 people have received training.

Performance Measures:

NYS Community Seminar sessions (LWRP and BOA) developed: 16; Seminars (LWRP and BOA) delivered: 32 seminar sessions; Number of EPF LWRP and BOA grant recipient participants at seminar sessions: 550 to date.

Department of State
PROGRAM INFORMATION SHEET

Program: Coastal - Consistency Review

Mandate:

Federal Statute: Section 307 of the Coastal Zone Management Act of 1972; State Statute: NYS Executive Law, Article 42, Waterfront Revitalization of Coastal Areas and Inland Waterways; Regulations: 19 NYCRR Part 600.

Mandated Funding Level:

None. Federal funds are provided for program implementation through NOAA's Office of Coastal Resource Management. The required match for the federal funds is provided through state funds.

Brief Description/History/Background:

The State Coastal Management Program (CMP) was approved by the U.S. Secretary of Commerce in 1982. The Federal Coastal Zone Management Act gives NYS authority to review all federal actions in the coastal zone against state coastal policies. All direct federal actions, federal permit actions, and federal funding actions in the coastal area of NY are reviewed by the Department to ensure their consistency with the State's coastal policies as identified in the CMP. Those found to be inconsistent with state policy are either modified to be consistent or cannot be implemented. Since program inception a major change has been the number and complexity of projects has increased (to approximately 1400 reviews annually), while staff resources have declined from a maximum of nine in the 1990's to six today.

Issues:

The number of large scale technically complex projects has been increasing. Examples include recent review of the Broadwater LNG proposal in Long Island Sound and relicensing of the Fitzpatrick Nuclear facility on Lake Ontario, and anticipated reviews of relicensing of Indian Point Nuclear facility, the Rockland Co. desalinization plant, and Lake Erie & Lake Ontario windfarm proposals. Some of the more technically complex projects require specialized engineering expertise (e.g. construction and operation of high pressure gas pipelines) that the Division does not currently have, and which may not be readily available in other State agencies. As a result, the Division uses its federal grant funds to hire the needed expertise. The number of consistency reviews has grown annually, and it is expected that the trend will continue. While the Division has made process and technology improvements to address the number of reviews, the ability to meet statutory deadlines can be affected by an influx of large complex projects.

Population Served:

Consistency reviews impact the economy, quality of life, and natural resources along more than 3,000 miles of coastline. Residents adjacent to the coast (e.g. Long Island, NYC, Hudson River, Great Lakes, St. Lawrence River) and recreational/commercial users of the coast (e.g. fishermen, boaters, park users, residents) are especially affected by federal projects and the outcome of the consistency review.

Performance Measures:

The program receives approximately 1400 projects for review annually. This is approximately 117 new projects per month, and an equivalent number must be processed monthly to keep pace. Performance measures track the number of incoming projects monthly, the number of active projects, the number of reviews completed. It should be noted that complexity of projects varies greatly. Some projects can be reviewed in a day, others take six months or longer. Recent data demonstrates that program staff are able to keep pace with the incoming workload, but this could change if several large, complex projects are received.

Department of State
PROGRAM INFORMATION SHEET

Program: Coastal - Local Waterfront Revitalization Program (LWRP)

Mandate:

Law: NYS Executive Law Article 42; US Coastal Zone Management Act of 1972, as amended. Regulation: 15 CFR Part 24; 19 NYCRR Part 600-604

Mandated Funding Level:

None.

Brief Description/History/Background:

A cornerstone of the New York's Coastal Management Program, approved in 1982, is the LWRP. A LWRP is a land and water use plan and strategy to implement the program prepared and implemented with expertise and financial assistance from the Department of State Division of Coastal Resources. LWRPs are the only state funded planning tool that results in aligning local resources with State priorities for economic growth and environmental health. Working in partnership with the Division of Coastal Resources, a community reaches consensus on the vision for its waterfront, establishes local policies and land and water uses, outlines how it will achieve its vision and proceeds to work in partnership with the Division of Coastal Resources to implement its vision. Division expertise leads to a solid blueprint for a community's waterfront that is enforceable, sets achievable priorities, and guides local, state and federal actions in the community's waterfront. Originally limited to coastal communities, the program has been expanded to designated inland waterways.

Issues:

None.

Population Served:

Constituency for the Program: Local Government. Over 750 communities throughout New York State are eligible to prepare and participate in the Local Waterfront Revitalization Program. This number is constantly increasing as inland waterbodies are added to the Program by the State Legislature. The state's major population centers are all participating in the Program. Other interested parties: State and federal agencies, nonprofits and the business community.

Performance Measures:

Key Indicator #1: Number of LWRPs under preparation: 53
Key Indicator #2: Number of LWRPs in review and approval process: 6
Key Indicator #3: Number of LWRPs in final document preparation: 10
Key Indicator #4: Number of Approved Programs: 75

Department of State
PROGRAM INFORMATION SHEET

Program: Coastal - Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP)

Mandate:

Law: Article 54 Environmental Protection Act, Title 11 Local Waterfront Revitalization Program; Regulation: 19 NYCRR Part 601

Mandated Funding Level:

None

Brief Description/History/Background:

In 1994, passage of the Environmental Protection Fund, Title 11, (EPF LWRP) provided funding assistance to waterfront municipalities to prepare and implement Local Waterfront Revitalization Programs, a core function of the NYS Coastal Management Program. Since 1994, 972 LWRP EPF grants have been awarded through the Department of State, totaling more than \$122 million. The 2008 solicitation drew 109 applications totaling over \$42 million for the \$23 million available. Funding recommendations will be available in early fall 2008. Eligible activities in State Fiscal Year 2008 - 2009 include plans and construction projects that advance the Local Waterfront Revitalization Program in one or more of the following areas:

- Visioning and development of local or regional revitalization strategies
- Completing or implementing a Local or Regional Waterfront Revitalization Program
- Preparing or implementing a local or regional watershed management plan
- Downtown and hamlet revitalization
- Urban waterfront redevelopment
- Creating a blueway trail
- Adapting to climate change
- Interpreting waterfront resources

Issues:

None.

Population Served:

Constituency for the Program: Local Government. Over 750 communities throughout New York State are eligible to apply for funding from the EPF LWRP. This number is constantly increasing as inland waterbodies are added to the Program by the State Legislature. The state's major population centers are all participating in the Program. Other interested parties: State and federal agencies, nonprofits and the business community.

Performance Measures: *

Key Indicator #1: Total Appropriations \$128.4M

Key Indicator #2: Funds Under Contract \$ 87.2M; Disbursed \$ 43.3M; Not Yet Disbursed \$ 43.9M

Key Indicator #3: Balance of Appropriated Funds Not Yet Under Contract \$ 41.2M

Key Indicator #4: Funds Not Yet Under Contract - Committed to Specific Projects \$ 9.0M

Key Indicator #5: Appropriated Funds Not Yet Committed to Specific Projects \$ 32.2M

* This data reflects reporting as of 3/31/08. Since then, the 07-08 grants were announced. Contracts are being prepared.

Department of State
PROGRAM INFORMATION SHEET

Program: Coastal - New York Ocean and Great Lakes Ecosystem Conservation Council

Mandate:

New York Ocean and Great Lakes Ecosystem Conservation Act, NYS ECL Article 14

Mandated Funding Level:

Current EPF funding level is \$5M for FY 08-09; \$4M for FY 07-08; \$3M for FY 06-07.

Brief Description/History/Background:

The Ocean and Great Lakes Ecosystem Conservation Council, created by Article 14, must deliver a report to the Governor and Legislature in November 2008 describing a framework for implementing ecosystem-based management in New York State. In addition, the legislation required that the Council:

- 1) develop a Coastal Atlas of geo-spatial information.
- 2) prepare a science-based New York Research and Monitoring Agenda for integrating science into decision making and positioning New York to compete for limited outside funding.
- 3) designate two demonstration project areas that have a number of activities underway to address known ecosystem problems.
- 4) define executive actions and legislative actions necessary to carry out ecosystem-based management across sectors and locales.
- 5) integrate EBM principles into State agency programs to align agency actions and decisions and program funding.
- 6) set a federal agenda and develop strategies for partnering with regional and interstate entities.
- 7) provide a plan, schedule and funding opportunities to implement executive actions necessary to carry out the Act.

The Council is staffed by DOS. The program is meeting its schedule and targets.

Issues:

The Ocean and Great Lakes Ecosystem Conservation Council will recommend a framework for how New York State can integrate EBM principles into the daily decision-making of state agencies so the approach is institutionalized. The Council's recommendations will also include legislative, executive and budget actions. The ability to begin implementing these recommendations will be important to maintain momentum and public credibility for EBM.

Population Served:

This is a Statewide program. Sectors involved include: State agencies, local governments, energy, finance, development and infrastructure investment, conservation, agriculture, transportation and roads, commercial and recreational fishing, ports and navigation, drinking water, wastewater treatment, community vitality, education, recreational user groups, information management and technology transfer.

Performance Measures:

None. The Council will recommend that performance measures be created as part of the EBM framework. The following benchmarks are being used in the interim:

Draft report complete – 8/25/08; Draft report released to public - 9/12/08; Public comment ends – 10/15/08; Revised draft – 10/22/08; Final comments on revised draft - 11/12/08; Final report to Governor and Legislature - 11/19/08.

Department of State
PROGRAM INFORMATION SHEET

Program: Coastal - Long Island South Shore Estuary Reserve

Mandate:

Federal Statute: Section 306 of the Coastal Zone Management Act of 1972; State Statute: New York State Executive Law, Article 46 - Long Island South Shore Estuary Reserve

Mandated Funding Level:

None. Funded through the Open Space Account of the Environmental Protection Fund - specific annual budget appropriations by the NYS Legislature.

Brief Description/History/Background:

Article forty-six of the Executive Law declares it to be in the public interest to protect and manage the South Shore Estuary system as a single integrated estuary. In furtherance of that goal, Article 46 created the South Shore Estuary Reserve Council, chaired by the Secretary of State, and directed it to prepare a comprehensive management plan (CMP) and make recommendations to preserve, protect and enhance the natural, recreational, economic and educational resources of the Reserve. A CMP was completed in April 2001. An implementation plan was prepared, and funding is used annually to undertake identified implementation activities. The Council, consisting of local governments, nonprofits, user groups, and others, meets periodically to address issues in the Reserve and provide guidance on implementation projects. Various working groups have been formed to address specific implementation actions. High priority actions include water quality improvement, restoration of living resources, and economic improvement.

Issues:

The Long Island South Shore Estuary Reserve is a focus for State and local action to improve coastal ecosystems and economies dependent on the natural resources of the estuary. Guided by the SSER CMP and the Council, much work has been done to improve the estuary, as evidenced in the semi-annual progress reports. Implementing the CMP relies on a partnership between the State and local governments, largely using Environmental Protection Fund Revitalization Program (EPF LWRP) grants. Continuing availability of EPF funds is critical to supporting the improvements underway. The EPF LWRP grants require a 50% local match. An emerging issue is that some local government partners are adjusting to staffing decreases, which affects their ability to implement projects through the EPF. For a few communities, match is a problem.

Population Served:

The Long Island South Shore estuary reserve extends from Long Beach Island at the Nassau/Queens border eastward to Shinnecock Bay in the Town of Southampton and north to the limits of the watershed. As such, it incorporates 173 square miles of bays and over 1 million people. The SSER serves the natural resources, economy, and quality of life for the residents within the region. Beaches in the SSER are an important tourist destination, and commercial harvesting of natural resources expands the population served to all of NYS.

Performance Measures:

No specific measures have been adopted yet for this program, but the Council periodically reviews performance at meetings, and development of performance measures is being considered.

Division of Coastal Resources
PROGRAM INFORMATION SHEET

Program: Coastal - Designation of Habitats and Scenic Areas for Protection

Mandate:

Federal: Coastal Zone Management Act of 1972, 16 USC 1451; **State Statute:** NYS Executive Law, Article 42, Waterfront Revitalization of Coastal Areas and Inland Waterways. **Regulations:** 19 NYCRR 602.

