

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

NOTICE OF PUBLIC HEARING Department of Labor

The New York State Department of Labor hereby gives public notice that on Monday, January 10, 2011, the Commissioner will hold a second public hearing to receive testimony regarding an amendment to 12 NYCRR adding Part 186, Child Performers. This Part will establish regulations regarding the employment of Child Performers.

The hearing will be held from 10:00 a.m. until 1:00 p.m. and will take place at 75 Varick Street, Conference Room G, New York, New York, 10013.

Individuals attending the hearing may enter written comments into the record and will also have an opportunity to present brief verbal comments on the proposed rule, if they wish. Oral presentations will be limited to 5 minutes each. To accommodate everyone wishing to give verbal comment, persons/groups who already gave verbal comments at the December 27, 2010 hearing may not also testify at the January 10 hearing.

It is not necessary to attend either the December 27 or January 10 hearing to submit comments on the rule. Written comments may be submitted through January 18, 2011 by mailing such comments to Jeffrey Shapiro, Esq., Department of Labor, State Office Campus, Bldg. 12, Rm. 509, Albany, NY 12240, (518) 457-4380, e-mail: jeffrey.shapiro@labor.ny.gov. Mr. Shapiro may also be contacted with any questions regarding these regulations.

The hearing facilities meet the accessibility needs of individuals with disabilities. Persons planning to attend the hearing who are in need of reasonable accommodations such as interpreters, assistive listening devices, large-print or Braille materials, should so inform the Department at least one week prior to the hearing date.

PUBLIC NOTICE Town of Ballston

The Town of Ballston is soliciting proposals from Administrative Service Agencies, Trustees, and Financial Organizations for services

in connection with a Deferred Compensation Plan that will meet the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal questionnaire may be obtained from: Muriel K. Swatling, Town Clerk, Town of Ballston, P.O. Box 67, Burnt Hills, NY 12027

All proposals must be submitted not later than 30 days from the date of publication in the *New York State Register*.

PUBLIC NOTICE

Office of Children and Family Services Notice of Petition Pursuant to State Administrative Procedure Act Section 204-A

Pursuant to Section 204-a of the State Administrative Procedure Act, the NYS Office of Children and Family Services hereby advises that a Petition, seeking an alternate method of regulatory compliance with the provisions of 18 NYCRR Part 462, "Nonresidential Services for Victims of Domestic Violence" has been received.

The full text of the Petition may be accessed at: http://www.ocfs.state.ny.us/main/public__comment/

Additional information may be obtained from, and comments on the Petition submitted to: Susan Steele, Acting Director, Public Information Office, Office of Children and Family Services, 52 Washington St., Rensselaer, NY 12144, (518) 402-3130, e-mail: Info@ocfs.state.ny.us

The Office of Children and Family Services will accept comments on this Petition for 30 days from the date this Notice is published in the *State Register*.

PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for January 2011 will be conducted on January 13 commencing at 10:00 a.m. This meeting will be conducted at New York Network, Suite 146, South Concourse, Empire State Plaza, Albany, NY. Directions and parking information available at (www.nyn.suny.edu).

For further information, contact: Office of Commission Operations, Department of Civil Service, Alfred E. Smith State Office Bldg., Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for all services to comply with Section 6411 of the Affordable Care Act (P.L. 111-148). The following significant changes are proposed:

All Services

Section 6411 of the Affordable Care Act (P.L. 111-148), Expansion of the Recovery Audit Contractor (RAC) Program, which amends section 1902(a)(42) of the Social Security Act requires States to establish programs to contract with RACs to audit payments to Medicaid providers by December 31, 2010. The Centers for Medicare & Medicaid Services expects States to fully implement their RACs by April 1, 2011.

States must establish these programs in a manner consistent with State law, and generally in the same manner as the Secretary contracts with contingency fee contractors for the Medicare RAC program.

There is no estimated annual change to gross Medicaid expenditures as a result of the proposed amendments.

Copies of the proposed state plan amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

The public is invited to review and comment on this proposed state plan amendment.

