

---

**NEW YORK STATE**  
**REGISTER**

---

***INSIDE THIS ISSUE:***

- Appeals Process on Regents Exams Passing Score
- Zika Action Plan; Performance Standards
- Health Insurance Matching Program (HIMP)

**Notice of Availability of State and Federal Funds**

---

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 June 5, 2016
- the 45-day period expires on May 21, 2016
- the 30-day period expires on May 6, 2016

**ANDREW M. CUOMO  
GOVERNOR**

**ROSSANA ROSADO  
ACTING 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](mailto:adminrules@dos.ny.gov)

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

The *New York State Register* is now available on-line at:  
[www.dos.ny.gov/info/register.htm](http://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](http://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; (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.ny.gov](http://www.dos.ny.gov))

**Rule Making Activities**

**Civil Service, Department of**

- 1 / Notice of expiration
- 1 / Supplemental Military Leave Benefits (P)

**Criminal Justice Services, Division of**

- 2 / Basic Course for Correction Officers (A)

**Education Department**

- 3 / Career Development and Occupational Studies (CDOS) Graduation Pathway Option (EP)
- 7 / Appeals Process on Regents Exams Passing Score (EP)
- 9 / Interest Penalties for Late Annual Assessment Fees Paid by Licensed Private Career Schools (EP)
- 12 / Registration and Continuing Teacher and Leader Education Requirements (EP)
- 15 / Graduate-Level Teacher and Educational Leadership Programs (A)
- 17 / Preschool Special Education Programs and Services (RP)

**Health, Department of**

- 23 / Zika Action Plan; Performance Standards (E)

**Public Service Commission**

- 24 / Revisions to Various Rules and Measurements of the NPCC (A)
- 24 / Petition for a Limited Waiver (A)
- 24 / Waiver of the Communication Requirements of Con Ed's Rider S and Rider U Electric Tariff (A)
- 25 / Revised Appendix B of the Brooklyn/Queens Order (A)
- 25 / Amendments to P.S.C No. 1—Water to Increase Annual Revenues (A)
- 25 / AMI Business Plan (A)
- 25 / Tariff Amendments to Revise Rider H Contained in P.S.C. No. 9—Gas (A)
- 26 / Modifications to the SIR (A)
- 26 / Request to Extend the Term of and Enter into a New Credit Facility (A)
- 26 / Amended Electric Emergency Response Plans (A)
- 26 / Revisions to S.C. No. 4 Back-Up/Supplementary Service Related to Contract Demand (P)
- 27 / Regulation of Customer Name Changes on Pending Interconnection Applications for Grandfathered Projects (P)
- 27 / Resetting Retail Markets for ESCO Mass Market Customers (P)

**State, Department of**

- 28 / State Energy Conservation Construction Code (the "Energy Code") (A)
- 33 / To Adopt Updated Provisions for the Uniform Fire Prevention and Building Code ("Uniform Code") (A)

**Taxation and Finance, Department of**

- 37 / City of New York Withholding Tables and Other Methods (A)

**Workers' Compensation Board**

- 37 / Health Insurance Matching Program (HIMP) (A)

**Hearings Schedule for Proposed Rule Makings / 41**

**Action Pending Index / 43**

**Securities Offerings**

91 / State Notices

**Advertisements for Bidders/Contractors**

93 / Sealed Bids

**Notice of Availability of State and Federal Funds**

95 / New York Homes and Community Renewal

**Miscellaneous Notices/Hearings**

97 / Notice of Abandoned Property Received by the State Comptroller

97 / Public Notice