

RULE REVIEW

DEPARTMENT OF AGRICULTURE AND MARKETS REVIEW OF EXISTING REGULATIONS

Pursuant to Section 207 of the State Administrative Procedure Act, notice is hereby provided of the continuation without modification of the following rules which the Department of Agriculture and Markets has reviewed in 2004. Notice that a review of these regulations would be conducted and public comment on their continuation or modification accepted until March 31, 2003 was published in the January 7, 2004 *State Register*. All section and Part references are to Title 1 of the New York Code of Rules and Regulations.

Part 45 Movement of live poultry requirements to prevent the spread of avian influenza.

Statutory authority: Agriculture and Markets Law sections 16(1), 18(6), 72, 74 and 75.

Justification: The Department has determined that the continuation of this regulation without modification is necessary to prevent the spread of avian influenza through live poultry markets in the New York City Metropolitan area by limiting the markets' source of poultry to flocks which are free of disease.

Assessment of Public Comment: None received.

Part 205

Cabbage Research and Development Program.

Statutory authority: Agriculture and Markets Law sections 16(1), 18(6), 294 and 295.

Justification: The Department has determined that the continuation of this regulation without modification is necessary to retain the Cabbage Research and Development Program which aids cabbage growers in developing higher quality product to better compete in the market place and in combating various storage disorders, developing insect and disease control strategies and providing better food safety by the development of a HAACP program.

Assessment of Public Comment: None received.

Sections 139.2 and 139.3 Asian Long Horned Beetle Quarantine.

Statutory authority: Agriculture and Markets Law sections 18, 164 and 167.

Justification: The Department has determined that the continuation of this regulation is necessary to preserve the Asian Long Horned Beetle quarantine in certain areas of Brooklyn and Amityville, New York. The quarantine area has been repeatedly expanded in an effort to control the spread of the beetle, most recently in 2003.

Assessment of Public Comment: None received.

DEPARTMENT OF TAXATION AND FINANCE REGULATIONS CONTINUED WITHOUT MODIFICATION

Pursuant to section 207.4 of the State Administrative Procedure Act, the Department of Taxation and Finance hereby gives notice of the following:

As part of the Department's 2004 review of regulations that were adopted during 1999, it has reviewed 20 NYCRR Part 525 of the Sales and Use Taxes Regulations, which concerns general sales and compensating use tax provisions. The 1999 amendments updated and simplified Part 525, General, of the regulations by deleting text that merely repeated the statute or that was superfluous, unnecessarily complex, or no longer applicable. The amendments also cited pertinent sections of law applicable to the sales and compensating use taxes. The statutory authority for the amendments is contained in sections 171, subdivision First; 1142(1) and (8); and 1250 (not subdivided) of the Tax Law.

This regulation is being continued without modification because there have been no statutory amendments or changes in policy to warrant any modification.

A summary of the regulation was published in the Rule Review section of the January 7, 2004, issue of the *State Register*. The 2004 Regulatory Agenda was also posted to the Department's Website (http://www.tax.state.ny.us/pubs_and_bulls/Regulations/Regulatory_Agenda.htm) on January 8, 2004. The Department did not receive any public comments regarding this regulation.

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