For further information and to review and comment, please contact: Philip N. Mossman, Department of Health, Bureau of HCRA Operations & Financial Analysis, Corning Tower Bldg., Rm. 984, Empire State Plaza, Albany, NY 12237, (518) 474-1673, (518) 473-8825 (FAX), e-mail: PNM01@health.state.ny.us

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for inpatient services to comply with enacted statutory provisions. The following significant changes are proposed:

Institutional Services

The All Patient Refined (APR) case mix methodology utilizes diagnostic related groups with assigned weights that incorporate differing levels of severity of patient condition and associated risk of mortality. Based on previously enacted legislation and recently adopted regulation, these service intensity weights (SIWs) are updated annually by the Commissioner. The table of SIWs and statewide average lengths of stay (LOS) for each effective period is published on the New York State Department of Health website at: <http://www.health.ny.gov/nysdoh/hospital/drg/index.htm> and reflects the cost weights and LOS assigned to each All-Patient Refined (APR) diagnosis related group (DRG) patient classification category. For the period January 1, 2011 through December 31, 2011, the SIW and

statewide average LOS table shall be computed using the Statewide Planning and Research Cooperative System (SPARCS) and reported cost data from the 2006, 2007 and 2008 calendar years as submitted to the Department by June 30, 2010.

There is no estimated annual change to gross Medicaid expenditures as a result of the proposed amendments.

Copies of the proposed state plan amendments will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
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95 Central Avenue, St. George
Staten Island, New York 10301

The public is invited to review and comment on this proposed state plan amendment.

For further information and to review and comment, please contact: Philip N. Mossman, Department of Health, Bureau of HCRA Operations & Financial Analysis, Corning Tower Bldg., Rm. 984, Empire State Plaza, Albany, NY 12237, (518) 474-1673, (518) 473-8825 (FAX), e-mail: PNM01@health.state.ny.us

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to revise provisions of the Ambulatory Patient Group (APG) reimbursement methodology on or after January 1, 2011:

- The following APGs shall be removed from the if stand alone, do not pay APG list:

118 NUTRITION THERAPY

- The following APGs shall be added to the if stand alone, do not pay APG list:

444 CLASS VII PHARMACOTHERAPY

460 CLASS VIII COMBINED CHEMOTHERAPY AND PHARMACOTHERAPY

461 CLASS IX COMBINED CHEMOTHERAPY AND PHARMACOTHERAPY

462 CLASS X COMBINED CHEMOTHERAPY AND PHARMACOTHERAPY

463 CLASS XI COMBINED CHEMOTHERAPY AND PHARMACOTHERAPY

464 CLASS XII COMBINED CHEMOTHERAPY AND PHARMACOTHERAPY

- The following APGs shall be removed from the Never Pay APG list:

442 CLASS VII COMBINED CHEMOTHERPAY & PHARMA-COTHERAPY

450 OBSERVATION

492 DIRECT ADMISSION FOR OBSERVATION INDICATOR

500 DIRECT ADMISSION FOR OBSERVATION - OBSTETRI-CAL

501 DIRECT ADMISSION FOR OBSERVATION - OTHER DI-AGNOSES

- The following APGs shall be added to the Never Pay APG list:

443 CLASS VII CHEMOTHERAPY DRUGS

465 CLASS XIII COMBINED CHEMOTHERAPY AND PHAR-MACOTHERAPY

- Upstate and downstate alcohol and substance abuse outpatient rehab peer groups will be added to the Hospital setting.

- Rate codes for HIV/AIDS counseling and testing services in hospital outpatient departments (2983, 3111, 3109) and diagnostic and treatment centers (1695, 1802, and 3109) will be subsumed into the APG payment system, and as such will be paid based on the procedures rendered and patient diagnosis (for evaluation and management services) coded for the visit/episode. Accordingly, providers (non-FQHCs and APG-participating FQHCs) should use APG access rate codes (e.g., 1400, 1407, or 1432) instead of the HIV/AIDS rate codes referenced above.

There is no estimated annual change to gross Medicaid expenditures as a result of the proposed amendments.

