
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Registration and Financial Responsibility Requirements for Mortgage Loan Servicers
- Expand Medicaid Coverage of Enteral Formula
- Filing Written Reports of Independent Medical Examinations (IMEs)

Notice of Availability of State and Federal Funds

Executive Orders

Court Notices

Financial Reports

State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); or for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on November 24, 2013
- the 45-day period expires on November 9, 2013
- the 30-day period expires on October 25, 2013

**ANDREW M. CUOMO
GOVERNOR**

**CESAR A. PERALES
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

For press and media inquiries call:
(518) 474-0050

For *State Register* production, scheduling and subscription information
call: (518) 474-6957
E-mail: adminrules@dos.ny.gov

For legal assistance with *State Register* filing requirements
call: (518) 474-6740
E-mail: dos.dl.inetcounsel@dos.ny.gov

The *New York State Register* is now available on-line at:
www.dos.ny.gov/info/register.htm



The **New York State Register** (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The **New York State Register** is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

NEW YORK STATE REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments must reach the agency before the proposed rule is adopted. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making for which full text was included or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); a minimum 60-day public comment period after publication in the *Register* of a Notice of Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after public comments are due.

The Administrative Regulations Review Commission (ARRC) is charged with the task of reviewing newly proposed regulations to examine the issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four “Quarterly Index” issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

The *Register* costs \$80 a year for a subscription mailed first class and \$40 for periodical (second) class. Prepayment is required. To order, send a check or money order payable to the NYS Department of State to the following address:

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

KEY: (P) Proposal; (RP) Revised Proposal; (RC) Revised Proposal/Continuation; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.state.ny.us)

Rule Making Activities

Adirondack Park Agency

1 / Minor Corrections to Existing Regulations (A)

Agriculture and Markets, Department of

1 / Incorporation by Reference in 1 NYCRR of the 2013 Edition of National Institute of Standards and Technology (“NIST”) Handbook 44 (P)

Corrections and Community Supervision, Department of

2 / Contraband Drugs (A)

Criminal Justice Services, Division of

2 / NYS Accreditation, and Y-STRs and Other Testing (A)

Environmental Conservation, Department of

2 / Model Environmental Assessment Forms (AA)

Financial Services, Department of

3 / Registration and Financial Responsibility Requirements for Mortgage Loan Servicers (E)

7 / Supplementary Uninsured/Underinsured Motorist Insurance (A)

7 / Force-Placed Insurance (P)

Gaming Commission, New York State

9 / Mega Millions and Raffle Games (A)

10 / Recognition of Establishment of the Gaming Commission (A)

Health, Department of

11 / Expand Medicaid Coverage of Enteral Formula (E)

Labor, Department of

13 / Responding to Requests for Information and Employer Relief of Charges (A)

Mental Health, Office of

13 / Medical Assistance Rates of Payment for Residential Treatment Facilities for Children and Youth (A)

Public Service Commission

14 / Adopting Emergency Rule As a Permanent Rule (A)

14 / Major Water Rate Filing (P)

14 / NY-Sun Initiative Within the Customer-Sited Tier of the RPS Program (P)

15 / Allocation of Uncommitted SBC-III Funds (P)

15 / EEPS Program Years 2014 - 2015 (P)

15 / Transportation Service Under Service Classification (SC) Nos. 7 and 14 (P)

16 / Waiver of PSC Regulations, 16 NYCRR sections 85-2.9(d), (e), 86.3(a)(1)(i), (iii), (2), (b)(2), 86.4(b) and 88.4(a)(4) (P)

16 / Waiver of 16 NYCRR Sections 894.1 Through 894.4(b)(2) (P)

16 / Whether to Permit the Use of the PM-2104 Electric Submeter (P)

16 / NY-Sun Initiative Within the Customer-Sited Tier of the RPS Program (P)

17 / EEPS Program Years 2014 - 2020 (P)

17 / Energy Efficiency Portfolio Standard, System Benefits Charge, and Renewable Portfolio Standard Funds and a Green Bank (P)

Taxation and Finance, Department of

- 17 / Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith (A)
- 18 / Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith (P)
- 18 / Mailing of Certain Excise Tax Documents (P)
- 19 / Offers in Compromise (P)
- 21 / Service of Process on the Department (P)

Workers' Compensation Board

- 23 / Filing Written Reports of Independent Medical Examinations (IMEs) (E)

Hearings Schedule for Proposed Rule Makings / 25**Action Pending Index / 27****Securities Offerings**

- 65 / State Notices

Notice of Availability of State and Federal Funds

- 67 / Homeland Security and Emergency Services, Division of

Miscellaneous Notices/Hearings

- 69 / Notice of Abandoned Property Received by the State Comptroller
- 69 / Public Notice

Executive Orders

- 75 / Executive Order No. 112: Continuing the Suspension of Certain Provisions of Law in the Counties of Bronx, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster and Westchester.
- 75 / Executive Order No. 113: Continuing the Suspension or Modification of Certain Provisions of Law and Regulations.

Court Notices

- 77 / Uniform Rules of the Court of Claims

Financial Reports / 81