

NOTICE!

Chapter 429 of the Laws of 2003 (effective January 1, 2004) amended the State Administrative Procedure Act in relation to the comment period for proposed rules.

The current minimum 45-day comment period will continue to apply to those rule makings which contain the full text of the proposed rule, have the full text of the rule posted on a website maintained by the agency or another state entity, or are consensus rules or rules defined in SAPA §102 (2)(a)(ii). If the full text has been posted on a state website, the address of this website must be provided in the notice of proposed rule making.

Chapter 429 stipulates, however, that when a notice of proposed rule making does not contain the full text of the proposed rule, or the full text of the proposed rule has not been posted on a website maintained by the agency or another state entity, or the rule is not a consensus rule or a rule defined in SAPA §102 (2)(a)(ii), the last date for submission of comments shall be not less than sixty days after the date of publication of such notice.

The Notice of Proposed Rule Making (10/03), Notice of Adoption (10/03) and Notice of Emergency/Proposed Rule Making (10/03) forms have been amended to accommodate the new provisions. The revised forms are included in this issue of the *Register* and have also been posted on the DOS web site at www.dos.state.ny.us. Copies of the forms are also available in WordPerfect or Rich Text format by contacting our office at (518) 474-6785. All rule makings which will appear in the January 7, 2004 issue and all subsequent issues of the *Register*, (i.e., all rule makings filed on and after December 17, 2003) must be submitted to the Department of State on the new forms.

Notice of Proposed Rule Making

(SUBMITTING AGENCY)

TEXT ATTACHMENT SUBMITTED ELECTRONICALLY 9 YES 9 NO

NOTE: Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms and nonscannable text attachments will be cause for rejection of this notice.

1. A. *Proposed action:*

- B. This is a consensus rule making. A statement is attached setting forth the agency's determination that no person is likely to object to the rule as written [SAPA §202(1)(b)(i)].
- C. This rule was previously proposed as a consensus rule making under I.D. No. _____. Attached is a brief description of the objection that caused/is causing the prior notice to be withdrawn [SAPA §202(1)(e)].
- D. This rule is proposed pursuant to [SAPA §207(3)], Review of Existing Rules.

2. *Statutory authority under which the rule is proposed:*

3. *Subject of the rule:*

4. *Purpose of the rule:*

5. *Public hearings* (check box and complete as applicable):

- A public hearing is not scheduled. (*SKIP TO ITEM 8*)
- A public hearing is required by law and is scheduled below.
- A public hearing is not required by law, but is scheduled below.

Date:

Time:

Location:

_____	_____	_____
_____	_____	_____
_____	_____	_____

6. *Interpreter services* (check only if a public hearing is scheduled):

- Interpreter services will be made available to hearing impaired persons, at no charge, upon written request to the agency contact designated in this notice.

7. *Accessibility* (check appropriate box only if a public hearing is scheduled):

- All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.
- Attached is a list of public hearing locations that are **not** reasonably accessible to persons with a mobility impairment. An optional explanation is submitted regarding the nonaccessibility of one or more hearing sites.

8. *Terms of rule* (SELECT ONE):

- The full text of the rule is attached since it is under 2,000 words.
- A summary of the rule is attached since the full text of the rule is over 2,000 words.
 - Full text is posted at the following State website: _____.
 - Full text is not posted on a State website.
 - Full text is not posted on a state website but this is a consensus rule or a rule defined in SAPA 102 (2)(a)(ii)
- Pursuant to SAPA §202(7)(b), the agency elects to print a description of the subject, purpose and substance of the rule as defined in SAPA §102(2)(a)(ii).

