

# RULE REVIEW

## Division of Criminal Justice Services

Pursuant to §207 of the State Administrative Procedure Act, the Division of Criminal Justice Services hereby gives notice that the Division has concluded its review of the following rules adopted in calendar year 2001.

I.D. number: CJS-50-00-00003

Description of subject matter: equipment maintenance fee program; amendment of 9 NYCRR §§6031.2 and 6031.2.

Need for the rule: Executive Law §837(8-b) authorizes the Division to charge a fee for the service and repair of certain municipal law enforcement equipment. This rule deleted references to specific brands and models of equipment that can be serviced or repaired by the Division. Brands and models of equipment change often, as new companies enter the market or new technology renders equipment or particular models obsolete. This rule gives the Division greater flexibility in responding to the service and repair needs of local law enforcement.

Legal basis of the rule: Executive Law §837(8-b).

This rule is being continued without modification because it allows the Division to implement Executive Law §837(8-b) while providing flexibility in responding to the service and repair needs of local law enforcement. A summary of this rule was published in the January 18, 2006 edition of the *State Register*. The Division did not receive any public comments regarding this rule.

I.D. number: CJS-26-01-00002

Description of subject matter: access to DNA records maintained in the State DNA databank; amendment of 9 NYCRR §6193.3(a).

Need for the rule: This rule streamlined the procedures to obtain access to DNA records for both individuals seeking access to their own DNA records and Division staff who must process such requests, while still ensuring that the confidentiality of the records is maintained.

Legal basis of the rule: Executive Law §§837(13), 995-b(9)(vii), and 995-c(7).

This rule is being continued without modification because it allows the Division to effectively administer access to records in the State DNA identification index. A summary of this rule was published in the Rule Review section of the January 18, 2006 edition of the *State Register*. The Division did not receive any public comments regarding this rule.

## Department of State

Pursuant to section 207(4) of the State Administrative Procedure Act, the Department of State hereby gives notice that it has reviewed the following rules which were adopted during 2001. A summary of each of these rules was published in the Rule Review section of the January 4, 2006 edition of the *State Register*. The Department of State did not receive any comment from the public regarding any of these rules.

*For further information about any of these rules, contact: Nathan A. Hamm, Office of Counsel, Department of State, 41 State Street, Albany, New York 12231, (518) 474-6740.*

### (1) DOS-46-00-00001 Employee Identification Cards

This rule repealed section 195.11(a)(1) and added new section 195.11(a)(1) to Title 19 NYCRR to prescribe a new size and content for employee identification cards issued by licensed security and fire alarm installers. The statutory basis for the rule is General Business Law, sections 69-m(1) and 69-n(5), which provide that a licensed security or fire alarm installer shall issue identification cards to employees who assist with the installation, servicing, or maintenance of alarm systems.

The rule will be continued without modification because the rule continues to be needed to address the statutory requirement that the Secretary of State prescribe the form and content of these identification cards.

### (2) DOS-46-00-00002 Maximum Experience Credit for Review Appraisals

The rule amended section 1102.4(c) of Title 19 NYCRR to provide that experience credit for review appraisals would not exceed 25 percent of the total experience required for licensing or certification of real estate appraisers. The statutory basis for the rule is Executive Law, section 160-d(1)(a).

This rule will be continued without modification because is needed to ensure that applicants for a real estate appraiser license have sufficient experience performing the research and field work required to produce appraisal reports.

### (3) DOS-46-00-00016 Hearing Aids

This rule repealed Part 191 and added a new Part 192 to Title 19 NYCRR concerning registration and regulation of hearing aid dispensers and businesses engaged in dispensing hearing aids. The statutory basis for the rule is General Business Law (GBL), section 803.

This rule will be continued without modification because it is necessary to meet the requirement of GBL section 803 that the Secretary of State promulgate regulations necessary to effect the purposes of Article 37-A of the GBL dealing with the registration of hearing aid dealers and to ensure the enforcement of its provisions.

### (4) DOS-21-01-00003 State Cemetery Vandalism Restoration and Administration Fund

This rule amended section 200.11 of Title 19 NYCRR to establish procedures for public cemetery corporations to obtain monies from the State Cemetery Vandalism Restoration, Monument Repair or Removal, and Administration Fund to repair or remove monuments that create a dangerous condition. The statutory basis for the rule is Not-for-Profit Corporation Law, section 1504(c)(1).

This rule will be continued without modification because Not-for-Profit Corporation Law section 1504(h)(7) contains a requirement that the State Cemetery Board promulgate rules defining standards for

maintenance of cemeteries and describing what type of out of repair or dilapidated monuments or other markers qualify for payment for repair or removal by cemeteries.

(5) DOS-27-01-00004 Continuing Education for Real Estate Brokers and Salespersons

This rule amended section 177.8 of Title 19 NYCRR to prescribe attendance requirements for courses presented in a classroom setting and for courses that are computer based. The statutory basis for the rule is Real Property Law (RPL), section 441(c)(3).

This rule will be continued without modification because Section 441(c)(3) of the RPL requires the Secretary of State to promulgate rules establishing the method, content, setting, and supervision requirements of continuing education courses for real estate brokers and salespersons. This rule establishes these requirements.

(6) DOS-27-01-00005 Bail Enforcement Agents and their Employees

This rule amended Part 170 and section 172.3 of Title 19 NYCRR to provide for the licensing of bail enforcement agents. The statutory basis for the rule is section 13 of Chapter 562 of the Laws of 2000.

This rule will be continued without modification because the rule merely implements the nondiscretionary provisions of Chapter 562 of the Laws of 2000 providing for the licensing of bail enforcement agents.

(7) DOS-31-01-00001 Coastal Policies for Long Island Sound

This rule amended Part 600 of Title 19 NYCRR to implement the Long Island Sound Coastal Management Program. The statutory basis for the rule is Executive Law, sections 913 and 923.

This rule will be continued without modification because it addresses the need to establish policies to which State agencies must adhere when they certify consistency of actions which are intended to be taken in the coastal area of Long Island with the coastal policies found in Article 42 of the Executive Law.