Mandated Funding Level:

None

Brief Description/History/Background:

The Waterfront Revitalization and Coastal Resources Act and the NYS Coastal Management Plan contain polices to protect New York's most important coastal habitats and scenic areas. These policies are implemented through designations of Significant Coastal Fish and Wildlife Habitats and Scenic Areas of Statewide Significance. Coastal habitats of statewide importance are identified, scientifically evaluated, publicly vetted and designated by the Secretary of State. Scenic areas follow much the same process through to designation by the Secretary. There are currently 250 designated Significant Coastal Fish and Wildlife Habitats. In 1993, six areas in the Hudson River Valley were designated as Scenic Areas of Statewide Significance. The Division of Coastal Resources is currently working on approval of Scenic Areas of Statewide Significance in the Town of East Hampton. The Division and other agencies use the information provided for each designated habitat and scenic area in the consistency review process to evaluate whether proposed actions would significantly alter or destroy a designated area. Designation provides an additional level of protection to these sensitive resources.

Issues:

The principal issue with both designations is adequate staffing to update the Significant Coastal Fish and Wildlife Habitat narratives and designate additional Scenic Areas of Statewide Significance. Original habitat designations were completed in 1989-1994. Comprehensive updates have been completed for Long Island. Updates are underway for the Hudson River. Other areas are awaiting review and revision, so decision makers will have the most up-to-date information. The protection of scenic resources continues to be important and there are many parts of the state that could benefit from designation. The recent Broadwater decision could have been enhanced if a scenic assessment on Long Island Sound had been completed resulting in the designation of Scenic Areas of Statewide Significance.

Population Served:

Constituency for the Program: Local Governments within the Coastal Zone. **Other interested parties:** State and federal agencies, nonprofits and the business community. Significant Coastal Fish and Wildlife Habitats impact the natural resources, economy, and quality of life along more than 3,000 miles of coastline in NY. Residents adjacent to the coast (e.g. Long Island, NYC, Hudson River, Great Lakes, St. Lawrence River) and recreational/commercial users of the coast (e.g. fishermen, boaters, park users, eco-tourists) are served by this program. Many local governments have embraced this program, recognizing the value Significant Habitats bring to residents and the economy of their communities both directly and indirectly through fish and wildlife improvement.

Performance Measures:

As a requirement of its federal grant, the Department participates in the Coastal Zone Performance Measures Program, which includes measures addressing natural areas. The Department has determined that additional measures are needed for this program. None have been developed for this program, but the Division is assessing what measures would be appropriate based on a recent analysis.

Department of State
PROGRAM INFORMATION SHEET

Program: Codes - Code Development

Mandate:

Executive Law, Article 18, New York State Uniform Fire Prevention and Building Code Act, § 377 and § 379; Executive Law, Article 18, New York Energy Law, Article 11, State Energy Conservation Construction Code Act

Mandated Funding Level:

None

Brief Description/History/Background:

Executive Law Article 18 established the Uniform Fire Prevention and Building Code. The Energy Law established the Energy Conservation Construction Code. The law requires the periodical review of the codes and their amendment. It also requires incorporation of higher standards by the State Fire Prevention and Building Code Council upon recommendation of local government; local building regulation.

Issues:

The development and updating of these codes, critical to the safety and well-being of the public, requires substantial resources.

Population Served:

Uniform Code is mandated throughout the state except the City of New York. Energy Code is used throughout the State including the City of New York.

Performance Measures:

The two codes are based on the model "national" codes published by the International Code Council. Their codes are updated on a three year cycle and we update our codes following their updates. The current update is on track for the next update in 2009.

Department of State
PROGRAM INFORMATION SHEET

Program: Codes - Educational Services

Mandate:

New York State Executive Law, Article 18, Section 381.1b

Mandated Funding Level:

None

Brief Description/History/Background:

Pursuant to the statutory requirements contained in Article 18, provisions for qualifications and certification of local code enforcement personnel were incorporated in Title 19 NYCRR which specifies the training requirements for Code Enforcement Certification and the maintenance thereof.

Issues:

In order to prevent a reoccurrence of large loss of life disasters resulting from inadequate building construction and maintenance which were experienced both nationally and locally immediately preceding the establishment of this requirement, fundamental education of those responsible for ensuring compliance with applicable building standards and safety within the built environment is necessary. While that is the primary goal of providing education to the code enforcement community, additional benefits include increased energy efficiency within buildings, and consistency in the proper administration and enforcement of the code across the State.

Population Served:

Municipalities, Code Enforcement Personnel, Design Professionals, Property Owners, General Public

Performance Measures:

The regulatory provisions established pursuant to statute which require fulfillment of the training regimen within specified time frames and periodically thereafter are being tracked.

Department of State
PROGRAM INFORMATION SHEET

Program: Codes - Energy Services

Mandate:
Executive Law - Article 18, Energy Law - Article 11 (Section 11-109).

Mandated Funding Level:
None

Brief Description/History/Background:

1) Municipalities are allowed to adopt a local code or program which is at least as restrictive as the Energy Code. In mandating local more restrictive standards, municipalities may unknowingly impact local economic conditions by eliminating consumer incentives for participation in "Above Code Programs", such as "Energy Star." The municipality may also add an additional layer of cost by mandating standards which carry certification fees (and other unknown or hidden costs). 2) As a participant in support of Executive Order -111, which seeks to save energy through mandates of energy levels for all State owned (new and substantially renovated existing) buildings, and state purchased vehicles, the Codes Division is charged with responsibility for reporting all EO111 activities for the agency.

Issues:

1) In order to increase understanding for the needs of stakeholders with respect to potential statewide regulations mandating "Green Building", a statewide symposium has been proposed. It is expected that representatives of various "Green Building" models would be invited to attend and share their program successes and limitations. This would give the State of New York an educated perspective on which to base a Statewide "Green Building" appendix code, which would be an informative (i.e., nonmandatory) appendix. In addition, municipalities, which have the option to mandate a more restrictive code, will require considerable attention and consultation as to whether to require a "Green Building" or "sustainable" code and to identify and understand the associated implications. 2) In order to promote comprehensive and consistent enforcement with the Energy Codes of New York State, the Division has seen a definitive need to develop an Energy Inspectors Guide, which will be a Companion Document to the Energy Conservation Construction Code of New York State. This guide will be provided to every Code Enforcement Official in the State of New York.

Population Served:
All of New York State.

Performance Measures:
Consumer feedback. Annual program review and reporting.

Department of State
PROGRAM INFORMATION SHEET

Program: Codes - Code Interpretation/Technical Assistance

Mandate:

NYS Executive Law, Article 18, Section 376 (4)

Mandated Funding Level:

None.

Brief Description/History/Background:

Pursuant to the statutory requirements contained in Article 18, Code Interpretation may be requested by the permit applicant or official responsible for the administration and enforcement of the provisions of the Uniform Fire Prevention and Building Code (Uniform Code). Code Interpretations are binding on not only the requesting parties but, when published, throughout the code enforcement community. Technical assistance is provided by telephone, email, letter and published Technical Bulletins so that code enforcement personnel, licensed design professionals, property owners and the general public can get answers to code questions quickly. Technical assistance also serves to standardize the interpretation of the language of the Uniform Code and provide consistency in the administration and enforcement of the Uniform Code. Those who request such services are grateful to acquire an answer to their question(s) which will be consistent throughout the state for code enforcement personnel, licensed design professionals, property owners and the general public.

Issues:

None.

Population Served:

Municipalities, Code Enforcement personnel, licensed design professionals, property owners and general public.

Performance Measures:

Customer feedback.

Department of State
PROGRAM INFORMATION SHEET

Program: Codes - Regional Services

Mandate:

NYS Executive Law, sections 376, 381

Mandated Funding Level:

None

Brief Description/History/Background:

Direct Enforcement: Statute permits local governments to decline to administer & enforce the Uniform Code, in which case responsibility devolves to the county; counties are similarly allowed to decline to administer & enforce, in which case the Department is responsible for code enforcement. At present, 15 counties and one town have so declined. Variance: When the NYS Uniform Fire Prevention and Building Code came into effect in 1984 as a mandatory regulation, the Legislature provided funding for professional and other technical staff to answer questions and provide other technical consultation to aid in application of the Code; to assist local government officials in establishing or improving code enforcement programs; and to provide technical information to building contractors, architects, engineers, manufacturers and the public. Oversight: Statute provides that the secretary shall have power to investigate and conduct hearings relative to whether administration and enforcement of the uniform fire prevention and building code complies with the minimum standards promulgated pursuant to subdivision one of this section. The department responds to complaints and conducts program reviews of local government code enforcement programs. Under certain circumstances, the Department can assume code enforcement authority in local governments. Technical Assistance: When the NYS Uniform Fire Prevention and Building Code came into effect in 1984 as a mandatory regulation, the Legislature provided funding for professional and other technical staff to answer questions and provide other technical consultation to aid in application of the Code; to assist local government officials in establishing or improving code enforcement programs; and to provide technical information to building contractors, architects, engineers, manufacturers and the public.

Issues:

Direct Enforcement: Operation of this program is necessary to maintain the safety of the built environment in the jurisdictions. Variance: Continued operation of this program is necessary to prevent unnecessary hardships or practical difficulties in the construction or operation of buildings, while maintaining public safety. The process has resulted in approximately 20,000 requests for waiver since 1984. (See also "Performance Measures.") Oversight: The program is necessary to maintain department oversight to assure that the Uniform Code is appropriately and properly enforced, so as to provide for public safety. Technical Assistance: Periodic revision of code on three year cycle to maintain consistency with national model code requires continuing assistance to persons & organizations involved in construction. Buildings must also be maintained in conformance with codes to assure that systems continue to function properly.

Population Served:

Building code officials, fire code officials, fire service, architects, engineers, building contractors and sub-contractors, manufacturers of building products and general public.

Performance Measures:

Direct Enforcement: Timely processing of applications, scheduling of inspections and enforcement activities; Variance: The statute requires that requests for a variance shall be resolved within sixty days of the date of application unless a longer period is required for good cause. Due to demands for service and notice requirements, resolution within 60 days of application is normally impractical; Oversight: None; Technical Assistance: None.

Department of State
PROGRAM INFORMATION SHEET

Program: Codes-Technical Services

Mandate:

The National Manufactured Housing Construction and Safety Standards Act; Federal Manufactured Housing Improvement Act of 2000; Article 21-B of the NYS Executive Law; Section 381(1)(g) of the NYS Executive Law.

Mandated Funding Level:

Section 623(c)(7)(8) of The National Manufactured Housing Construction and Safety Standards Act requires the State of New York to provide assurances in the State Plan that we will provide qualified personnel and funds to administer and enforce the Standards.

Brief Description/History/Background:

Manufactured Home Buildings: Manufactured Home Certification, Dispute Resolution and State Administration; Provide for the certification of persons and business entities engaged in the manufacture, sale, installation and service of manufactured homes. The federal Manufactured Housing Improvement Act of 2000 required states to enact requirements, training, dispute resolution, and other matters relating to manufactured homes. Article 21-B, Manufactured Homes, became effective January 1, 2006 to ensure that manufactured homes are installed and serviced in a professional manner; ensure that disputes regarding the manufacture, sales, installation, and servicing of manufactured homes be resolved fairly; provide a degree of security for the payment of claims; and otherwise implement the Housing Improvement Act. Factory Manufactured Buildings: Provide for the administration and enforcement of the Uniform Fire Prevention and Building Code for Buildings wholly or in substantial part manufactured in a manufacturing facility.

Issues:

Manufactured Home Buildings: The manufactured housing advisory council needs to be established. Dispute resolution needs further development and implementation as well as prosecution of violators. A consumer awareness pamphlet needs to be developed and made available to the public. Factory Manufactured Buildings: Regulations should be updated to increase fees paid by manufacturers for plan approvals and insignias of approvals required for each unit installed in New York State. Staff should perform more audit reviews of factories to ensure compliance with regulations.

Population Served:

Persons and business entities engaged in the manufacture, sale, installation and service of manufactured homes; purchasers of manufactured homes; and the New York Housing Association.

Performance Measures:

Manufactured Home Buildings: Timely response to applications for certification, currently three weeks due to a temporary high volume of recertification applications and expected to be reduced to one week response time by November 2008. Approximately 1073 certifications have been issued including 39 to manufacturers, 430 to retailers, 557 to installers, and 47 to mechanics. Timely response to disputes regarding the manufacture, sale, installation, and servicing of manufactured homes. Factory Manufactured Buildings: Timely response to plan approval requests, currently about three weeks; approximately 100 factory manufactured plan approvals are issued each year; active plan approvals are maintained for approximately 65 manufacturers of buildings; approximately 2100 new factory manufactured buildings are installed in New York State each year.