Copies of the proposed state plan amendment will be on file in each local (county) social services district and available for public review.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
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Bronx County, Tremont Center
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Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

The public is invited to review and comment on this proposed state plan amendment.

For further information and to review and comment, please contact: Philip N. Mossman, Department of Health, Bureau of HCRA Operations & Financial Analysis, Corning Tower Bldg., Rm. 984, Empire State Plaza, Albany, NY 12237, (518) 474-1673, (518) 473-8825 (FAX), e-mail: PNM01@health.state.ny.us

PUBLIC NOTICE

Department of Labor

Minimum Wage Requirements for the Hospitality Industry

This volume of the New York State Register contains the final rulemaking associated with changes to minimum wage requirements for the Hotel and Restaurant Industries, now collectively referred to as the Hospitality Industry Minimum Wage Order. ID Number LAB-42-

10-00005-P. The effective date for all provisions in the final rule is January 1, 2011.

Changes to the federal and state minimum wage became effective in July, 2009. Employees in the hospitality industry are deserving of the protections afforded other minimum wage workers since that time. Likewise, the Department's final rule contains provisions that will assist employees by making changes that clarify and simplify various provisions of the current Wage Orders. Consequently, there is a strong basis for establishing an immediate effective date for this rule.

At the same time, the Department has heard from representatives of the industries affected by this rule and others that the immediate effective date will impose a practical hardship on them as they move to reflect the various wage changes in payroll systems and bookkeeping operations. In response to these concerns, the Department will exercise discretion with regard to its enforcement of these provisions to allow employers in these industries an implementation period to run through February 28, 2011 to make necessary payroll system changes needed to come into compliance with the requirements of this rule. As of March 1, 2011, or their next regularly scheduled pay day following March 1, 2011, all employees covered by this rule must be paid any additional wages owed to them on account of this rule, computed retroactively to January 1, 2011.

Employers are obligated to maintain payroll records which clearly identify the retroactive payments along with regular wage payments and to make such records available to the Commissioner upon request.

Employers are also obligated to post in their establishments in a location accessible to and frequented by employees covered by this rule a notice regarding this implementation period and their entitlement to retroactive payment of wages under the new Hospitality Wage Order at the end of this period. The Department will develop a notice for this purpose and it will be posted on its website, www.labor.ny.gov, for downloading prior to the effective date of this rule.

Employers who are able to fully comply with the rule as of its effective date or between such date and February 28, 2011 are encouraged to do so.

PUBLIC NOTICE

Town of Milton

The Town of Milton is soliciting proposals from Administrative Service Agencies, Trustees, and Financial Organizations for services in connection with a Deferred Compensation Plan that will meet the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal questionnaire may be obtained from: Town of Milton Town Clerk, 503 Geysler Rd., Ballston Spa, NY 12020, e-mail: townclerk@townofmiltonny.org

All proposals must be submitted not later than 30 days from the date of publication in the New York State Register.

PUBLIC NOTICE

Department of State

Notice of Review for the Town of Hamburg

Draft Local Waterfront Revitalization Program Amendment

A proposed amendment to the Town of Hamburg Local Waterfront Revitalization Program (LWRP) has been prepared pursuant to provisions of the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program (NYS CMP). The LWRP serves as a comprehensive management program for the Town's Erie Lake and Eighteen Mile Creek waterfront resources, and was approved by the New York State Secretary of State on June 3, 1989 and incorporated into the State Coastal Management Program on February 13, 1990. The Town subsequently adopted a comprehensive plan, together with new zoning controls, which strengthen the ability of the Town to implement the policies and uses set forth in the LWRP. The LWRP is being updated and amended to reflect the new zoning controls and elements of the comprehensive plan. Upon approval by the Secretary of State,

the Department of State intends to request its incorporation into the NYS CMP.

To approve this amendment to the Town of Hamburg LWRP, pursuant Article 42 of the NYS Executive Law, it is required that potentially affected State, federal, and local agencies be consulted to assure that it does not conflict with existing policies and programs. For this purpose, the draft Hamburg LWRP amendment is available online at <http://nyswaterfronts.com/LWRP.asp>. The draft LWRP amendment was accepted by the New York State Department of State as complete and is now available for review by potentially affected State, federal, and local agencies and the general public. Comments on the draft LWRP amendment are due by February 28, 2011.