9. *The text of the rule and any required statements and analyses may be obtained from:*

Agency contact _____
Office address _____

Telephone _____ *E-mail* _____

10. *Submit data, views or arguments to* (complete only if different than previously named agency contact):

Agency contact _____
Office address _____

Telephone _____ *E-mail* _____

11. *Public comment will be received until:*

- 45 days after publication of this notice (MINIMUM public comment period when full text is attached because it is under 2000 words or full text of rule has been posted on a State web site or the rule is a consensus rule or a rule defined under SAPA 102[2][a][ii])
- 60 days after publication of this notice (MINIMUM public comment period when full text is not attached or full text is not posted on a State web site or the rule is not a consensus rule or a rule defined under SAPA 102[2][a][ii])
- 5 days after the last scheduled public hearing required by statute (MINIMUM, with required hearing) This box may not be checked and the minimum 60-day comment period applies if full text is not attached or text is not posted on a State web site or the rule is not a consensus rule or a rule defined under SAPA 102[2][a][ii])
- Other: (*specify*) _____

12. A prior emergency rule making for this action was previously published in the _____ issue the *Register*, I.D. No. _____.

13. *Expiration date* (check only if applicable):

- This proposal will not expire in 180 days because it is for a "rate making" as defined in SAPA §102 (2)(a)(ii).

14. *Additional matter required by statute:*

- Check box if NOT applicable.

15. **Regulatory Agenda** (The **Division of Housing and Community Renewal; Workers' Compensation Board;** and the departments of **Agriculture and Markets, Banking, Education, Environmental Conservation, Family Assistance, Health, Insurance and Labor** and any other department specified by the Governor or his designee *must complete* this item. If your agency has an optional agenda published, that should also be indicated below):

- This action was a Regulatory Agenda item in the first January issue of the *Register*, (year) _____
- This action was a Regulatory Agenda item in the last June issue of the *Register*, (year) _____
- This action was not under consideration at the time this agency's Regulatory Agenda was submitted for publication in the *Register*.

16. **Review of Existing Rules** (ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

This rule is proposed pursuant to SAPA §207 (check applicable boxes):

- Attached is a statement setting forth a reasoned justification for modification of the rule. Where appropriate, include a decision of the degree to which changes in technology, economic conditions or other factors in the area affected by the rule necessitate changes in the rule.
- Attached is an assessment of public comments received by the agency in response to the listing of the rule in the regulatory agenda.
- An assessment of public comments is not attached because no comments were received.

17. **Regulatory Impact Statement (RIS)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS, EXCLUDING SUMMARIES OF STUDIES, REPORTS OR ANALYSES [Needs and Benefits]):

A. The attached RIS contains:

- The full text of the RIS.
- A summary of the RIS.
- A consolidated RIS, because this rule is one of a series of closely related and simultaneously proposed rules or is virtually identical to rules proposed during the same year.

B. An RIS is **NOT** attached, because this rule is:

- a technical amendment (*i.e.*, exempt from SAPA §202-a) (*attach a statement of the reason(s) for claiming this exemption*).
- subject to a consolidated RIS printed in the *Register* under I.D. No.: _____; issue date: _____.
- exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].
- exempt, as defined in SAPA §102(11) [Consensus Rule Making].

18. **Regulatory Flexibility Analysis (RFA) for small businesses and local governments**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

A. The attached RFA contains:

- The full text of the RFA.
- A summary of the RFA.
- A consolidated RFA, because this rule is one of a series of closely related rules.

B. An RFA is **NOT** attached, because this rule:

- will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments (*attach a statement in scanner format that explains the agency's finding and the reason(s) upon which the finding was made, including any measures used to determine that the rule will not impose such adverse economic impacts or compliance requirements*).
- is subject to a consolidated RFA printed in the *Register* under I.D. No.: _____; issue date: _____.
- is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].
- is exempt, as defined in SAPA §102(11) [Consensus Rule Making].

19. Rural Area Flexibility Analysis (RAFA)

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

A. The attached RAFA contains:

- The full text of the RAFA.
- A summary of the RAFA.
- A consolidated RAFA, because this rule is one of a series of closely related rules.

B. A RAFA is **NOT** attached, because this rule:

- will not impose any adverse economic impact on rural areas or reporting, record keeping or other compliance requirements on public or private entities in rural areas (*attach a statement in scanner format that explains the agency's finding and the reason(s) upon which the finding was made, including what measures were used to determine that the rule will not impose such adverse impact or compliance requirements*).
- is subject to a consolidated RAFA printed in the *Register* under I.D. No.: _____; issue date: _____.
- is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].
- is exempt, as defined in SAPA §102(11) [Consensus Rule Making].