Department of State
PROGRAM INFORMATION SHEET

Program: Community Services Program: Community Services Block Grant

Mandate:

The New York State Department of State (DOS) is designated by the New York State Legislature and the Governor as the lead agency for administration of the Community Services Block Grant (CSBG) program, the Community Food and Nutrition Program and related programs authorized under *42 U.S.C. 9901, et seq., as amended and Public Law 105-285- CSBG Act of 1998*. The Division of Community Services (DCS) within DOS, under the leadership of the Secretary of State, has overall administrative responsibilities for CSBG. Fiscal controls, fund accounting, audit and fiscal monitoring are the responsibility of the Contract Administration Unit (CAU) within the DOS Bureau of Fiscal Management. *Chapter 885 of the New York State Laws of 1982* was created to fulfill the mandate of the creation of the CSBG Advisory Council. *State Law Article 6D* determines the allocation formula for the CSBG program.

Mandated Funding Level:

\$56,435,968 is the allocation for Federal Fiscal Year 2008. CSBG funds are subject to federal annual allocation as awarded by Congress.

Brief Description/History/Background:

Under leadership of the Secretary of State, the Division of Community Services (DCS) administers the Community Services Block Grant (CSBG) program in New York State. The Governor, in accordance with current federal statute, designated DOS as lead agency for CSBG administration. DOS has held this responsibility since creation of this Block Grant in 1981. CSBG is a federal program created by the Omnibus Reconciliation Act to ameliorate the causes of poverty in communities. CSBG provides federal anti-poverty funding to a statewide network consisting of community action agencies (CAA), community action programs (CAPs), and migrant and seasonal farm worker organizations, as designated by federal laws. CAAs and CAPs were created in 1964 under the Economic Opportunity Act (EOA). CSBG was created as a successor to EOA. The New York State network is comprised of 52 CSBG grantees serving all 62 counties, which provide a range of services to meet the needs of low-income New Yorkers. Funding is also provided to 4 Indian Tribes/Tribal organizations, for a total of 56 entities. The CSBG program purposes are to provide assistance to states and local communities working through a network of CAAs and other neighborhood organizations for reduction of poverty, revitalization of low-income communities, and empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient.

Issues:

Population Served:

Our grantees reported providing services to over 502,040 persons. Of that number 41.7% are men and 58.3% were women. According to grantees report, 30% of persons served or 83,706 were aged 24 to 44. The grantees have served people of all ethnic/racial backgrounds. Of the total numbers of persons served 38% were high school graduates or held a GED. One third of families reported income between 51-100 percent below the poverty level. (Note: the poverty level in 2007 was \$10,210 for one person.) 72% of families served are renters.

Performance Measures:

1) New York State and CSBG grantees complied with *PL105-285*, as well as with the results-oriented planning and reporting requirements of the Government Performance and Results Act (GPRA) of 1993. The Office of Community Services of DHHS established the Monitoring and Assessment Task Force (MATF) and developed Results-Oriented Management and Accountability (ROMA) to meet the requirements of GPRA. MATF established national goals and outcomes measures. The ROMA performance measurement system was added to the CSBG legislation in the re-authorization of 1998. New York State grantees adopted all 6 national goals. The National Performance Indicators were created in 2004. 2) Electronic Data Management (EDM) is a joint project of DOS/DCS and New York State Community Action Association, funded by CSBG, to collect and manage data gathered by the Annual Program Report (APR). All grantees are required to file the APR, a multi-part reporting and data collection instrument. It is distributed by DOS/DCS to gather information on grantee programs, including national goals, outcome measures, and performance indicators, budgets, resources leveraged, and client characteristics, as well as narrative information on accomplishments and success stories.

Department of State
PROGRAM INFORMATION SHEET

Program: Corporations, State Records and Uniform Commercial Code - Corporations

Mandate:

Statutory mandates for the mission of the division are found in many different sections of the Business Corporation Law, Not-For-Profit Corporation Law, Cooperative Corporations Law, Transportation Corporations Law, Religious Corporations Law, Partnership Law, Limited Liability Company Law, Executive Law, General Associations Law, Benevolent Orders Law and Railroad Corporation Law.

Mandated Funding Level:

Brief Description/History/Background:

The Division of Corporations has as its mission the efficient filing of certificates in a secure and readily retrievable manner which will permit rapid access to and dissemination of information. Effective service is required because the division is on the leading edge of economic development in this State. In most cases, contact with the office is a business's first contact with New York State. Therefore, the efficiency and professionalism of our office sets the tone for business's first impressions of New York State's commitment to providing the services businesses need. The division also contributes to New York State's long tradition of consumer protection through its review of all proposed filings to insure that each complies with statutory requirements. Legislation in recent years has expanded the areas in which filings are made, which in turn increases the business community's dependence upon the division for the timely delivery of services.

Issues:

To provide the level of service that is expected of the division, creative solutions and innovative strategies are only part of the formula that is essential for success. Consistency and reliability are expected by those who depend on these critical business services. To that end, we must address the following issues that may have a negative impact on us providing timely services and a reduction in revenue collected for those services. Over the years, the division, which is a special revenue unit, has had a steady increase in the volume of work which in turn has resulted in an increase of revenue to the state general fund. Technology has changed our role and relationship with the business, financial and legal community by improving effectiveness of the operations and timely delivery services. With those changes have also come expectations to continue to improve and streamline operations so we can provide better service than before. The business community expects and demands it. Therefore, the following are areas of concern when it comes to providing vital services: 1) The current legacy computer system(s) are a major drawback in the overall functionality of the unit. While dealing with clients from the financial, business and legal community, we are always at a disadvantage in assisting them in obtaining the basic information/service. Replacing the existing system will reduce operating costs, improve efficiencies and enhance customer service. Further, OFT is pressing for the phase-out of these old legacy systems. The age of the current system, the lack of funds to improve/upgrade said system(s) and the lack of agency IT staff resources have delayed the modernization of this office and its services. 2) On-line filing of Biennial Reports: The current system of biennial reports is outdated and ineffective as a reporting and information resource. During the upcoming legislative session, we plan to seek minor modifications to allow for on-line filing. We currently utilize this form of processing in another unit (UCC) and, based on our experience there, believe that such a change will strengthen our processes and streamline the structure and operations.

Population Served:

State, national and international members of the business, financial and legal communities.

Performance Measures:

Daily/weekly/monthly audit reports are utilized in the analysis of performance standards.

Department of State
PROGRAM INFORMATION SHEET

Program: Corporations, State Records and Uniform Commercial Code - State Records

Mandate:

Statutory mandates for the mission of the division are found in many different sections of Public Officer Law (Section 7, 10 & 3; Local Laws (Municipal Home Rule Law); Games of Chance (General Business Law); Trademarks & Service Marks (General Business Law)

Mandated Funding Level:

Brief Description/History/Background:

The Division of State Records is responsible for filing and maintaining numerous documents vital to New York State government and its citizens. This unit functions as the state's repository for its most important papers and symbols, including but by no means limited to chapter laws, local laws, oaths of office and the state seal.

Issues:

Modernization of this unit's required functions will reduce costs, improve efficiencies and enhance customer service. In the past, lack of funds has delayed the modernization of this office, which delays the processing of some of the most important documents for our citizens. 1) Making local laws available on the Department's website would allow for direct access by those who need to research local laws. 2) Since October 15, 1981, the United States has been part of the 1961 Hague Convention abolishing the Requirement of Legalization of Foreign Public Documents. Under the Hague Convention, signatory countries have agreed to recognize public documents issued by other signatory countries authenticated by the internationally recognized attachment known as an apostille. The apostille ensures that the documents will be recognized between signatory countries. The Department of State provides apostille services in both its Albany and New York City locations. We are exploring improvements in the issuance of these vital documents, by upgrading the existing manual function to a computer assisted operation. Once in operation, both offices will utilize consistent procedures. Applying uniform guidelines will enhance accountability at both locations.

Population Served:

The state, national and international members of the business, financial and legal community.

Performance Measures:

Daily/monthly audit reports are utilized in the analysis of performance standards.

Department of State
PROGRAM INFORMATION SHEET

Program: Corporations, State Records and Uniform Commercial Code - Uniform Commercial Code

Mandate:

Uniform Commercial Code, Lien Law, Tax Law

Mandated Funding Level:

Brief Description/History/Background:

The Division of Uniform Commercial Code is responsible for operating a system for receiving, recording, maintaining and disseminating the following types of records: Uniform Commercial Code filings; Federal Tax Liens, and other related documents which are required to be filed with the Office of the Secretary of State pursuant to the Uniform Commercial Code, the Lien Law, and the Tax Law. The various records contain information about financial obligations that individuals, businesses, and corporations have incurred and are important to others who are considering entering into subsequent financial transactions with these obligated parties.

Issues:

The business and financial communities rely heavily on this system when making decisions to extend credit or lend money to individuals, businesses, or corporations. This system provides an equitable means of notice of the existence of financial obligations owed by debtor entities, and helps to establish, in conjunction with judicial proceedings, the order of priority for payment should the debtor entity declare bankruptcy. New York's economic outlook relies on these types of systems to provide accurate and timely information when requested by the various business, financial and legal communities. Recent problems in the theft of personal and private information have caused government to react by upgrading their systems of delivering information. This has affected how we handle the viewing of public information on the Department's website and public concern over the information contained in these financial documents. 1) To protect personal and private information that is needlessly included on these public documents, we have worked on redacting such information. This reduces the opportunity for filer's personal and private information to be viewed on the Department's website. This redaction of non-statutorily required (personal) information has cost more than \$200,000 in unanticipated expenditures. 2) Imaging of Service of Process (Certified) return receipt cards: The Secretary of State is the statutory agent for service of process for domestic and foreign business and not-for-profit corporations, limited liability companies, limited partnerships, and limited liability partnerships. The imaging of these documents will streamline and strengthen the operation.

Population Served:

The state, national and international members of the business, financial and legal communities.

Performance Measures:

Daily/monthly audit reports are utilized in the analysis of performance standards.

Department of State
PROGRAM INFORMATION SHEET

Program: Office of Counsel

Mandate:

The Office of General Counsel provides all legal services to 1) the Secretary in her capacity as head of the agency and as chair and/or member of fifty-five boards, commissions and committees, and 2) to all programs and divisions of the Department. The Department is codified in Executive Law § 90 and its various functions and duties are codified in the Executive Law, Business Corporation Law, General Business Law, the Not-for-Profit Corporation Law and the Unconsolidated Law

Mandated Funding Level:

N/A

Brief Description/History/Background:

Created in 1788, the office of the Secretary of State has always performed legal functions, including custodian of state records and member of the State Commissioners of the Land Office. It is likely that lawyers have always served the Secretary in a legal capacity. The current Office of General Counsel has two operational subdivisions: (1) the Legal Services unit, located at 99 Washington Avenue in Albany and (2) the Litigation unit, located at the Alfred E. Smith Building in Albany and 123 William Street, NY, NY. The Office provides legal advice and services to all programs and divisions of the Department.

Issues:

Whenever the Legislature or Governor assign new or additional functions to the Department, the Office of General Counsel assists in the performance of that function, including rulemaking. New tasks sometimes require the commitment of a new FTE attorney (ie-shared services), but often the work is done with existing legal resources.

Population Served:

The Office of General Counsel provides all legal services to 1) the Secretary in her capacity as head of the agency and as chair and/or member of fifty-five boards, commissions and committees, and 2) to all programs and divisions of the Department.

Performance Measures:

The office prosecutes all licensing disciplinary hearings, reviews all corporate and commercial filings, prepares all Department legislation and legislative comments, prepares all draft regulations, delivers educational services and informal opinions on local government and land use matters, conducts Uniform Fire and Building Code Review Board proceedings, reviews contracts that provide goods and services pursuant to the federal anti-poverty programs, and oversees all litigation between the Department and third parties. All of these performance measures can be routinely tallied.

Department of State
PROGRAM INFORMATION SHEET

Program: OFPC Academy of Fire Science

Mandate:

Executive Law section 156 (6) and 156 (10)

Mandated Funding Level:

None.

