

REGULATORY AGENDA

Department of State

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act (SAPA), notice is hereby provided of the following rules which the Department of State is considering proposing but for which a rule making proceeding has not been commenced. All references are to Title 19 of the New York Code of Rules and Regulations unless otherwise noted. The Department of State's regulatory plans are subject to change and the Department reserves the right to add, delete, or modify any item herein. The Department is not required to propose for adoption any rule summarized in this regulatory agenda. In addition, the Department may propose a rule for adoption which was not under consideration at the time that this regulatory agenda was submitted for publication.

This notice is also intended to provide small businesses, local governments, and public and private interests in rural areas with the opportunity to participate in the rule making process, as provided for in sections 202-b and 202-bb of SAPA. Each rule listed below may require a regulatory flexibility analysis or a rural area impact statement pursuant to SAPA sections 202-b and 202-bb, respectively.

As required by SAPA § 102-a, it is anticipated that small business guides will be developed for each rule being considered by the Division of Licensing Services. It is not anticipated that small business guides will be developed for rules being considered by any other division of the Department of State.

The public is welcome to send written comments on the Department of State's Regulatory Agenda to the contact person at the end of this list.

DIVISION OF CEMETERIES

Part 200

Considering amending provisions concerning financial reporting by cemeteries.

Section 201.17

Considering amending section 201.17 dealing with lawn crypts.

Part 203

Considering repealing those regulations which have been codified under Not-for-Profit Corporation Law section 1517, and to add several new regulations concerning crematory maintenance and operations.

Considering adding a new Part regulating the operation of pet cemeteries.

DIVISION OF COASTAL RESOURCES

Parts 600 - 603

Considering making various amendments to New York State Coastal and Inland Waterway Regulations affecting federal, state, local, and individual actions concerned with Article 42 of the New York State Executive Law ("Waterfront Revitalization of Coastal Areas and Inland Waterways") and implementation of the Federal Coastal Zone Management Act in New York as described in the New York Coastal Management Program.

DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION

Parts 910 and 911

Considering adding a new Chapter XXX comprised of Parts 910 and 911 containing provisions relating to energy efficiency standards for appliances and equipment. Certain such provisions have been adopted as emergency measures from time to time, commencing in December, 2006.

Part 1202

Considering amending this Part to make the provisions relating to the administration of the Uniform Fire Prevention and Building Code by the Department of State in certain local governments and counties substantially similar to the corresponding provisions in revised Part 1203 (which became effective on January 1, 2007), and to update the fee schedule currently contained in section 1202.7.

Part 1203

Considering amending this Part concerning normally unoccupied buildings to establish more appropriate inspection intervals for these buildings and to clarify the language found in this Part.

Part 1205

Considering amending this Part to make the procedures for variances under the State Uniform Fire Prevention and Building Code applicable to variances under the State Energy Conservation Construction Code, to add new provisions relating to variances under the State Energy Conservation Construction Code, to revise procedures for appeals on variance matters, to address reopening and rehearings of variance hearings, and to establish procedures for decisions to be made on a written record.

Part 1208

Considering amending provisions relating to the minimum qualifications of code enforcement personnel.

Part 1209

Considering amending this Part concerning factory manufactured housing to update it and increase fees for plan review and Insignias of Approval.

Parts 1219-1228

Considering amending the Uniform Fire Prevention and Building Code to update its provisions.

Part 1240

Considering amending the State Energy Conservation Construction Code to update its provisions.

Part 1240

Considering adding provisions relating to the procedures for variances under the State Energy Conservation Construction Code.

DIVISION OF LICENSING SERVICES

Subparts 171.1 - 171.13

Considering adding new Subparts 171.1 - 171.13 to implement regulations concerning bail enforcement agents.

Part 198

Considering adding a new Part 198 pertaining to bedding labeling and sanitation.

Part 199

Considering adding a new Part 199 pertaining to the document destruction contractors.

Parts 1103, 1105, and 1107

Considering amending Parts 1103, 1105 and 1107 pertaining to qualifying education for real estate appraisers.

OFFICE OF FIRE PREVENTION AND CONTROL

Part 400

Considering an amendment to the hearing rules of procedure to provide for adjudicatory proceedings and appeals pertaining to the cigarette fire safety program.

Part 429

Considering amendment of existing rule pertaining to fire safety standards for cigarettes to implement the provisions of Chapter 583 of the Laws of 2006.

Part 438

Considering addition of a new Part 438 to implement the provisions of Chapter 615 of the Laws of 2006 pertaining to the training of firefighters.

Part 452

Considering an amendment to the schedule of fees imposed for courses offered by and the use of the Academy of Fire Science.

Considering addition of a new Part to implement the provisions of Chapter 21 of the Laws of 2006 pertaining to evacuation drills in buildings owned or leased in whole by the state or any agency thereof.

Considering addition of a new Part to implement the provision of Chapter 303 of the Law of 2007 pertaining to the creation of urban search and rescue teams and a technical rescue resource accreditation program.

Part 205 of Title 9 NYCRR

Considering an amendment/update to the Fire Mobilization and Mutual Aid Plan and moving Part 205 from Title 9 NYCRR to Title 19 NYCRR.

STATE ATHLETIC COMMISSION

Part 218

Considering addition of a new Part 218 concerning special rules for review, addition, and removal of single-discipline martial arts sanctioning organizations in New York State.

The Department of State maintains a continuously updated regulatory agenda on its website. The address of this website is: www.dos.state.ny.us.

To obtain information about or submit written comments concerning any item in this Regulatory Agenda, contact: Nathan A. Hamm, Office of Counsel, The Department of State, One Commerce Plaza, 99 Washington Avenue, Suite 1120, Albany, New York 12231-0001.