Department of State

Review pursuant to State Administrative Procedure Act section 207
Of rules adopted by the Department of State in calendar year 2002 and
further review of rules adopted by the Department of State in calendar
year 1997 required to be re-reviewed in calendar year 2007

Pursuant to Section 207(4) of the State Administrative Procedure
Act (SAPA), the Department of State hereby gives notice that it has
reviewed the following regulations which were adopted during 2002
and that it has further reviewed the following regulations which were
adopted in 1997. A summary of each of these rules was published in
the Rule Review section of the January 3, 2007 edition of the State
Register. The Department of State did not receive any comment from
the public regarding any of these rules. Except as noted below, each
of these rules will be continued without modification.

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

RULES ADOPTED IN 2002

(1) DOS-27-01-00016 Standards for the Construction and Maintenance
of Buildings and Structures and Protection from the Hazard of Fire

Repealed Parts 600 - 1260 of Title 9 NYCRR and added Parts 1220
- 1226 to Title 19 NYCRR

Analysis of the need for the rule: The rule adopted a new Uniform
Fire Prevention and Building Code. The rule was necessary to keep New
York State competitive with the rest of the nation in matters involving
building construction while at the same time providing an adequate level
of safety to New York State residents. It was also necessary to enable
New York State to keep pace with evolving technology concerning fire
prevention and building construction and to have a fire prevention and
building code which is consistent with nationally accepted model codes.
The rule created an enhanced economic atmosphere in which building
construction was encouraged.

This rule is presently in the process of being revised. A Notice of
Proposed Rule Making which would amend the rule was published in
the State Register on January 10, 2007. Comments on the modification
of this rule were invited to be submitted by March 12, 2007. Comments
received by this date will be reviewed. It is anticipated that final
adoption of the amendments proposed by this rule making will occur
in the next several months.

Legal basis for the rule: Energy Law, sections 11-103 and 11-104

(2) DOS-01-97-00008 Efficient Utilization of Energy Expended
in the Construction, Use, and Occupancy of Buildings

Repealed Parts 7810 - 7816 of Title 9 NYCRR and added Part 1240
to Title 19 NYCRR

Analysis of the need for the rule: Article 11 of the Energy Law
requires that a State Energy Conservation Construction Code be adopted
to protect the health, safety, and security of the people of the State of
New York and to ensure a continuing supply of energy for future
generations. This rule mandates that economically reasonable energy
conservation techniques be used in the design and construction of all
new public and private buildings in New York State.

This rule is presently in the process of being revised. A Notice of
Proposed Rule Making which would amend the rule was published in
the State Register on January 10, 2007. Comments on the modification
of this rule were invited to be submitted by March 12, 2007. Comments
received by this date will be reviewed. It is anticipated that final
adoption of the amendments proposed by this rule making will occur
in the next several months.

Legal basis for the rule: Energy Law, sections 11-103 and 11-104

(3) DOS-31-02-00008 Educational Qualifications for Security or
Fire Alarm System Installers

Amended section 196.8(b) of Title 19 NYCRR

Analysis of the need for the rule: Section 69-o(1)(b) of the General
Business Law (GBL) requires an applicant for an alarm installer's
license to provide evidence of education related to alarm installation
which is satisfactory to the Secretary of State. Accordingly, the
Secretary of State must prescribe by rule the minimum education
necessary to meet this requirement. Section 69-n(5) of the GBL gives
the Secretary of State the authority to adopt, amend, or repeal such rules.

The rule updated previously existing curriculum to conform with
revisions that had been made to relevant standards and codes. These
revisions improved the quality of instruction offered to students studying
to become alarm installers and helps to insure that applicants are
educationally qualified with regard to current industry practices.

Legal basis for the rule: General Business Law, section 69-n(5)

RULES ADOPTED IN 1997

(1) DOS-49-96-00008 Fees for Services Rendered

Amended section 144.1 of Title 19 NYCRR

Analysis of the need for the rule: The rule is needed because Chapter
309 of the Laws of 1996 required the Secretary of State to determine
the type and amount of all fees to be collected by the Department of
State and other filing offices pursuant to the provisions of the Uniform
Commercial Code and Article 10-A of the Lien Law. Fees set by the
Department of State had already been established by section 144.1 of
Title 19 of the NYCRR. This regulation sets fees for other filing offices.

Legal basis for the rule: Executive Law, section 96-a; Lien Law,
section 243; and Uniform Commercial Code, sections 9-403, 9-404,
9-405, 9-406, and 9-407, as amended by Chapter 309 of the Laws of

(2) DOS-01-97-00012 Community Services Block Grant Advisory Council

Added a new Part 701 to Title 19 NYCRR

Analysis of the need for the rule: The rule is needed because
Chapter 884 of the Laws of 1982 directed the Governor to require each
executive agency administering a Community Services Block Grant Program to establish a Community Services Block Grant Advisory Council. Article 6-D of the Executive Law places the responsibility for administering the Community Services Block Grant Program in the
Department of State. This rule recognized the existing Community Services Block Grant Advisory Council, and provided for membership in the Council to be a number certain of 20.

Legal basis for the rule: Executive Law, sections 159-g and 91, and Chapter 884 of the Laws of 1982

(3) DOS-30-97-00056 Maintaining Abandoned Cemeteries

Added a new Part 202 to Title 19 NYCRR

Analysis of the need for the rule: The rule is needed because General Municipal Law Section 165 requires that the Division of Cemeteries of the Department of State (DOS) promulgate regulations which describe how DOS will provide technical assistance to a municipal corporation wishing to establish voluntary maintenance and cleanup programs at abandoned cemeteries for which the municipality has the primary responsibility to provide care. This rule fulfilled that responsibility.

Legal basis for the rule: General Municipal Law, section 165

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