Brief Description/History/Background:

The Academy of Fire Science provides specialized training to firefighters, fire instructors, fire officers, hazardous materials technicians, rescue technicians, fire and arson investigators, public safety dispatchers, emergency medical services providers and fire safety educators in order that they can effectively provide fire and arson prevention and control and other emergency services and to ensure all firefighters in the state have standardized training to facilitate mutual aid operations in the event of major fires or disasters which exceed the capability of any one fire department. The training curricula is based on the minimum training standards for firefighters established by the state firefighting and code enforcement personnel standards and education commission and on national fire service professional qualifications standards. The training involves specialized facilities, props and equipment not available at local training sites. Training courses range from two days to 11 weeks in length and are conducted seven days a week. Many courses are conducted specifically on weekends to permit maximum participation by volunteer firefighters. Lodging and meals are provided to students at nominal cost. The Academy has been in operation since 1970.

Issues:

There has been a downward trend in volunteer recruitment. Should this continue, public safety and fisc will be severely and negatively impacted. The Academy is key to the training for volunteers and their recruitment and retention. The main academy building which contains offices, student lodging and a cafeteria is more than 150 years old. The lodging rooms for students are not air conditioned and the sanitary facilities are in need of rehabilitation. A building engineering assessment is underway to document the current status of the structure and plumbing, electrical and mechanical systems and provide recommendations for future actions. There are additional needs for heated training vehicle and equipment storage to eliminate significant, recurring costs to repair cold weather damage. There is a shortage of parking for student vehicles.

Population Served:

All fire departments in the state.

Performance Measures:

Number of firefighters attending training, student completion rates, training conducted in accordance with relevant standards.

Department of State
PROGRAM INFORMATION SHEET

Program: OFPC Campus Fire Safety

Mandate: Education Law section 807-b & Executive Law section 156-e

Mandated Funding Level: None

Brief Description/History/Background:

Colleges and universities outside of the City of New York are inspected to determine compliance with the Uniform Fire Prevention and Building Code, detailed reports of inspections are prepared, notices of violations and orders for correction of violations are issued, and other appropriate actions are taken to ensure compliance with the code. Since January 1, 2003 more than 57,000 inspections have been conducted, more than 115,000 violations of the Uniform Fire Prevention and Building Code have been documented and enforcement actions taken to ensure that violations were corrected. During the first year of this program (2003), more than 30,000 violations were identified in college and university buildings previously inspected by college designated inspectors. This program was instituted pursuant to Chapter 81 (Part A) of the Laws of 2002, which was enacted to implement the recommendations of the Governor's Task Force on Campus Fire Safety convened in response to the tragic multiple fatality fire at Seton Hall University in 2000.

Issues:

Colleges and universities are increasingly asking program staff to provide fire safety education and training to students and staff in order that fire and building code violations be avoided and that students and staff know what actions to take in the event of a fire or other emergency. Statutorily required time periods for the conduct of inspections is impacting the ability to do more training.

Population Served:

1,150,000 students and 100,000 staff of colleges and universities.

Performance Measures:

Reduction in the number of fires in inspected occupancies, inspections are conducted in accordance with statutes and rules (2007- 100%), percent of inspections initiated within the mandated timeframes (2007- 100%), correction of violations (2007- 100%)

Attachment C

Department of State
PROGRAM INFORMATION SHEET

Program: OFPC State Agency Fire Inspections

Mandate:

Executive Law section 156 (13)

Mandated Funding Level:

None.

Brief Description/History/Background:

Fire safety inspections are conducted of state or state-regulated facilities upon request of state agencies and detailed reports of inspections are prepared. Presently, 2,900 state owned, occupied or regulated properties are inspected for the Department of Environmental Conservation, New York Power Authority, Office of the State Comptroller, Office of General Services, Division of the Lottery and the Racing and Wagering Board pursuant to memorandums of understanding.

Issues:

The authority to conduct fire inspections of state and state regulated facilities is contingent upon an agency requesting such inspections. The Office of Fire Prevention and Control's authority should be independent of requests in order to avoid an agency not asking for an inspection to avoid having violations of the Uniform Fire Prevention and Building Code documented and having to take corrective action.

Population Served:

200,000 state employees, facility employees and members of the public who work in and visit the inspected facilities.

Performance Measures:

Reduction in the number of fires in inspected occupancies; inspections conducted in accordance with established statutes and rules (2007-100%); percent of inspections initiated within mandated timeframes (2007- 100%); correction of identified fire safety violations and hazards (2007- 100%).

Department of State
PROGRAM INFORMATION SHEET

Program: OFPC Arson Prevention & Control

Mandate:

Executive Law sections 156 (1), 156 (4) 156 (6), 156 (9) and 156 (11), 837-O, General Municipal Law section 91-a, Penal Law section 265.26

Mandated Funding Level:

None.

Brief Description/History/Background:

The Arson program is responsible for tasks pertaining to fire investigation technical assistance, fire and arson investigation training, burn injury reporting, arson criminal history checks and arson laboratory improvement. Fire investigation technical assistance assists local fire and law enforcement agencies and district attorneys in determining the cause of fires and the identification of arsonists in circumstances where there is loss of life, damages in excess of \$50,000, explosions, or where there has been a series of unexplained fires impacting a community. Assistance is provided by investigators certified to standards established by the state firefighting and code enforcement personnel standards and education commission, with certified accelerant detection canines and specialized fire scene investigation equipment. The program has provided fire investigation technical assistance since 1986. Fire and arson investigation training trains fire service and law enforcement investigators to determine and document the causes of fires and to identify and apprehend arsonists. Advanced level training is conducted at the Academy of Fire Science utilizing a specially constructed fire and arson investigation burn building and including special topic instructors such as electrical engineers, district attorneys, and forensic laboratory technicians. Basic level fire investigation training for fire firefighters and police officers is conducted at local training sites. Special training is conducted at the Academy of Fire Science for canines and handlers for the detection of accelerants. Fire and arson investigation training has been conducted since 1979. While six course titles comprised the original curriculum, this has increased to 13 course titles in order to meet appropriate standards. In addition OFPC conducts special arson training programs for entry level police officers, police supervisors and crime scene evidence technicians as part of the Division of Criminal Justice Services' training programs. Burn injury reporting consists of the receipt of reports of burn injuries where victims sustain 2nd or 3rd degree burns to 5% or more of the body, any burns to the respiratory tract or laryngeal edema due to inhalation of super-heated air and every burn injury that may result in death and forwarding reported information to appropriate investigatory authorities in order to identify arsonists who burn themselves in commission of arson crimes. Reports must be made at once, around the clock by physicians or health care facilities treating burn victims. Reports are made initially by telephone with subsequent submission of a written report. The program provides training in requirements of the law and in providing accurate reports. Statistical information is compiled for use in the prevention of burn injuries by OFPC and the Health Department. Arson criminal history checks conducts criminal history record checks, upon submission of a search request forms by fire chiefs, to determine if applicants for membership in a volunteer fire department have a record of conviction for an arson offense which, by statute, bars the applicant from becoming a volunteer firefighter. The statute also requires that the arson criminal history check and resulting report to the fire chief must be completed within 10 business days. Searches are conducted for fire departments in counties where the county has opted out of having their Sheriff's Department conduct them.

The arson laboratory improvement program improves arson evidence analysis and testing at the 12 state, city and county forensic crime laboratories in the state by establishing best practices for collection of fire scene evidence by investigators and for scientific testing of fire debris evidence by forensic chemists, providing training in fire evidence collection and debris analysis for forensic laboratory technicians and chemists, and through the provision of financial aid to the laboratories for supplies specific to the unique requirements of testing fire debris. OFPC co-chairs the Division of Criminal Justice Service's Crime Laboratory Advisory Committee Arson Technical Working Group which provides the mechanism for the crime laboratories and OFPC to work together to address issues pertaining to fire scene evidence analysis and fosters cooperative efforts between the forensic crime labs and fire service to aid in combating arson in the state.

Issues:

Staffing of these programs are shared with other arson prevention and control initiatives.

Population Served:

Fire investigation technical assistance and fire and arson investigation training: all fire investigation and law enforcement agencies and district attorneys in the state. Arson criminal history checks serves 50 fire departments in counties that do not conduct the arson criminal history searches. Burn injury reporting serves a all fire investigation and law enforcement agencies and all physicians and health care facilities treating burn victims. Arson laboratory improvement: the 12 state, city and county forensic crime laboratories in the State which serve all law enforcement and fire investigation agencies in the state.

Performance Measures:

Fire investigation technical assistance: fire cause determination rate and conviction rate of persons charged with intentionally setting fires. In 2007, investigations conducted by OFPC resulted in determinations of cause in 85% of cases versus 34% for all other fire investigations statewide not conducted by OFPC. In 2007, 25 incendiary fire cases investigated by OFPC were adjudicated in criminal or civil court resulting in a conviction rate of 100% versus 53% for all other incendiary fire cases adjudicated statewide not investigated by OFPC. Fire and arson investigation training: Training conducted is in conformance with appropriate standards. Number of fire investigators completing courses. In 2007, 2357 students attended and completed fire and arson investigation training courses with more than 99% achieving a passing grade. Of the thirteen arson training programs delivered, eleven are administered as tested curriculum with a student failure rate of less than 1%. Of the students completing courses, 1531 met the training requirements for fire investigator certification. These students now need the minimum required field experience. 157 new fire investigator certifications were issued during 2007. Burn injury reporting: number of burn injuries reported, completeness of reports and transmission of information to investigative agencies. In 2007, 2516 incidents of burn injuries were reported from 170 health care facilities. All reports were transmitted to investigative agencies and all reports were reviewed for completeness. Arson criminal history checks: Conduct record checks in a confidential manner within the 10 day time period required by statute. Arson laboratory improvement: national standards pertaining to forensic testing of fire debris, fire scene evidence processing time.

Department of State
PROGRAM INFORMATION SHEET

Program: OFPC Cigarette Fire Safety Standards

Mandate:

Executive Law 156-c

Mandated Funding Level:

None.

Brief Description/History/Background:

Cigarettes cannot be sold or offered for sale in the state unless they are certified to standards established by the Office of Fire Prevention and Control which limit their risk of igniting upholstered furniture and mattresses. To carry this out, a cigarette ignition strength test and performance standard was developed. Certifications of cigarettes by manufacturers are reviewed and filed, random samples of cigarettes sold in the state are sampled and tested to verify that they meet the performance standard. Cigarette retailers and wholesalers are inspected as necessary to ensure they are selling only certified cigarettes. Fires suspected to have been caused by cigarettes are investigated. This program was initiated in response to Chapter 284 of the laws of 2000 as revised by Chapter 583 of the laws of 2006. It is the first cigarette fire safety program in the world. New York's cigarette testing requirement and performance standard has been copied by 37 states and Canada.

Issues:

The authority to enforce compliance with the statute and rules by Native American cigarette retailers both on and off tribal lands is unresolved.

Population Served:

All residents of the State of New York and visitors who purchase cigarettes in the state.

Performance Measures:

Reduce cigarette caused fire deaths. Cigarette caused fires have dropped from 2223 in 2001 to 1851 in 2006. Cigarette caused fire deaths have dropped from 45 in 2001 to 22 in 2006.

Department of State
PROGRAM INFORMATION SHEET

Program: OFPC Emergency Services Loan Program

Mandate:

State Finance Law section 97-pp

Mandated Funding Level:

None.

Brief Description/History/Background:

The program provides loans at an annual fixed interest rate of not more than 2.5% to cities, villages, fire districts, counties, towns and incorporated fire companies and ambulance companies for the purchase of firefighting apparatus, ambulances, rescue vehicles, personal protective equipment, communications equipment, apparatus repair, accessory equipment, renovation/repair/rehabilitation of existing facilities, new construction and construction costs for live fire training facilities. Successful applicants can receive a loan once every five years and joint applicants can receive a loan twice in five years. Subsequent loans cannot be used to pay off an existing loan. Principal and interest payments made by recipients are deposited into the revolving loan account and loaned, again to new applicants. Since inception of the program in 1994, \$23 million has been appropriated including \$10 million from the wireless 911 cellular phone surcharge. Annual appropriation of new funds has been \$1.5 million for the past six years. The statute was revised in 1999 to make incorporated fire companies and ambulance companies eligible for loans and again in 2007 to provide for joint applications to encourage regional cooperation.

