



memo

TO: Government Affairs Council Members

FROM: Maggie Moree

SUBJECT: Mandate Relief Measures

DATE: 6/27/11

The following provides a summary of mandate relief provisions included in the real property tax cap/rent control legislation approved last Friday (see [S.5856/A.8518](#)). Please feel free to contact me with any questions or comments. I can be reached at (518) 465-7511, ext. 207 or email at maggie.moree@bcnys.org

Part C, Subpart A

-Authorizes OGS to use centralized services fund to be used for both state and political subdivisions to purchase fuels, including natural gas, hydrogen, biofuels and gasoline, and automotive services; and purchases of electricity, renewable energy, renewable energy credits or attributes from the power authority of the state of New York and, in consultation with the power authority of the state of New York, from other suppliers.

- Limits OGS to providing certain centralized services to state agencies/institutions only: communications; mail, messenger and reproduction services; computer services; renovation and maintenance services; real property management services; building design and construction services.

- Permits municipalities the option to purchase IT and telecommunications hardware, software, and professional services through cooperative purchasing permissible pursuant to federal GSA IT schedule 70; adherence to such federal schedule ordering procedures will constitute compliance with the competitive bidding requirements.

- Permits municipalities to make purchases or contract for services – including public work - through the county except for services subject to article 9 of the Labor Law (Prevailing Wage for Building Service Employees).

- Permits counties to make purchases or contract for service, including public work, on behalf of municipalities and fire districts except for services subject to article 9 of the Labor law (Prevailing Wage of Building Service Employees)

- Permits municipalities to purchase from federal GSA supply schedules.

- Eliminates requirement that local laws be accompanied by a certificate executed by the corporation or municipal counsel attesting to its accuracy.

Part C, Subpart B

- Permits municipalities which enter in contracts for services with a state agency or public benefit corporation to include within those contracts reciprocal provisions for services of equivalent value.

- Permits highway or local street projects with a value between \$100,000-\$250,000 to be performed either by municipality's own workforce or by competitive bid. All estimates in excess of \$250,000 to be let by competitive bid.

- Makes permissive, rather than mandatory, that a deposit be required on the plans and specifications developed for the performance of public work.

Part C, Subpart C

- Requires all municipalities to reimburse other municipalities on a pro rata basis when a police officer has attended certain training paid for by that municipality and that officer then terminates employment and accepts employment with a new municipality.

- Repeals 207-M of the General Municipal Law which stipulated that whenever the base salary or other compensation of the permanent full-time police officer who is a member of a negotiating unit and who is the highest ranking subordinate to the head of the police department in such unit, is increased, the salary, as defined in subdivision two of this section, of the permanent full-time head of the police department shall be increased by at least the same dollar amount of the base salary increase received by such next subordinate police officer

- Expands existing statute on prosecuting crimes of identity theft to include authority to prosecute all criminal acts committed as part of an offense of identify theft or unlawful possession of personal indentifying information.

- Makes changes regarding authority of the courts and the county probation departments regarding individuals placed on probation changing residency status.

- Adds a new section of the mental hygiene law regarding the payment of prosecution costs of inmate-patients by the department of corrections and community supervision.

Part C, Subpart D

- Requires municipalities to file with the Division of Housing and Community Renewal copies of any proposed urban renewal programs, or any changes made in such urban renewal programs, assisted by state loans, periodic subsidies or capital grants.

- Eliminates requirement for filing with the Division of Housing and Community Renewal a certificate of appointment or reappointment made by a municipality to a municipal urban renewal agency.

Part C, Subpart E

- Authorizes child care assistance payments to be made by direct deposit or debit card as elected by the recipient.

- Increases from one to two years the duration of a child care license issued by OCFS.

Part C, Subpart F

- Permits the census of preschool students from birth to five years of age to be conducted and filed by school districts biennially; for students 5-18, an annual census is required.

- Permits school boards at their discretion to provide student transportation based upon patterns of actual ridership and sets forth the requirements to be followed if this option is chosen; this does not reduce or relieve school districts of their obligation of providing transportation to students otherwise eligible for transportation.

- Provides additional clarification on when amortization for an approved building project commences for projects after July 1, 2011: 18 months after the approval granted by SED, or the date on which SED received both the final certificate of substantial completion of the project and the final cost report for that project, or upon the finding by SED that the certificate of substantial completion of the project has been issued but the final cost report is delayed because of circumstances beyond the district's control.

- Permits school districts, at their discretion, to establish the office of deputy claims auditor who shall act as claims auditor in the absence of the claims auditor.

- Stipulates that when a district delegates the claims audit function using an inter-municipal cooperative agreement, shared service agreement or an independent contract, the board shall be responsible for auditing all claims for services from the entity providing the delegated claims auditor function.

- Permits school districts with enrollment of 10,000 students or more to use a risk-based or sampling methodology to determine which claims are to be audited in lieu of auditing all claims.

- Adds a new section of the education law allowing for a shared superintendent program for school districts with enrollment of less than 1,000 students in the previous year.

- Permits school districts to provide regional transportation services by rendering such services jointly with other school districts or BOCES or OCFS.

- Adds to the list of reviews undertaken by the state comptroller reviews of those school districts using risk-based or sampling methodologies to determine which claims are to be audited, the effectiveness of those sampling and/or risk-based audits.

Part C, Subpart G

- Authorizes adoption subsidy payments to be made by direct deposit or debit card, as elected by the recipient.

Part C, Subpart H

- Revises the State Administrative Procedure Act to allow a local government, or two or more local governments to seek approval for an alternate method of implementing a regulatory mandate by submitting to the appropriate state agency a petition detailing sufficiently the alternate process to be used. Allows a local government that objects to a state agency determination to modify or disapprove such a petition to appeal in writing to the mandate relief council that modification or denial.

- Stipulates that a state agency may rescind its approval of a petition only after a hearing, with hearing notice provided at least 30 days prior to the hearing and posted on the agency's website with details forming the basis for the agency's decision.

- Creates a Mandate Relief Council within the executive department comprised of 11 members including 2 each from the Senate and Assembly; the secretary to the Governor; counsel to the Governor; director of DOB; the secretary of State and 3 additional members appointed by the governor from among his executive chamber staff. Council upon request of a local government or one of its members will identify and review mandates that can be eliminated or reformed. Lays out the process by which these reviews are undertaken and handles appeals of agency decisions denying alternative methods of implementation. Stipulates that the council is subject to open meetings law and compels an annual report by December 15 of each year to the Governor and Legislature on its activities.