20. Job Impact Statement (JIS)

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS):

A. The attached JIS contains:

- The full text of the JIS.
- A summary of the JIS.
- A consolidated JIS, because this rule is one of a series of closely related rules.

B. A JIS is **NOT** attached, because this rule:

- will not have a substantial adverse impact on jobs and employment opportunities (as apparent from its nature and purpose) (*Attach a statement in scanner format that explains the agency's finding that the rule will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.*)
- is subject to a consolidated JIS printed in the *Register* under I.D. No.: _____; issue date: _____.
- is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].
- is exempt, because it is submitted by the State Comptroller or Attorney General.
- includes a JIS/Request for Assistance.

AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice)

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name _____ Signature _____

Address _____

Telephone _____ E-Mail _____

Date _____

Please read before submitting this notice:

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's Rule Making Procedures Manual.
2. **Collate the original notice and attachments** as: (1) form; (2) text or summary of rule; and, ***if any***, (3) regulatory impact statement, (4) regulatory flexibility analysis for small businesses and local governments, (5) rural area flexibility analysis, (6) job impact statement. Submit the originals, as collated **and ONE copy of that collated set.**
3. **Mail or hand deliver notice to:** Department of State, Division of Administrative Rules, 41 State Street, Suite 330, Albany, NY 12231-0001.

Notice of Adoption

(SUBMITTING AGENCY)

TEXT ATTACHMENT SUBMITTED ELECTRONICALLY 9 YES 9 NO

NOTE: Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms and nonscannable text attachments will be cause for rejection of this notice.

1. *Action taken:*

"X" box if the rule was originally proposed as a consensus rule making.

2. *Effective date of rule:*

Date this notice is published in the *State Register*.

This is a "rate making" as defined in SAPA §102(2)(a)(ii), and, is effective as follows:

Date of filing.

Other date (*specify*): _____

Other date (*specify*): _____

3. *Statutory authority under which the rule was adopted:*

4. *Subject of the rule:*

5. *Purpose of the rule:*

6. Terms and identification of rule:

A. Comparison of the proposed rule to the adopted rule (CHECK ONE):

No changes were made to the proposed rule.

Do NOT attach the text of the previously published rule. If the last previously published RIS, RFA, RAFA or JIS remain adequate and do not require correction, SKIP ITEMS 9-12 and do NOT attach any such statements. If any of the most recently published statements were deemed inadequate or required correction, complete Item 9, 10, 11, or 12 as applicable, do NOT attach previously published statements. Be sure to complete B and C of this section as well as remaining Items 7-8 and 13-14.

Nonsubstantive changes were made in the following Parts, sections, subdivisions or paragraphs:

Attach the original of the text as adopted (if proposed as full text, submit full text; if proposed as a summary, submit a summary) typed in scannable format. Do not skip Items 9-12; revised statements or explanatory statements are required.

This is a "rate making" as defined in SAPA §102(2)(a)(ii) and, pursuant to SAPA §202(7)(b), the agency elected to submit an original copy of a description of the substance. Substantial revisions were made in the following Parts, sections, subdivisions or paragraphs:

B. I.D. No. of the original notice of proposed rule making: _____

C. List the date and I.D. No. of any previously published notice(s) of revised rule making:

_____, I.D. No. _____

_____, I.D. No. _____

7. The text of the final rule and any required statements and analyses may be obtained from:

Agency contact _____

Office address _____

Telephone _____ E-mail _____

8. Additional matter required by statute:

Check box if NOT applicable.

9. Revised Regulatory Impact Statement (RIS)

(SELECT AND COMPLETE ALL THAT APPLY; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RIS contains:

The full text of the Revised RIS.

A summary of the Revised RIS.

B. A Revised RIS is **NOT** attached because:

Changes made to the last published rule do not necessitate revision to the previously published RIS **AND** a statement to that effect is attached.

This is a technical amendment exempt from SAPA §202-a **AND** a statement of the reason(s) for claiming this exemption is attached.