Issues:

The available funds each year have not increased while the requested amounts per loan have increased due to the rising cost of personal protective equipment, fire apparatus, ambulances and fire and ambulance station construction. As a result, fewer loans can be funded each year. In 1995, 43 loans were awarded. In 2007, 13 were awarded.

Population Served:

All cities, villages, towns, counties, fire districts and incorporated fire companies and ambulance companies are eligible to apply for loans.

Performance Measures:

Statute requires that preference be given to applications demonstrating the greatest need, to attain compliance with federal and state laws, that loan funds be equitably distributed among all sectors of the emergency services community and to all geographic areas of the state, and that not less than 50% of the loans made annually go to applicants whose service is provided solely by volunteers and whose prior year operating budgets are less than \$100,000. 377 loans totaling \$44,408,789 have been awarded to 136 incorporated fire and ambulance companies, 126 fire districts, 87 villages, 13 towns, 14 cities and one county in 55 counties and the City of New York. 230 of the loans were awarded to recipients whose service is provided solely by volunteers and who had prior year budgets of \$100,000 or less. There has never been a default.

Department of State
PROGRAM INFORMATION SHEET

Program: OFPC Fire Services

Mandate:

Executive Law sections: 156 (1), 156 (2) 156 (6), 1156 (10, and 156 (11); 159-c; General Municipal Law sections 209-e and 209-x; and County Law section 6-A.

Mandated Funding Level:

First line supervisors training: \$1,000,000 annually. All other programs: none.

Brief Description/History/Background:

The Fire Services program is responsible for tasks pertaining to outreach firefighter training, training standards, fire mobilization and mutual aid, fire protection technical assistance, wireless 911 and first line supervisors training. Outreach firefighter training provides standardized training in firefighting skills to volunteer firefighters in order that they can effectively provide emergency services and to ensure all firefighters in the state have standardized training to facilitate mutual aid operations in the event of major fires or disasters which exceed the capability of any one fire department. For many volunteer firefighters this is the only training available to them. The training curricula is based on the minimum training standards for firefighters established by the state firefighting and code enforcement personnel standards and education commission and on national fire service professional qualifications standards. The training is conducted at local training sites and is conducted primarily during evenings and on weekends to permit maximum participation by volunteers. Training courses are conducted by part time, fee paid state fire instructors who meet established qualifications and have received training in the conduct of state fire training courses. The program reduces the cost of local government as the training is provided to volunteer firefighters at no cost. In 2006 some basic training modules were developed and delivered on line in order to reduce the amount that volunteers would have to spend in a classroom and reduce travel to a training site. The program was initiated in the late 1940's in response to needs for standardized training identified by civil defense authorities during World War II. The scope and complexity of firefighter training has grown in conjunction with the increased responsibilities of New York State's fire service. Today, OFPC's outreach fire training program consists of approximately 25 courses. The Training Standards program reviews and approves fire and code enforcement training programs, certifies instructors for approved training programs, certifies firefighters and code enforcement personnel who have satisfactorily completed basic and in-service training programs in accordance with standards established by the fire fighting and code enforcement personnel standards and education commission. The Commission recommends to the Governor rules and regulations pertaining to minimum training standards for firefighters, fire officers, fire investigators, hazardous materials technicians, rescue technicians, safety officers, code enforcement officials and instructor qualifications. Through the fire mobilization and mutual aid program, fire department resources are dispatched, assigned and directed to assist any fire department in the state in the event of fire, natural disaster or other emergency which exceeds local capability or capacity pursuant to the state fire mobilization and mutual aid plan prepared by the state fire administrator. The plan is activated for the provision of resources upon request of a local government where nearby resources are already exhausted or whenever the governor determines that the public interest requires it. Resources are requested and provided consistent with county mutual aid plans established in accordance with General Municipal Law section 225-a. The program is utilized to effect the fire response portions of the state's comprehensive emergency management plan.

The fire mobilization and mutual aid program was initiated during World War II to ensure catastrophic fires could be contained if they were to occur. The effectiveness of the program is illustrated by the response to a severe ice storm which affected most of the northern counties on the state in January 1998. In order to assist the fire departments in the affected area, fire department resources, consisting of fire fighters, apparatus and equipment from 35% of the fire departments in the state were dispatched and coordinated during a 21 day period. Fire protection technical assistance is the provision of assistance, guidance and consultative services to fire departments and local and state agencies in developing measures for more effective fire and arson prevention and control; to assist and encourage cooperative efforts to solve common problems relating to fire prevention and control and serve as a clearinghouse of information about fire control, and state and federal services available to assist in solving such problems. Assistance is provided in the form of meetings, forums, technical and informational bulletins and collaborative efforts with other state agencies and fire service organizations. The Wireless 911 program, through the 911 board, assists local governments, service suppliers, wireless telephone service suppliers and state agencies by facilitating the most efficient and effective routing of 911 emergency calls; develops minimum standards for public safety answering points; promotes the exchange of information, including emerging technologies; and encourages the use of best practices by public safety answering points. Provides financial aid to eligible public safety answering points for operations and for technology improvements to achieve the capability to identify the location a wireless 911 call is being made from (Phase II capability.) Through the First Line Supervisors Training program, fire officers of career fire departments promoted to first-line supervisory (e.g. lieutenant) positions must attend a fire supervision training at the New York City fire academy. The training is conducted pursuant to a contract with OFPC. Training curricula is based on standards established by the state firefighting and code enforcement personnel standards and education commission and the Fire Department of New York. The statute provides that the expenses incurred by the City of New York shall be reimbursed by the state, except that expenses incurred by such city in excess of one million dollars and directly attributable to training any officers of such city's fire department shall not be subject to state reimbursement. The program was initiated in 1985.

Issues:

Outreach firefighter training: present fiscal year funds are not adequate to fulfill the outreach training needs of the communities. Training standards: the terms of all firefighting and code enforcement personnel standards and education commission members have expired. No action can be taken on revisions of standards or new standards. Fire mobilization and mutual aid: liability for firefighter injuries and lost or damaged equipment while in transit to a fire mobilization and mutual aid incident is not clear. Wireless 911: funding to sustain technology improvements. First line supervisors training: annual funding does not change while the number of firefighters promoted to first line positions may be higher than the training course capacity provided for by the funding. In these circumstances, newly promoted firefighters may have to wait a number of months before commencing their training.

Population Served:

Outreach firefighter training serves 1750 fire departments staffed by volunteer firefighters. Training standards serves 20,000 career firefighters, 6000 code enforcement officials. Fire mobilization and mutual aid serves all fire departments in the state. Fire protection technical assistance serves all fire departments plus municipalities, counties and state agencies. Wireless 911 serves Public safety answering points operated by 55 counties and the City of New York and all persons who have to place a wireless 911 call. First line supervisors training serves the 100 fire departments in the state that employ career firefighters.

Performance Measures:

Outreach firefighter training: Fulfillment of requests for fire training courses, number of firefighters completing courses. Training standards: Number of persons achieving certification, currency of standards. Fire mobilization and mutual aid: plans are maintained, procedures are exercised, county plans reviewed to determine conformance with guidelines, operations are conducted according to incident actions plans and in conformance with the national incident management system guidelines. Post incident critiques are conducted to ensure that any lessons learned are shared with all responders. Fire protection technical assistance: assistance provided is technically accurate and current, information is provide as requested. Wireless 911: achievement of phase II capability, compliance with 911 Board standards. All public safety answering points operated by counties and the City of New York have achieved this. First line supervisors training: The number of fire supervisors completing training, training conducted in accordance with relevant standards.

Department of State
PROGRAM INFORMATION SHEET

Program: OFPC Hazardous Materials/Homeland Security

Mandate:

Executive Law sections 156 (1), 156-a, General Municipal Law sections 204-f and 209-e, MOU with the Office of Homeland Security.

Mandated Funding Level:

None.

Brief Description/History/Background:

The Hazardous Materials/ Homeland Security program is responsible for tasks pertaining to: hazardous materials emergency response training; hazardous materials incident response planning; hazardous materials technical assistance; and, weapons of mass destruction detection equipment readiness. Hazardous materials emergency response training provides instruction in hazardous materials control skills to firefighters to ensure they can safely and effectively mitigate the unintended release of hazardous materials into the environment. Firefighters respond to approximately 16,000 hazardous materials incidents each year. Hazardous materials control skills build upon firefighting skills. Hazardous material emergency response training curricula addresses: leak and spill control; product neutralization; pickup and disposal; fire control; decontamination procedures; the use and application of foam agents; hazardous assessment; safety; calibration and use of specialized equipment; chemical and biological properties of chemicals; weapons of mass destruction and response to terrorism. Training is provided to firefighters at no cost. Hazardous materials training has been conducted since 1976. The curriculum currently consists of 15 courses focused on response to chemical incidents and 17 courses focused on response to weapons of mass destruction. Hazardous materials incident response planning involves the development of guidelines for hazardous materials incident response plans and the review and approval of plans submitted by all counties and the City of New York (which are required to have such plans.) Plans must conform to the state fire mobilization and mutual aid plan. Plans are tracked and responsible parties are notified when a plan is in need of a review or update. Hazardous materials technical assistance provides technical assistance, guidance and consultative services to fire departments in circumstances where a hazardous materials incident exceeds local capacity, capability or experience through the provision of information about and guidance for chemical behaviors, tactics, strategy and incident management and specialized detection instruments and control equipment. Assistance is provided by certified hazardous materials technicians. In addition OFPC has partnered with the Department of Health to develop plans and procedures whereby OFPC hazardous materials technicians will collect samples for analysis by Department of Health to determine the presence of chemical or biological agents. This unique cooperative effort combines the specialized capabilities of both agencies to provide a critical service to the State.

Weapons of mass destruction detection equipment readiness ensures that the detection and respiratory protective equipment assigned to counties and cities by the state Office of Homeland Security's Weapons of Mass Destruction Task Force is maintained in a state of readiness through a program of inspection, testing, calibration and, if necessary, repair. This equipment is part of a program to enable local responders to safely detect chemical agents that may be used by terrorists. The strategic dispersal of this equipment was designed as part of a statewide plan for protection of localities. Each local jurisdiction to whom equipment has been assigned has entered into a Memorandum of Understanding with the State that requires the equipment to be available to responders statewide in the event of an attack or major incident. 3773 pieces of equipment, with a value of \$21.4 million, are maintained including: 1090 self contained breathing apparatus units; 1830 personal radiation dosimeters; 122 chemical detection kits; 244 radiation detection devices; 244 multi-gas sensors; and, 244 chemical warfare agent detectors. This program commenced in 2005.

Issues:

None.

Population Served:

Hazardous materials emergency response training serves all firefighters who respond to hazardous materials incidents. Hazardous materials incident response planning serves all counties and the City of New York. Hazardous materials technical assistance serves all fire departments in the state and the department of Health. Weapons of mass destruction detection equipment readiness serves the counties and cities who are prepared to respond to a terrorist incident.

Performance Measures:

Hazardous materials emergency response training: fulfillment of requests for hazardous materials training courses, number of firefighters completing courses. Hazardous materials incident response planning: All counties have approved plans on file. Hazardous materials technical assistance: technical information provided about chemicals is based on consensus of multiple reference sources. Tactical decisions are developed to maximize the safety of both responders on the scene and civilians who may be exposed or threatened. Operations conform to nationally accepted standards. Post incident critiques are conducted to ensure that any lessons learned are shared with all responders. Weapons of mass destruction detection equipment readiness: each piece of equipment is inspected, tested, calibrated and, if necessary, repaired on an annual basis or pursuant to manufacturer's recommendations, as scheduled by the Office of Homeland Security.

Department of State
PROGRAM INFORMATION SHEET

Program: OFPC Special Services

Mandate:

Executive Law sections 156 (1), 156 (2), 156 (5), 156 (6), 156 (10), 156 (11), 156-a, 156-e, 156-g, 159-a, 159-c and General Municipal Law section 204-d

Mandated Funding Level:

None.

