

NOTICE

Chapter 441 of the Laws of 2005 will take effect on January 1, 2006 and will apply to all rules for which a notice of proposed rule making is published on or after such date. Rule making forms provided by the Department of State have been revised to accommodate the new legislation and are included in this issue of the *Register*. The revised forms are also available on the DOS website at www.dos.state.ny.us. The new law extends the period within which a proposed rule must be adopted before it will expire to 365 days; eliminates Notice of Continuation provisions except for a 90 day continuation when a revised rule making is filed within 90 days of a proposed rule's expiration date; provides that a notice of revised rule making shall state whether it also extends the comment period for an additional 90 days as provided for in SAPA section 202(3); and adds a requirement that a statement of reasons must be included when a proposed rule making is withdrawn.

Notice of Proposed Rule Making

(SUBMITTING AGENCY)

TEXT/SUBSTANCE AND ATTACHMENTS SUBMITTED: **E-MAIL** (nysregister@dos.state.ny.us)
 DISK

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 Attached is a brief description of the objection that caused/is causing the prior notice to be withdrawn [SAPA §202(1)(e)].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)], 5-Year Review of Existing Rules (see also item 16).

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.

Time:

Date:

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 SECTION):

- A. The full text of the rule is attached since it is under 2,000 words.
- B. 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; this is a consensus rule or a rule defined in SAPA § 102 (2)(a)(ii).
- C. 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) [Rate Making].

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

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

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

Agency contact _____
 Agency name _____
 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] [Rate Making]).
- 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] [Rate Making]).
- 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] [Rate Making]).
- Other: (*specify*) _____ .

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

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

- This proposal will not expire in 365 days because it is for a "rate making" as defined in SAPA §102 (2)(a)(ii).

14. *Additional matter required by statute:*

- Yes (include material required by statute).
- No additional material required by statute.

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, Labor, Motor Vehicles** and **State** and 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 _____ (year) *Register*.
- This action was a Regulatory Agenda item in the last June issue of the _____ (year) *Register*.
- This action was not under consideration at the time this agency's Regulatory Agenda was submitted for publication in the *Register*.
- Not applicable.

16. **5-Year Review of Existing Rules** (ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

This rule is proposed pursuant to SAPA §207 (item 1D applies) (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.
- Not applicable.

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. A RIS is **not attached**, because this rule is:

- 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].

C. A **statement is attached** claiming exemption pursuant to SAPA § 202-a (technical amendment).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. A **statement is attached** explaining why a RFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments 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.

Continued . . .

C. A RFA is **not** attached, because this rule:

- 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 **statement is attached** explaining why a RAFA is not required. This statement is in scanner format and explains the agency's finding that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas 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.

C. A RAFA is **not attached**, because this rule:

- 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 **statement is attached** explaining why a JIS is not required. This statement is in scanner format and explains the agency's finding that the rule will not have a substantial adverse impact on jobs and employment opportunities (as apparent from its nature and purpose) and 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.

A JIS/Request for Assistance [SAPA §201-a(2)(c)] is attached.

C. A JIS is **not attached**, because this rule:

- 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 proposed by the State Comptroller or Attorney General.

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 Register procedures manual, *Rule Making in New York*.
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 hard copy of rule making package to:** Department of State, Division of Administrative Rules, 41 State Street, Suite 330, Albany, NY 12231-0001.
4. **E-mail text/substance and attachments to:** nysregister@dos.state.ny.us **or** attach a disk containing the text/substance and required material.

Notice of Withdrawal

(SUBMITTING AGENCY)

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

1. A. *Withdrawal.* A notice of proposed rule making, published on (date) _____
under I.D. No. _____, has been withdrawn from consideration.

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

2. *Original action proposed:*

3. *Subject of original proposal:*

4. *Reason(s) for withdrawal of the proposed rule [SAPA §202(4)]:*

5. *Agency contact person:*

Agency contact _____

Agency name _____

Office address _____

Telephone _____ *E-mail* _____

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. Submit this **original notice and ONE copy**.
2. **Mail or hand deliver notice to:** Department of State, Division of Administrative Rules, 41 State Street, Suite 330, Albany, NY 12231-0001

Notice of Revised Rule Making

(SUBMITTING AGENCY)

TEXT/SUBSTANCE AND ATTACHMENTS SUBMITTED: **E-MAIL** (nysregister@dos.state.ny.us)
 DISK

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. *Proposed action:*

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

3. *Subject of the rule:*

4. *Purpose of the rule:*

5. *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.
- 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) [Rate Making].

6. *Continuation (check only if applicable):*

- This notice is within 90 days of the expiration of the proposal; this rule will be continued for an additional 90 days. Proposal expiration: _____.

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

- NO public hearing is scheduled. (SKIP TO ITEM 10)
- A public hearing is required by law and is scheduled as indicated below.
- A public hearing is not required by law, but is scheduled as indicated below.

Time: _____ Date: _____ Location: _____

8. 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.

9. 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.