Comments on the Draft Town of Hamburg LWRP amendment should be submitted by February 28, 2011 to: Kevin Millington, Department of State, Office of Coastal, Local Government and Community Sustainability, 99 Washington Ave., Suite 1010, Albany, NY 12231-0001, (518) 473-2479

PUBLIC NOTICE

Department of State

Notice of Review for the Village of Lewiston

Draft Local Waterfront Revitalization Program Amendment

A proposed amendment to the Village of Lewiston Local Waterfront Revitalization Program (LWRP) has been prepared pursuant to provisions of the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program (NYS CMP). The Lewiston LWRP serves as a comprehensive management program for the Village's Niagara River waterfront resources, and was approved by the New York State Secretary of State on February 26, 1991 and incorporated into the State Coastal Management Program on April 24, 1991. The Village subsequently adopted new zoning controls which strengthen the ability of the Village to implement the policies and uses set forth in the LWRP. The LWRP is being updated and amended to reflect the new zoning controls. The Department of State considers the amendment to be minor, and upon approval by the Secretary of State, intends to request its incorporation into the NYS CMP.

To approve this amendment to the Lewiston LWRP, pursuant Article 42 of the NYS Executive Law, it is required that potentially affected State, federal, and local agencies be consulted to assure that it does not conflict with existing policies and programs. For this purpose, the Lewiston draft LWRP amendment is available online at <http://nyswaterfronts.com/LWRP.asp>. The draft LWRP amendment was accepted by the New York State Department of State as complete and is now available for review by potentially affected State, federal, and local agencies and the general public. Comments on the draft LWRP amendment are due by January 21, 2011.

Comments on the Draft Village of Lewiston LWRP amendment should be submitted by January 21, 2011 to: Kevin Millington, Department of State, Office of Coastal, Local Government and Community Sustainability, 99 Washington Ave., Suite 1010, Albany, NY 12231-0001, (518) 473-2479

SALE OF FOREST PRODUCTS

Cayuga Reforestation Area No. 1

Contract No. X008048

Pursuant to Section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives Public Notice for the following:

Sealed bids for 108.7 MBF more or less of sawtimber and 215 cords more or less of pulpwood/firewood located on Cayuga Reforestation Area No. 1, Bear Swamp State Forest, Stand(s) C-39 & 41, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, Jan. 6, 2011.

For further information, contact: Mark Zubal, Senior Forester, Department of Environmental Conservation, Division of Lands and

Forests, Region 7, 1285 Fisher Ave., Cortland, NY 13045-1090, (607) 753-3095

SALE OF FOREST PRODUCTS

Chenango Reforestation Area No. 24

Contract No. X008050

Pursuant to Section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives Public Notice for the following:

Sealed bids for 1,752 tons more or less red pine, 6.3 MBF more or less white ash, 0.5 MBF more or less black cherry, 0.1 MBF more or less red maple, 6 cords more or less firewood, located on Chenango Reforestation Area No. 24, Stands B-54, 55 and 57, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m. on Thursday, Jan. 6, 2011.

For further information, contact: Robert Slavicek, Supervising Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 7, 2715 State Hwy. 80, Sherburne, NY 13460-4507, (607) 674-4036

SALE OF FOREST PRODUCTS

Cortland Reforestation Area No. 8

Contract No. X008045

Pursuant to Section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives Public Notice of the following:

Sealed bids for 177.6 MBF more or less of sawtimber and 180 cords more or less of hardwood pulpwood/firewood, located on Cortland Reforestation Area No. 8, Maxon Creek State Forest, Stands A-17, 18, and 24, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5027 until 11:00 a.m., Thursday, Jan. 6, 2011.

For further information, contact: Mark Zubal, Senior Forester, Department of Environmental Conservation, Division of Lands and Forests, Region 7, 1285 Fisher Ave., Cortland, NY 13045-1090, (607) 753-3095 x217