This rule is a "rate making" as defined in SAPA §102(2)(a)(ii).

10. Revised Regulatory Flexibility Analysis (RFA) for small businesses and local governments
(SELECT AND COMPLETE ALL THAT APPLY; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RFA contains:

- The full text of the Revised RFA.
- A summary of the Revised RFA.

B. A Revised RFA is **not** attached because:

- Changes made to the last published rule do not necessitate revision to the previously published RFA **AND** a statement to that effect is attached.
- The changes will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. **A statement is attached** setting forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.
- This rule is a "rate making" as defined in SAPA §102(2)(a)(ii).

11. Revised Rural Area Flexibility Analysis (RAFA)

(SELECT AND COMPLETE ALL THAT APPLY; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RAFA contains:

- The full text of the Revised RAFA.
- A summary of the Revised RAFA.

B. A Revised RAFA is **NOT** attached because:

- Changes made to the last published rule do not necessitate revision to the previously published RAFA **AND** a statement to that effect is attached.
- The changes will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. **A statement is attached** setting forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.
- This rule is a "rate making" as defined in SAPA §102(2)(a)(ii).

12. Revised Job Impact Statement (JIS)

(SELECT AND COMPLETE ALL THAT APPLY; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised JIS contains:

- The full text of the Revised JIS.
- A summary of the Revised JIS.

B. A Revised JIS is not attached because:

- Changes made to the last published rule do not necessitate revision to the previously published JIS **AND** a statement to that effect is attached.
- The changes will not impose a substantial impact on jobs and employment opportunities. **A statement is attached** setting forth this agency's findings that the rule will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.
- This rule is a "rate making" as defined in SAPA §102(2)(a)(ii).
- This rule was proposed by the State Comptroller or Attorney General.

13. **Assessment of Public Comment** (includes legislative comments) (check applicable box):

- A. 45 day minimum comment period is complete (Full text was submitted with proposal or summary of text was submitted with the proposal and the full text was posted on a State web site or the rule is a consensus rule or a rule defined under SAPA 102(2)(a)(ii))
- 60 day minimum comment period is complete (Summary of text was submitted with the proposal and the full text was not posted on a State web site or the rule is **not** a consensus rule or a rule defined under SAPA 102(2)(a)(ii))

B. (COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

- Attached is an assessment of public comment. ' No particular form is required, and it need **only** include comments not addressed in any previously published assessment for this rule. However, the assessment must be based on any written comments received by the agency or any comments presented at any public hearing held by the agency about this rule (include legislative comment). It must contain a summary and an analysis of the issues raised and significant alternatives suggested, a statement of the reason(s) why any significant alternatives were not incorporated, and a description of any changes made as a result of such comments.
- An assessment is not attached because no comments were received.
- An assessment is not required because this action is for a "rate making" as defined in SAPA §102(2)(a)(ii).

14. **Referenced material** (check one box):

- No information is being incorporated by reference in this rule.
- This rule contains referenced material in the following Parts, sections, subdivisions or paragraphs:

AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice)

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name _____ Signature _____

Address _____

Telephone _____ E-mail _____

Date _____

Please read before submitting this notice:

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's Rule Making Procedures Manual.
2. **Collate the original notice and attachments** as: (1) form; (2) text or summary of rule; and, **if any**, (3) regulatory impact statement, (4) regulatory flexibility analysis for small businesses and local governments, (5) rural area flexibility analysis, (6) job impact statement, (7) assessment of public comment. Submit the originals, as collated, **and ONE copy of that collated set**. When filing any type of agency adoption, also submit an original certification stapled to rule text — **and TWO copies of that set**.
3. **Mail or hand deliver notice to:** Department of State, Division of Administrative Rules, 41 State Street, Suite 330, Albany, NY 12231-0001

Notice of Emergency Adoption and Proposed Rule Making

(SUBMITTING AGENCY)

TEXT ATTACHMENT SUBMITTED ELECTRONICALLY 9 YES 9 NO

NOTE: Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms and nonscannable text attachments will be cause for rejection of this notice.