10. Revised rule compared to proposed rule (identify **only** those changes made since the **last** published rule):

- A. The original notice of **proposed** rule making was published in the *State Register* on _____, I.D. No. _____
- B. List the date and I.D. No. of any previously published notice(s) of **revised** rule making:
 - _____, I.D. No. _____
 - _____, I.D. No. _____
- C. Substantial revisions were made in [Parts, sections, subdivisions or paragraphs]:
 - _____
 - _____

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

Agency contact _____

Agency name _____

Office address _____

Telephone _____ E-mail _____

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

Agency contact _____

Agency name _____

Office address _____

Telephone _____ E-mail _____

13. Public comment will be received until:

- 30 days after publication of this notice [MINIMUM public comment period, SAPA §202(4-a)(a)]
- 90 days after publication of this notice [SAPA §202(4-a)(c)(8)]
- Other: (specify) _____

14. *Additional matter required by statute:*

- YES (include material required by statute).
 NO additional material required by statute.

15. **Revised Regulatory Impact Statement (RIS)**

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

- A. The attached Revised RIS contains:
 The full text of the Revised RIS.
 A summary of the Revised RIS.
- B. A **statement is attached** explaining why a Revised RIS is not required (check one box):
 Changes made to the last published rule do not necessitate revision to the previously published RIS.
 This is a technical amendment exempt from SAPA §202-a.
- C. A Revised RIS is **not** attached because this rule is a “rate making” as defined in SAPA §102(2)(a)(ii).

16. **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 **statement is attached** explaining why a Revised RFA is not required (check one box):
 Changes made to the last published rule do not necessitate revision to the previously published RFA.
 The changes will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. The attached statement sets forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.
- C. A revised RFA is **not** attached because this rule is a “rate making” as defined in SAPA §102(2)(a)(ii).

17. **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 **statement is attached** explaining why a revised RAFA is not required (check one box):
 Changes made to the last published rule do not necessitate revision to the previously published RAFA.
 The changes will not impose any adverse impact or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. The attached statement sets forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.
- C. A revised RAFA is **not** attached because this rule is a “rate making” as defined in SAPA §102(2)(a)(ii).

18. **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 **statement is attached** explaining why a revised JIS is not required (check one box):
 Changes made to the last published rule do not necessitate revision to the previously published JIS.

Continued. . .

The changes will not impose a substantial impact on jobs and employment opportunities. The attached statement sets 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.

C. A revised JIS is **not** attached because (check one box):

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.

19. Assessment of Public Comment (including legislative comment) (CHECK ONE):

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 of public comment for this rule. However, the assessment must be based on any written comments received by the agency and any comments presented at any public hearing held by the agency about this proposal. 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. If the assessment exceeds 2,000 words, submit a summary.

An assessment is not attached because no comments were received.

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:

● **SPECIAL NOTE: Actions proposed as a Consensus Rule Making cannot be revised.** ●

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's *Register* procedures manual, *Rule Making in New York*.
2. **Collate the original 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**.
3. **Mail or hand deliver hard copy of rule making package to:** Department of State, Division of Administrative Rules, 41 State Street, Suite 330, Albany, NY 12231-0001.
4. **E-mail attachments to:** nysregister@dos.state.ny.us **or** attach a disk containing the text/substance and required material.

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.

<i>Time:</i>	<i>Date:</i>	<i>Location:</i>

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. *Continuation* (check only if applicable):

- This notice is within 90 days of the expiration of the proposal; this rule will be continued for an additional 90 days. Proposal expiration: _____ .

13. *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.
- 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) [Rate Making].

14. The original notice of **proposed** rule making was published in the State Register on:

_____ , I.D. No. _____

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

Publication date: _____ , I.D. No. _____

Publication date: _____ , I.D. No. _____

16. *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*): _____

17. *Emergency rule compared to proposed rule* (identify **only** those changes made since the **last** published rule):

Substantial revisions were made in [Parts, sections, subdivisions or paragraphs]:

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

Agency contact _____

Agency name _____

Office address _____

Telephone _____ E-mail _____

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

Agency contact _____

Agency name _____

Office address _____

Telephone _____ E-mail _____

20. *Public comment will be received until:*

30 days after publication of this notice [MINIMUM public comment period, SAPA §202(4-a)(a)].

90 days after publication of this notice [SAPA §202(4-a)(c)(viii)]

Other: (*specify*) _____

21. *Additional matter required by statute:*

Yes (include material required by statute).

No additional material required by statute.

22. 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 **statement is attached** explaining why a revised RIS is not required (check one box):

Changes made to the last published rule do not necessitate revision to the previously published RIS.

This is a technical amendment exempt from SAPA §202-a.

C. A revised RIS is not attached because this rule is a “rate making” as defined in SAPA §102(2)(a)(ii).

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

24. 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 **statement is attached** explaining why a revised RAFA is not required (check one box):
- Changes made to the last published rule do not necessitate revision to the previously published RAFA.
 - The changes will not impose any adverse impact or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. The attached statement sets forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.
- C. A revised RAFA is not attached because this rule is a "rate making" as defined in SAPA §102(2)(a)(ii).

25. 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 **statement is attached** explaining why a revised JIS is not required (check one box):
- Changes made to the last published rule do not necessitate revision to the previously published JIS.
 - The changes will not impose a substantial impact on jobs and employment opportunities. The attached statement sets 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.
- C. A revised JIS is not attached because:
- 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.

26. Assessment of Public Comment (includes legislative comments) (check one box):

- 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, (including 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. If the assessment exceeds 2,000 words, submit a summary.
- 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).

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 *Register* procedures manual, *Rule Making in New York*.
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 hard copy of rule making package to:** Department of State, Division of Administrative Rules, 41 State Street, Suite 330, Albany, NY 12231-0001.
4. **E-mail required attachments to:** nysregister@dos.state.ny.us **or** attach a disk containing required material.