Brief Description/History/Background:

The Special Services program is responsible for tasks pertaining to: urban search and rescue; technical rescue training; fire incident reporting; training administration; and publication production. Urban search and rescue provides special, technical urban search and rescue services and technical assistance for the rescue of persons trapped in buses, trains, collapsed buildings, collapsed trenches, confined spaces, swift water, machinery and other life threatening situations. A 100 person team meeting the capabilities of a Federal Emergency Management Agency defined Type II urban search and rescue task force is based in Albany and available for response anywhere in the state for emergency rescue incidents which exceed local capability or capacity. This capability includes specially trained canines to locate persons buried in debris. The team is also able to respond out of state pursuant to interstate emergency assistance compacts. The team was established in 1995 pursuant to executive order and has responded to 41 incidents including a 16 day deployment to the World Trade Center disaster in 2001. Technical rescue training provides instruction in technical rescue skills to firefighters in order to ensure they can safely and effectively rescue persons trapped in motor vehicle accidents, collapsed buildings, collapsed trenches, confined spaces, swift water, machinery and other life threatening situations. Technical rescue skills build upon basic firefighting skills. Firefighters in the state responded to more than 25,000 rescue incidents in 2006. Technical rescue training curricula are based on the minimum training standards for firefighters established by the state firefighting and code enforcement personnel standards and education commission and on national fire service professional qualifications standards. Training is provided to firefighters at no cost. Technical rescue training has been conducted since the early 1960's in response to needs identified by the state civil defense commission. Fire incident reporting information is submitted by fire departments and collected in a statewide data base. After responding to an emergency incident, fire departments complete a report which describes the nature of the incident, fire department resources used to control the incident, actions taken to control the emergency, the cause of the fire and related information, the number of civilian and fire service casualties, and an estimate of property loss. Additional information is recorded for medical emergencies and hazardous materials incidents. These reports are then submitted to the state system, mostly electronically but some still by hard copy. The information is valuable to fire departments as it provides a record of activity, a planning tool for resource allocation and to target fire prevention activities. At the state level, the information is compiled and analyzed to provide a statewide picture of fire service activity, fire cause information that supports revisions to the Fire Code of New York State, for arson control activities and to identify unsafe equipment and consumer products. The statewide fire incident information is utilized by fire departments, state agencies, university researchers and the public. The New York State fire incident reporting system is part of the United States Fire Administration's National Fire Incident Reporting System. Information submitted by the states is compiled and used on a national level for the same purposes as on the state level. There has been a state fire incident reporting system since the early 1970's.

Training administration conducts all administrative and information management processes for fire training course scheduling, part time, fee paid state fire instructor payments, student completion records and certification records. Publication production designs, produces, publishes and distributes training manuals, informational bulletins and materials and fire safety education materials in printed form and for the internet.

Issues:

Urban search and rescue: Executive Law section 156-G authorizes the establishment of additional urban search and rescue teams however funding for such teams has not been provided. Technical rescue training: funding is inadequate to eliminate backlog of training requests from fire departments. Fire incident reporting: there is no technical position for the statistical analysis of fire incident data. As a result, the full use of the data is not accomplished. Training administration: information management project to upgrade the computer systems is impacted by availability of technical information management staff. Publication production: None.

Population Served:

All localities in the state. Technical rescue training: all fire departments in the state. Fire incident reporting: all fire departments in the state, state agencies, and the public. Training administration: 100,000 firefighters in the state. Publication production: training materials are used by 100,000 fire fighters in the state, fire safety education materials are provided to the public.

Performance Measures:

Urban search and rescue: Maintain capability of a federal Type II Urban Search and Rescue Task Force. Technical rescue training: fulfillment of requests for technical rescue training courses, number of firefighters completing courses. Fire incident reporting: number of fire departments submitting fire incident reports, completeness of data elements (e.g. number not reported or reported as unknown.) Training administration: Course schedules are processed within ten working days of receipt, instructor pay vouchers are processed within 10 working days of receipt, all procedures conform to department policies and procedures. Publication production: manuals and other printed materials will be produced and adequate inventories maintained to meet training and informational dissemination needs of all programs within OFPC.

Attachment C

Department of State
PROGRAM INFORMATION SHEET

Program: OFPC State Agency Fire Inspections

Mandate:

Executive Law section 156 (13)

Mandated Funding Level:

None.

Brief Description/History/Background:

Fire safety inspections are conducted of state or state-regulated facilities upon request of state agencies and detailed reports of inspections are prepared. Presently, 2,900 state owned, occupied or regulated properties are inspected for the Department of Environmental Conservation, New York Power Authority, Office of the State Comptroller, Office of General Services, Division of the Lottery and the Racing and Wagering Board pursuant to memorandums of understanding.

Issues:

The authority to conduct fire inspections of state and state regulated facilities is contingent upon an agency requesting such inspections. The Office of Fire Prevention and Control's authority should be independent of requests in order to avoid an agency not asking for an inspection to avoid having violations of the Uniform Fire Prevention and Building Code documented and having to take corrective action.

Population Served:

200,000 state employees, facility employees and members of the public who work in and visit the inspected facilities.

Performance Measures:

Reduction in the number of fires in inspected occupancies; inspections conducted in accordance with established statutes and rules (2007-100%); percent of inspections initiated within mandated timeframes (2007- 100%); correction of identified fire safety violations and hazards (2007- 100%).

Department of State
PROGRAM INFORMATION SHEET

Program: OFPC Wireless 911

Mandate:

County Law article 6-A

Mandated Funding Level:

None.

Brief Description/History/Background:

Through the 911 board, assists local governments, service suppliers, wireless telephone service suppliers and state agencies by facilitating the most efficient and effective routing of 911 emergency calls; develops minimum standards for public safety answering points; promotes the exchange of information, including emerging technologies; and encourages the use of best practices by public safety answering points. Provides financial aid to eligible public safety answering points for operations and for technology improvements to achieve the capability to identify the location from which a wireless 911 call is being made (i.e., Phase II capability).

Issues:

Funding to sustain technology improvements.

Population Served:

Public safety answering points operated by 55 counties and the City of New York.

Performance Measures:

Achievement of Phase II capability, compliance with 911 Board standards. All public safety answering points operated by counties and the City of New York have achieved this.

Department of State
PROGRAM INFORMATION SHEET

Program: Bureau of Fiscal Management

Mandates:

The Bureau of Fiscal Management is responsible for ensuring agencywide compliance with State Finance Law, OSC guidelines, Division of the Budget guidelines and bulletins, administering statutorily required local grant programs, and advancing the agency's mission.

Mandated Funding Level:

None

Brief Description/History/Background:

Fiscal Management provides agency and division management with pertinent fiscal information including staffing levels, spending and revenue projections, and changes in State fiscal policy and/or practices. Routine operations include processing of purchasing requests, travel vouchers and revenue receipts. Fiscal staff also plays a very active role in the development, review and approval of contractual documents including RFPs and competitive grant solicitations. The Bureau is frequently called upon to serve as agency liaison with the State Comptroller, Division of the Budget, other State agencies with which DOS collaborates, internal DOS Divisions, local governments and nongovernmental agencies. The Bureau's primary goal remains to support programs in achieving their priorities, including providing funding in a timely manner to allow recipients to meet their goals and/or provide their services.

Issues:

Recent completion of a new on-line licensing system (through Versa Systems) requires establishment of an ongoing relationship with the vendor for necessary maintenance and enhancements. We are currently evaluating whether and how to expand on-line licensing capabilities to other disciplines. Fiscal's role in the contractual process, as well as in identifying resource needs, will be substantial. In addition, Fiscal staff is working with IT to evaluate current personal service tracking practices in an effort to develop a new administrative time tracking system. Once implemented, this new system will make it easier for staff to track their own time and easier for the Bureau to determine personal service allocations by Division.

Population Served:

Directly: All Divisions housed within the Department of State and State fiscal policymakers

Indirectly: Business community at large, licensees Statewide, local governments, and numerous non-governmental organizations

Performance Measures:

Internal: Fiscal uses several performance measures in our ongoing self-evaluation: processing time of various vouchers/requests based on date received, compliance with OSC guidelines, and time spent looking for old transactions in each unit's files. **OSC:** The Comptroller primarily uses 'percentage of bills paid to vendors on time', and 'utilization of credit cards by State agencies' as their performance measures in evaluating agency fiscal performance. A report recently released by OSC highlighted significant improvement in both categories.

Department of State
PROGRAM INFORMATION SHEET

Program: Fiscal Management - Civil Legal Services Grants

Mandate:

None

Mandated Funding Level:

None

Brief Description/History/Background:

Local assistance funds have been provided for the past several years for grant contracts with not-for profit entities for the purpose of delivering free legal services to indigent citizens.

Issues:

None.

Population Served:

Indigent citizens from impoverished areas throughout the state who are in need of legal advice.

Performance Measures:

Contracts must be executed and payments must be made in accordance with prompt contracting/prompt payment legislation and OSC guidelines. Failure to meet established timeframes results in interest payments which are paid from the Department's administrative funds. To date, there have been no interest payments incurred related to these contracts or payments.

Department of State
PROGRAM INFORMATION SHEET

Program: Human Resources Management

Mandate:

Program functions under several state and federal statutes including: Article V, Section 6 of the NYS Constitution, Civil Service Law, Taylor Law, Labor Law, Civil Rights Law, Human Rights Law, Workers Compensaton Law, Public Officers Law, Retirement and Social Security Law, HIPPA, Election Law, Military Law, Personal Privacy Protection Law, State Finance Law.

Mandated Funding Level:

None

Brief Description/History/Background:

Program supports the Department's mission by managing its workforce and ensuring compliance with laws, rules, regulations and bargaining agreements which apply to human resource management in New York State. Functions include staffing, training, labor relations, exam planning, position classification and allocation, employee benefits, payroll and affirmative action.

Issues:

Attrition, both within the program and the agency, will affect the delivery of services to the agency's clientele.

Population Served:

20 divisions and programs in the Department of State consisting of approximately 850 annual salaried employees and 600 fee paid and per diem employees.

Performance Measures:

The bureau measures a number of factors including # of employees hired and separated, affirmative action goals, transactions processed, employee participation in training, division and employee satisfaction, number of positions classified, attrition, time and attendance. During the first quarter of FY08-09 we trained 75 percent of our supervisory staff on the topic of time and attendance. During this period we processed 91 appointments, 1,156 personnel transactions and 1,094 payroll transactions.

Department Of State
PROGRAM INFORMATION SHEET

Program: Bureau of Information Technology Services

Mandate:

N/A

Mandated Funding Level:

None

Brief Description/History/Background:

The Bureau of Information Technology Services is responsible for development, support and maintenance of the Department's IT infrastructure and business application systems. The Bureau supports a wide ranging and complex IT infrastructure that requires continuous upgrades, daily monitoring, problem troubleshooting and user support. The Bureau also develops and supports application systems that advance the Department's various missions. Currently, over 80 business application systems are in production.

Issues:

Since 2000, the Bureau has increased the number of business application systems it supports by 64% yet has seen a decrease of close to 9% in the number of persons who support those applications. At the same time, the information technology infrastructure is far more complex today than in 2000 incorporating what must be highly secure e-commerce and web-based applications. The agency's infrastructure has had to increase dramatically to support the business applications of the Department. This includes a 600% increase in the number of servers; a 1,000% increase in the amount of electronic storage; a 200% increase in the number of networked regional offices; a newly supported development, test and production database environment; a newly supported webcasting infrastructure; and more.

Population Served:

The ultimate population served is that served by the various programs of the Department of State. This includes, but is not limited to, the business and banking community through the Department's Division of Corporations, State Records and Uniform Commercial Code; the general population whose health and welfare is protected through such DOS programs as the Division of Licensing Services, the Office of Fire Prevention and Control, the Division of Code Enforcement; local governments who receive assistance from the Office of Local Government Services and the Division of Coastal Resources; the poor who receive assistance from the Division of Community Services through its support of local community action programs.

Performance Measures:

The Bureau monitors infrastructure support performance by number of infrastructure projects/support requests and application development by the number projects and support requests. For the first quarter FY 08-09:

Infrastructure projects open	: 10
Infrastructure projects completed	: 3
Infrastructure support requests open	: 19
Infrastructure support requests completed	: 916
Application projects open	: 6
Application projects completed	: 3
Application support requests open	: 40
Application support requests completed	: 47

Department of State
PROGRAM INFORMATION SHEET

Program: Office of Internal Audit

Mandates:

NYS Government Accountability, Audit and Internal Control Act of 1999 (DOS is specifically required to have an internal audit function); NYS Cyber Security Policy P03-02 (sets mandatory policies for securing state agency information assets); Article 2-B NYS Executive Law (business continuity)

Mandated Funding Level:

None

Brief Description/History/Background:

Internal Audit provides management with reasonable assurance that DOS achieves its mission, plans, goals, and objectives; identifies risk and opportunities for improvement. The **Information Security** program works to protect information assets by coordinating activities that maximize the confidentiality, integrity, and availability of information. The purpose of the **Business Continuity Program** is to enable the resumption of agency operations in the event of a disruption or disaster.