1. *Action taken:*

2. *Effective date of emergency rule:*

Date of filing.

Other date (*specify*): _____

3. *History of emergency actions:*

This is the first time this emergency rule has been adopted.

This is the first readoption of an emergency rule printed in the *State Register* on _____
under I.D. No. _____.

4. *Statutory authority under which the rule was adopted:*

5. *This emergency rule is necessary for the preservation of:*

public health

public safety

general welfare

6. *The specific reasons underlying the finding of necessity, above, are as follows:*

7. *Subject of the rule:*

8. *Purpose of the rule:*

9. *Public Hearings* (check box and complete as applicable):

- A public hearing is not scheduled. (*SKIP TO ITEM 12*)
- A public hearing is required by law and is scheduled below.
- A public hearing is not required by law, but is scheduled below.

Date:

Time:

Location:

10. *Interpreter services* (check only if a public hearing is scheduled):

- Interpreter services will be made available to hearing impaired persons, at no charge, upon written request to the agency contact designated in this notice.

11. *Accessibility* (check appropriate box only if a public hearing is scheduled):

- All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.
- Attached is a list of public hearing locations that are **not** reasonably accessible to persons with a mobility impairment. An optional explanation is submitted regarding the nonaccessibility of one or more hearing sites.

12. *Terms of rule* (SELECT ONE):

- The full text of the rule is attached since it is under 2,000 words.
- A summary of the rule is attached since the full text of the rule is over 2,000 words.
 - Full text is posted at the following State website: _____.
 - Full text is not posted on a State website.
 - Full text is not posted on a state website but this is a consensus rule or a rule defined in SAPA 102 (2)(a)(ii)
- Pursuant to SAPA §202(7)(b), the agency elects to print a description of the subject, purpose and substance of the rule as defined in SAPA §102(2)(a)(ii).

13. *Type of notice*:

- This notice serves both as an emergency adoption and a notice of proposed rule making. This is not a notice of revised rule making.

14. *Emergency expiration date* (A first emergency rule is effective and enforceable for up to 90 days from the **date of filing**. Second and subsequent emergency rules are effective and enforceable for up to 60 days from their **date of filing** UNLESS the agency specifies an earlier date). This rule expires:

- 90 days after filing (*specify*): _____
- 60 days after filing (*specify*): _____
- Other (*specify date*): _____

15. Proposed expiration date (check only if applicable):

- This proposal will not expire in 180 days because it is for a “rate making” as defined in SAPA §102 (2)(a)(ii) [Rate Making].

16. The text of the final rule and any required statements and analyses may be obtained from:

Agency contact _____
 Office address _____
 Telephone _____ E-mail _____

17. Submit data, views or arguments to (complete only if different than previously named agency contact):

Agency contact _____
 Office address _____
 Telephone _____ E-mail _____

18. Public comment will be received until:

- 45 days after publication of this notice (MINIMUM public comment period when full text is attached because it is under 2000 words or full text of rule has been posted on a State web site or the rule is a consensus rule or a rule defined under SAPA 102[2][a][ii])
- 60 days after publication of this notice (MINIMUM public comment period when full text is not attached or full text is not posted on a State web site or the rule is not a consensus rule or a rule defined under SAPA 102[2][a][ii])
- 5 days after the last scheduled public hearing required by statute (MINIMUM, with required hearing) This box may not be checked and the minimum 60-day comment period applies if full text is not attached or text is not posted on a State web site or the rule is not a consensus rule or a rule defined under SAPA 102[2][a][ii])
- Other: (specify) _____

19. Additional matter required by statute:

- Check box if NOT applicable.

20. **Regulatory Agenda** (The **Division of Housing and Community Renewal; Workers' Compensation Board;** and the departments of **Agriculture and Markets, Banking, Education, Environmental Conservation, Family Assistance, Health, Insurance and Labor** and any other department specified by the Governor or his designee must complete this item. If your agency had an optional agenda published, that should also be indicated below):

- This action was a Regulatory Agenda item in the first January issue of the Register, (year) _____
- This action was a Regulatory Agenda item in the last June issue of the Register, (year) _____
- This action was not under consideration at the time this agency's Regulatory Agenda was submitted for publication in the *Register*.