Issues:

Three new issues requiring compliance - mobile device encryption by 12/31/2008, compliance with payment card industry data security standard and a data classification standard soon to be issued by CSCIC. Business continuity efforts are hampered by the fact that no single state agency is tasked with coordinating and mandating emergency planning by state agencies.

Population Served:

Directly - agency employees

Indirectly - all citizens who rely on the agency's information and services

Performance Measures:

Internal Audit 1. Internal audits issued. Five in last year. 2. External audits responded to. Five in last year. 3. Quality assurance review. Positive, Office conforms to IIA standards. **Information Security** 1. Completed agency security policy 2. Number of new & existing employees who are given security awareness training 3. Number of security consultations 4. Number of security alerts issued 5. Number of security incidents / breaches **Business Continuity** 1. IT recovery site established 2. Business recovery site established 3. Emergency notification system in place 4. Up-to-date business continuity plan 5. Up-to-date business impact analysis 6. Up-to-date classification of data

Department of State
PROGRAM INFORMATION SHEET

Program: Local Government - Appalachian Regional Commission (ARC)

Mandate:

In 1965 Congress established the Federal Appalachian Regional Development Act. Designed to ensure an active federal-state-local partnership.

Mandated Funding Level:

Federal Appropriation FY 2008 Investment Package for the entire ARC region was \$66.5 million. There were four grants for the program region-wide with NY's allocation totaling \$2.76 million.

Brief Description/History/Background:

ARC is a unique partnership of federal, state and local government. Governors of the 13 Appalachian States and a federal co-chair appointed by the President make up the commission. The NYS Secretary of State serves as the Governor's alternate to the ARC. Member-states work with area-wide planning and development agencies called Local Development Districts (LDD) to ensure funds are used to serve local communities. ARC's strategic plan for 2005-2010 lists four general goal areas to promote socio-economic development of region: 1) increase job opportunities and per capita income in Appalachia to reach parity with the nation; 2) strengthen capacity of people of Appalachia to compete in a global economy; 3) develop and improve Appalachia's infrastructure to make the region economically competitive; and 4) build Appalachian Development Highway System to reduce Appalachia's isolation.

Issues:

None.

Population Served:

Appalachia NY consists of 14 southern tier counties: Allegany, Broome, Cattaraugus, Chatauqua, Chemung, Chenango, Cortland, Delaware, Otsego, Schoharie, Schuyler, Steuben, Tioga and Tompkins.

Performance Measures:

Remain in good standing as member-state; NYS participation at ARC meetings; Track grant submission, completion and outcomes; Number of projects funded; Yearly planning document for NYS Governor's approval of annual strategy statement for program and implementation; Track NY counties and census tract data annually for levels of distress designation.

Department of State
PROGRAM INFORMATION SHEET

Program: Local Government - NYC Watershed

Mandate:

Watershed Protection and Partnership Council (WPPC) was created in 1997 by Executive Order resulting in a NYC Watershed Agreement to provide a regional forum to aid in the long term protection of NYC's drinking water and the economic vitality of the upstate Watershed communities.

Mandated Funding Level:

\$1.2 million start up from NYC. Additionally, the MOA for the 1997 Watershed Agreement, paragraph 152C, committed each subsequent Executive budget to \$350,000 to DOS.

Brief Description/History/Background:

WPPC oversees implementation of the NYC Watershed Agreement, mediates and settles disputes among parties to the agreement, monitors compliance with the agreement and provides technical and legislative support to municipalities in eight counties to protect the drinking water supply for nine million New Yorkers. This is accomplished through grant funding, creation of land use regulations/planning and "bricks and mortar" projects to protect water quality and promote smart growth.

Issues:

1) Start-up money from NYC is running out. Need to increase sub-allocations from state agencies and Catskill Watershed Corporation; 2) New Filtration Avoidance Determination (FAD) 2007-2017 went from \$30 million over five years to \$300 million over ten years. Shifts funding burden from federal to state budget; 3) Land acquisition is of great concern in local communities; 4) Natural gas drilling-effects in Western Watershed (Sullivan, Delaware) "Marcellus Shale;" and 5) Stormwater regulations (MS4) compliance-East of Hudson Watershed.

Population Served:

Hudson Valley counties in NYC Watershed-Westchester, Putnam, Dutchess, Sullivan, Ulster, Greene, Delaware, Schoharie.

Performance Measures:

Creation of regional entity for MS4 compliance; Grant management-issuance of awards and completion of projects in watershed towns and villages; Annual Watershed Science and Technology Conference-production and completion.

Department of State
PROGRAM INFORMATION SHEET

Program: Local Government - Shared Services

Mandate:

Shared Municipal Services Incentive (SMSI) program was established by the 2005-2006 NYS budget. In 2008 the SMSI grant program was expanded and renamed Local Government and Efficiency Grants (LGE).

Mandated Funding Level:

NY State Finance Law, 54 and State budget regulation-19 NYCRR Part 814 & 815; \$29.4 million available for LGE grants from 2008 appropriation.

Brief Description/History/Background:

Provide technical and financial assistance to local governments to encourage efficiencies and cost savings. Grant money is offered to educate and motivate local government to share services and enter into intermunicipal agreements. Technical assistance includes outreach training to municipalities and research and development of case studies, sample agreements, manuals, mergers, consolidations and dissolutions.

Issues:

1) Funding level shortfall-less than half of money promised has been made available to administer the program and support staff and technical assistance; 2) Funding requests from municipalities are exceeding annual appropriations on a regular basis; and 3) Lack of direct appropriation-sub allocated by Division of the Budget, which routinely holds back funds (see first issue).

Population Served:

Counties, cities, towns, villages, school districts, fire districts, special improvement districts, BOCES, water and sewer authorities, regional planning boards, library districts.

Performance Measures:

Status of grants to municipal awardees; site visits; analysis of technical assistance-events attended, programs researched and developed, number of requests; analysis of municipal savings as part of contract management.

Department of State
PROGRAM INFORMATION SHEET

Program: Local Government - Smart Growth

Mandate:

Governor's Smart Growth Cabinet was created by Executive Order 20 in December 2007. The Cabinet consists of representatives from all state agencies that affect land use. The Executive Order charges the Cabinet with two overriding duties: align state spending with Smart Growth principles; and develop a SG policy agenda.

Mandated Funding Level:

Smart Growth Fund in the EPF-\$2 million in FY 2007-2008; \$2.5 million for FY 2008-2009. Administration of fund transferred to DOS in 2008. DEC will continue to oversee Central Catskills Grant Program and the initial \$1 million grant program for the Adirondacks and hold an additional \$500,000 for future Adirondack Grants. DOS will administer remaining funds.

Brief Description/History/Background:

Sprawling development patterns are not sustainable economically, environmentally or fiscally. Upstate NY has experienced "Sprawl without Growth"; developed land increased 30% between 1982-1997, while the population increased just 2.6%. Most parts of the State experienced a similar imbalance. Smart Growth is sensible, planned growth that integrates economic development and community quality of life. It encourages growth in developed areas with existing infrastructure to sustain it. Top principles employed are: compact, mixed-use community design, re-use and re-development of existing buildings, regional planning, "Green" buildings and infrastructure, mobility choices-walking, biking, public transit, well planned/maintained parks and public places, targeted investments in affordable housing, age-integrated communities and collaborative, "Bottom-Up" stakeholder-driven planning.

Issues:

Smart Growth - completion of grant program.

Population Served:

Local governments.

Performance Measures:

Incorporation of Smart Growth into state spending and policies; Inclusion of Smart Growth principles in final regulations for State Revolving Loan Funds; Transit-Oriented Development (TOD) incentive package effect on actual projects; Target funds to specific regions for promoting Smart Growth principles, as well as utilizing other state resources (Brownfield Opportunity Areas, Local Waterfront Revitalization Program, TOD); Develop training modules for Smart Growth-internally and externally; Smart Growth Leadership Institute training for Cabinet; Develop and promote Smart Growth policy agenda-legislation, regulations, commissioners policies, budget items executive orders; Merge Smart Growth with other DOS planning functions; Establish DOS as state planning entity.

Department of State
PROGRAM INFORMATION SHEET

Program: Local Government - Local Government Training

Mandate:

The training of local government officials includes land use courses, technical assistance and the development of publications. State law requires local planning and zoning boards to receive four hours of training annually. Beginning in 2007 this law dramatically increased audience numbers.

Mandated Funding Level:

Brief Description/History/Background:

Land Use Training Program is one of the best-known programs available to local government officials. Land Use Training Specialists and attorneys provide technical assistance to local officials, members of local boards, zoning and planning boards and municipal attorneys – including help understanding land use issues or concepts, advice on board procedures and sample laws adopted by other communities. The training program has expanded the level of accessibility and services by blending traditional on-site training with on-line training and additional land use resources available on DOS' website. On-site training is sponsored by regional councils, municipal associations and county governments. While traditionally training focused on planning and zoning, the scope has recently been broadened to include a series of courses on smart growth, planning issues in rural areas and environmental and energy issues.

Issues:

Creation of new training modules-incorporating Smart Growth principles.

Population Served:

Local municipal officials, planning and zoning board members, municipal attorneys.

Performance Measures:

Number of annual training events-courses taught, number of officials trained, size of audiences; Number of publications revised, visits to publications page, on-line tutorial visits; Number of initiatives with other state agencies-sharing resources and ideas.

Department of State
PROGRAM INFORMATION SHEET

Program: Licensing - Administration Support

Mandate:

Statutory mandates for the Division are found in many section of various laws

Mandated Funding Level:

None

Brief Description/History/Background:

1) The Administration Support Unit is responsible for maintaining Executive correspondence, maintaining administration files, compiling data for the monthly report, maintaining databases for the hearings and case preparation, board coordination for the various regulatory and advisory boards/councils, mailroom which distributes and sends out mail for Licensing personnel, all respective licenses and for the copying of forms and applications for distribution, and FOIL requests. 2) The Revenue Unit maximizes customer service by effectively processing all incoming revenue for applications, fines for disciplinary action, education school fees and examination fees. 3) The Compliance Unit serves all formal complaints filed by the Division's Counsel's office. The unit accepts, docket, maintains, tracks and reports the status of all hearing determinations and consent orders.

Issues:

To maintain the level of service that is expected, it is extremely important to work efficiently and expeditiously. The technology utilized in the various functions of the Administration Support Unit is outdated and affects the functionality of the unit. The Division recently launched an occupational system for real estate professionals with many modern facets. Over the next few years, technology improvements should help.

Population Served:

The applicants, licensees and general public associated with our 30 license disciplines and Division of Licensing staff.

Performance Measures:

Department of State
PROGRAM INFORMATION SHEET

Program: Licensing - Customer Services - Information and Communications Telephone Call Center

Mandate:

Various Licensing Statutes

Mandated Funding Level:

None.

Brief Description/History/Background:

The Division has established customer service desks in each office across the state of New York (New York City, Hauppauge, Syracuse, Buffalo, Binghamton, Utica and Albany). Licensees and consumers are welcome to visit during any work day to obtain information on obtaining a license in any of the 30 disciplines that are mandated by the Legislature or other general information. The customer service centers are visited by over 500 people daily across the state. In addition, two telephone centers located in New York and Albany were established to answer inquiries concerning license qualifications and consumer complaints. Several thousand calls are received on a weekly basis by callers requesting information on qualifications for licenses, exam information and various issues.

Issues:

The amount of traffic at our New York City customer service center has increased considerably in the last few years. Approximately 142,000 people visited the counter in the year 2007. In order to eliminate the long lines and to preserve the integrity of the Examination Administration process, plans are being formulated to develop a comprehensive approach to customer service in New York City, which would include customers and clients of the Division of Licensing Services, Corporations, Athletic Commission and the Cemetery Division.