21. **Regulatory Impact Statement (RIS)**

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS, EXCLUDING SUMMARIES OF STUDIES, REPORTS OR ANALYSES [Needs and Benefits])

A. The attached RIS contains:

- The full text of the RIS.
- A summary of the RIS.
- A consolidated RIS, because this rule is one of a series of closely related and simultaneously proposed rules or is virtually identical to rules proposed during the same year.

21. B. An RIS is not attached, because this rule is:
- a technical amendment (*i.e.*, exempt from SAPA §202-a) (*attach a statement of the reason(s) for claiming this exemption*).
 - subject to a consolidated RIS printed in the *Register* under I.D. No.: _____; issue date: _____.
 - exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

C. An RIS is not attached, but will be published in the *Register* within 30 days of the rule's effective date.

22. Regulatory Flexibility Analysis (RFA) for small businesses and local governments

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached RFA contains:

- The full text of the RFA.
- A summary of the RFA.
- A consolidated RFA, because this rule is one of a series of closely related rules.

B. An RFA is not attached, because this rule:

- will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments (*attach a statement in scanner format that explains the agency's finding and the reason(s) upon which the finding was made, including any measures used to determine that the rule will not impose such adverse economic impacts or compliance requirements*).
- is subject to a consolidated RFA printed in the *Register* under I.D. No.: _____; issue date: _____.
- is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

C. An RFA is not attached, but will be published in the *Register* within 30 days of the rule's effective date.

23. Rural Area Flexibility Analysis (RAFA)

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached RAFA contains:

- The full text of the RAFA.
- A summary of the RAFA.
- A consolidated RAFA, because this rule is one of a series of closely related rules.

B. An RAFA is not attached, because this rule:

- will not impose any adverse economic impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas (*attach a statement in scanner format that explains the agency's finding and the reason(s) upon which the finding was made, including what measures were used to determine that the rule will not impose such adverse impact or compliance requirements*).
- is subject to a consolidated RAFA printed in the *Register* under I.D. No.: _____; issue date: _____.
- is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].

C. An RAFA is not attached, but will be published in the *Register* within 30 days of the rule's effective date.

24. Job Impact Statement (JIS)

(SELECT AND COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached JIS contains:

- The full text of the JIS.
- A summary of the JIS.
- A consolidated JIS, because this rule is one of a series of closely related rules.

Continued...

24. B. A JIS is not attached, because this rule:

- will not have a substantial adverse impact on jobs and employment opportunities (as apparent from its nature and purpose) (*attach a statement in scanner format that explains the agency's finding that the rule will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination*).
- is subject to a consolidated JIS printed in the *Register* under I.D. No.: _____; issue date: _____.
- is exempt, as defined in SAPA §102(2)(a)(ii) [Rate Making].
- is exempt, because it is submitted by the State Comptroller or Attorney General.
- a JIS/Request for Assistance is submitted with this notice.

C. A JIS is not attached, but will be published in the *Register* within 30 days of the rule's effective date.

25. Referenced material:

- No information is being incorporated by reference in this rule making.
- This rule making contains referenced material in the following Parts, sections, subdivisions, or paragraphs:

AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice.)

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name _____ Signature _____

Address _____

Telephone _____ E-Mail _____

Date _____

Please read before submitting this notice:

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's Rule Making Procedures Manual.
2. **Collate the original notice and attachments** as: (1) form; (2) text or summary of rule; and, **if any**, (3) regulatory impact statement, (4) regulatory flexibility analysis for small businesses and local governments, (5) rural area flexibility analysis, (6) job impact statement, (7) assessment of public comment. Submit the originals, as collated, **and ONE copy of that collated set**. When filing any type of agency adoption, also submit an original certification stapled to rule text — **and TWO copies of that set**.
3. **Mail or hand deliver notice to:** Department of State, Division of Administrative Rules, 41 State Street, Suite 330, Albany, NY 12231