Population Served:

Licensees, applicants and the general public.

Performance Measures:

Customer satisfaction cards have been used periodically to measure the effectiveness of the offices and identify any issues that warrant improvement.

Department of State
PROGRAM INFORMATION SHEET

Program: Licensing - Educational Standards

Mandate:

Statutory mandates: Appraiser - Article 6-e, Executive Law, Real Estate - Article 12-A, Real Property Law, Home Inspection - Article 12-B, Real Property Law, Hearing Aid Dispensers - Article 37-A, General Business Law, Bail Enforcement - Article 7, General Business Law, Security or Fire Alarm Installers - Article 6-D, General Business Law, Appearance Enhancement - Article 27, General Business Law

Mandated Funding Level:

The functions of the education unit are mandated statutorily. Of the legislation adopted to regulate the individual industries for which we issue licenses, some include an education component. The education component may be a requirement to qualify for licensure and, in some instances, a requirement to renew the license. The education unit is responsible for ensuring that the standards for applicants, schools and instructors, as set forth in law and regulation, are followed. This includes application processing, curriculum development and the enforcement of related requirements.

Brief Description/History/Background:

Issues:

To maintain the level of service that is expected, it is extremely important to efficiently and expeditiously process education courses remitted by the schools. The Division recently launched a new occupational system for real estate which allows schools to perform transactions online. The technology for the other disciplines with an education component is outdated and affects the functionality of this unit. We are currently in the process of projecting the costs for the next ten years, for a licensing management system which will allow schools and instructors to perform transactions online.

Population Served:

Applicants, licensees, students, school owners and coordinators, instructors, course providers and developers, and professional boards.

Performance Measures:

Monthly reports are utilized in the analysis of performance standards.

Department of State
PROGRAM INFORMATION SHEET

Program: Licensing - Enforcement

Mandate:

Various Licensing Statutes

Mandated Funding Level:

None.

Brief Description/History/Background:

Established in 1930, the Enforcement Unit is mandated to protect the health and safety of licensees and consumers and to protect the public from incompetent and/or untrustworthy licensees. Over the years, the Enforcement Unit's responsibilities have increased with the addition of license laws mandated by the legislature.

Issues:

Although the responsibilities of the Division's Enforcement Unit have increased with the addition of license laws mandated by the legislature, the staffing has not grown commensurately. There are currently 13 vacancies (11 entry level investigators and two supervisory investigators) which directly impact on the production of this unit and its service to the public. In addition to the investigation of consumer complaints, the Enforcement Unit is charged with verification of an applicant's experiential or character qualifications for licensure. An example of this is the unit's obligation to conduct criminal history evaluations of all security guards, armored car guards, private investigators, alarm installers, etc. thus safeguarding the public against unqualified or unscrupulous business operators. The unit further conducts routine field inspections or audits of regulated businesses ensuring practices comply with requisite health, safety or regulatory standards. The Enforcement Unit works jointly with other agencies as trends dictate. In a time when foreclosures of homes have skyrocketed, it is mandatory that staff investigate the business practices of real estate brokers, appraisers, and notaries public; accordingly, this unit is engaged in a cooperative investigative effort with the Banking Department to monitor these issues.

Population Served:

The New York State consumer and the 800,000 professionals licensed, registered or commissioned by the Division.

Performance Measures:

The review of results of ongoing programs and special initiatives often serve as performance measurements that determine success failure or "improvement in the situation." As issues develop, immediate measures are initiated; for example the Enforcement Unit contains a "Special Projects Unit" to address priority cases and market trends. All investigative files are reviewed and evaluated by unit supervisors monthly to ensure a complete and expeditious investigation. These supervisors will address, report and monitor improper or unlawful business patterns. When such activity diminishes the initiative may be scaled back accordingly.

Department of State
PROGRAM INFORMATION SHEET

Program: Licensing - Examination Unit

Mandate:

Statutory mandates: Real Property Law, Executive Law, General Business Law

Mandated Funding Level:

None, although exam fees are set in statute.

Brief Description/History/Background:

The Examination unit has as its mission the development and administration of professional examinations as required by various statutes, to assess the qualifications of applicants for licensure. It is incumbent on the unit to make certain that all licensing examinations that are developed for use in establishing competency, meet established legal and professional principles of validity and reliability. In addition, the unit must also make sure that all licensing examinations are administered fairly and efficiently to all applicants who desire to obtain licensure or certification. The unit also contributes to the Division's overall responsibility of consumer protection.

Issues:

To maintain the level of service that is expected, it is extremely important to efficiently and expeditiously schedule and process examination results. The Division recently launched a new occupational system which allows applicants to schedule and receive their examination results online. The technology for the other disciplines which require examinations is outdated and affects the functionality of this unit. We are currently in the process of projecting the costs for the next ten years for an occupational management system which will ultimately include online functions for exam applicants.

Population Served:

Members of the business community.

Performance Measures:

Monthly statistical reports are utilized in the analysis of performance standards. These reports include information on the number of examinations administered at each exam site, the pass/fail rates for each examination and the amount of revenue collected in the form of examination fees. In addition, the unit utilizes an item analysis program to help determine exam reliability and validity.

Department of State
PROGRAM INFORMATION SHEET

Program: Licensing - License Issuance and Control

Mandate:

Various licensing laws

Mandated Funding Level:

None

Brief Description/History/Background:

The License Issuance and Control Unit reviews and approves all license applications for 29 disciplines to ensure that qualifications set in statute are satisfied, and that the public health and safety is ensured through determining the experience qualifications of the applicants. Application information is subsequently entered into appropriate databases for license issuance. Legislation has expanded the license disciplines we regulate from 21-30 in the past fifteen years.

Issues:

To maintain the level of service that is expected, it is extremely important to efficiently and expeditiously process licenses in order to assist applicants to work in their chosen profession. The Division recently launched a new system, an occupational system for real estate professionals, that allows applicants to perform transactions online. The technology for the other 29 disciplines is outdated and affects the functionality of this unit. We are currently in the process of projecting the costs for the next ten years, for an occupational licensing management system which will provide the general public and our 800,000 licensees with access to 24 hour online services.

Population Served:

800,000 licensees, applicants and the general public

Performance Measures:

By reviewing the weekly statistics, the number of licenses issued, the timeframe in which a license is issued and analyzing weekly backlogs, management is able to measure the efficiency and expeditious processing of licenses.

Department of State
PROGRAM INFORMATION SHEET

Program: Licensing - Program Planning/Analysis

Mandate:
None.

Mandated Funding Level:
None.

Brief Description/History/Background:

The Program Planning/Analysis Unit is responsible for information gathering, analysis and research of possible solutions geared toward creating efficiency and accountability to the Division's 800,000 licensees and the general public. The Unit also provides system and informational support to Licensing staff and communicates as a liaison between Division stakeholders that include industry advocates, state and federal agencies, consumers and licensed individuals.

Issues:

With processing time, enforcement tracking and access to records by the public prolonged and inefficient, the Program Planning and Analysis Unit assessed the problems and as a result, the Division, in its first phase of development, has launched an occupational management system for real estate professionals. To improve the efficiency and effectiveness of the Division, and provide better service to our licensees and the general public, the Program Planning/Analysis unit has outlined a five year plan to implement an occupational management system for the remaining disciplines.

Population Served:

The applicants, licensees and general public associated with our 30 license disciplines and Division of Licensing staff.

Performance Measures:

Department of State
PROGRAM INFORMATION SHEET

Program: Licensing - Security Guard Registry

Mandate:

Article 7a, General Business Law

Mandated Funding Level:

None

Brief Description/History/Background:

The Security Guard Act of 1992 established the Security Guard Registry as the central repository for the registration of all armed and unarmed security guards in the State of New York. The registry accepts, reviews and processes applications insuring eligibility for registration. Health and Safety is considered paramount. The built in review process of those who have been convicted of serious offenses is ongoing and very effective.

Issues:

The implementation of LiveScan (electronic fingerprinting) in April-May 2009 will expedite the submission and return of criminal history reports regarding the evaluation of applicants reducing the reporting time to approximately 24 - 48 hours. This will be an extreme benefit to both the honest applicant ensuring a prompt and expeditious issuance of their registration and a safeguard for the public against the employment of unqualified guards. Currently the security guard registry waits approximately two to three weeks for the return of a state criminal history report and six to eight weeks for the federal criminal history. This imposes an unreasonable risk as an applicant may work pending registration while awaiting these results. Accordingly, a convicted felon may be employed until this information is received.

Population Served:

138,000 security guards, 2845 security guard employers and the general public.

Performance Measures:

The registry continuously receives criminal history reports from DCJS and FBI and reconciles the application records against weekly and monthly exception reports regarding un-dispositioned criminal records or applications open or pending.

NYS Department of State
PROGRAM INFORMATION SHEET

Program: Committee on Open Government

Mandate:

Public Officers Law, Articles 6, 6-A and 7; The Committee on Open Government is responsible for overseeing the implementation of the Freedom of Information Law (Public Officers Law, sections 84-90) and the Open Meetings Law (Public Officers Law, sections 100-111).

Mandated Funding Level:

None

Brief Description/History/Background:

The Freedom of Information Law governs rights of access to government records, while the Open Meetings Law concerns the conduct of meetings of public bodies and the right to attend those meetings. The Committee also administers the Personal Privacy Protection Law. Since its creation in 1974, the Committee has been composed of 11 members, five from government and six from the public. The five government members are Lieutenant Governor, the Secretary of State, whose office acts as secretariat for the Committee, the Commissioner of General Services, the Director of the Budget, and one elected local government official appointed by the Governor. Of the six public members, at least two must be or have been representatives of the news media. The Freedom of Information Law directs the Committee to furnish advice to agencies, the public and the news media, issue regulations and report its observations and recommendations to the Governor and the Legislature annually. Similarly, under the Open Meetings Law, the Committee issues advisory opinions, reviews the operation of the law and reports its findings and recommendations annually to the Legislature. The Committee currently operates much the same as it did when it was created, providing legal advice, educational presentations, and recommendations when appropriate.

Issues:

In the past three years, there were three significant amendments to the Freedom of Information Law, and issuance of an executive order requiring state agencies to webcast meetings. More recent amendments signed into law within the past month include provisions relating to actual costs of reproducing records, electronic records and the award of attorney's fees. Most of the amendments are based on recommendations of the Committee. Changes to the law result in an increased demand on staff. Due to changes made in the previous three years, more immediate changes, and expected changes to occur later this year, it is predicted that it will be necessary to increase staff of the Committee.

Population Served:

The Committee's staff responds verbally or in writing to all queries from all levels of government in New York State (over 10,000 unites), the public and the news media.

Performance Measures:

The Committee maintains detailed records regarding the number and types of queries and responses. From November 1, 2006 through October 31, 2007, the staff of the Committee prepared 800 written advisory opinions, responded to 6,665 telephone inquiries, and gave 127 presentations.

Department of State
PROGRAM INFORMATION SHEET

Program: Program Development Unit

Mandate:
N/A

Mandated Funding Level:
None

Brief Description/History/Background:

The Program Development Unit was established in 2007 to provide independent analysis of various functions of the Department. Analysis includes recommendations on ways to streamline or enhance existing functions to increase efficiency or improve service either through changes in work processes or through the use of technology. To date the Unit has implemented a corporate imaging system to streamline the corporate filing and retrieval process and provide for electronic distribution of corporate filings to NYS counties; analyzed and provided recommendations for various functions of the NYS Athletic Commission, Community Service Block Grant Program, Office of Administrative Hearings; and is currently working with the Division of Local Government to develop a plan and begin to incorporate distance learning as part of the Division's training program to reduce Division travel expenditures.

Issues:
None.

Population Served:
Program and program staff within the Department of State and their clientele or constituency.

Performance Measures:
None.

Department of State
PROGRAM INFORMATION SHEET

Program: Regional Affairs

Mandate:
Executive Law §152

Mandated Funding Level:
None

Brief Description/History/Background:

The Regional Affairs Program provides outreach to localities and the public in order to develop an understanding and appreciation of local issues and to assist in their resolution. The Program also provides an opportunity for the Governor to be apprised of regional local issues from a grass roots perspective.

Issues:
None

Population Served:
Local governments and their constituents.

Performance Measures:
N/A