
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Sportfishing and Associated Activities
- Plan of Operation for the Jockey Injury Compensation Fund
- Adoption of Rates, Fees and Charges

Regulatory Agenda

Rule Review

Executive Orders

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 March 6, 2016
- the 45-day period expires on February 20, 2016
- the 30-day period expires on February 5, 2016

**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; (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)

Rule Making Activities

Environmental Conservation, Department of

1 / Sportfishing and Associated Activities (A)

Gaming Commission, New York State

3 / Plan of Operation for the Jockey Injury Compensation Fund (EP)

4 / Reporting Requirements for a Race Horse That Has Been Castrated and Is Classified As a Gelding (A)

Mental Health, Office of

5 / Visitation and Inspection of Facilities (A)

Niagara Falls Water Board

5 / Adoption of Rates, Fees and Charges (EP)

Public Service Commission

6 / Establishing a TDM Program and Incentive and Cost Recovery Mechanisms (A)

7 / Petition to Recover Funds Through the Gas Adjustment Clause (A)

7 / Petition for Issuance of Long-Term Debt (A)

8 / Petition for Clarification and Revision of Ordering Clause 5 (A)

8 / Amendments to Establish an Electric EE Tracker Program (A)

8 / Amendments to Establish a Gas EE Tracker Program (A)

9 / Amendments to Establish an Electric EE Tracker Program (A)

9 / Amendments to Establish a Gas EE Tracker Program (A)

10 / Amendments to Establish an Electric EE Tracker Program (A)

10 / Amendments to Establish a Gas EE Tracker Program (A)

11 / Amendments to Rule No. 35, Contained in P.S.C. No. 220—Electricity (A)

11 / Town of Haverstraw Desalination Plant Construction (A)

11 / Major Electric Transmission Facilities Driven by Public Policy Requirements (A)

11 / Amendments to SC 20, Contained in P.S.C. No. 9—Gas (A)

12 / Petition to Recover Deferrals Through the DRA (A)

12 / Revenue Assurance Calculations (P)

12 / Deferral of Expenses (P)

12 / Notice of Intent to Submeter Electricity (P)

13 / Proposed Amendment to Section 5, Attachment 1.A of the Uniform Business Practices (P)

Hearings Schedule for Proposed Rule Makings / 14

Action Pending Index / 15

Regulatory Agenda

63 / Agriculture and Markets, Department of

64 / Education Department

69 / Financial Services, Department of

71 / Motor Vehicles, Department of

71 / State, Department of

73 / Temporary and Disability Assistance, Office of

74 / Workers' Compensation Board

Rule Review

- 77 / Children and Family Services, Office of
- 78 / Correction, State Commission of
- 78 / Education Department
- 99 / Financial Services, Department of
- 110 / Higher Education Services Corporation
- 110 / Law, Department of
- 111 / Mental Health, Office of
- 112 / Motor Vehicles, Department of
- 113 / Public Service Commission
- 114 / State, Department of
- 115 / Temporary and Disability Assistance, Office of

Securities Offerings

- 121 / State Notices

Advertisements for Bidders/Contractors

- 123 / Sealed Bids

Miscellaneous Notices/Hearings

- 125 / Notice of Abandoned Property Received by the State Comptroller
- 125 / Notice of Public Hearing
- 126 / Public Notice

Executive Orders

- 127 / Executive Order No. 149: Expediting the Foil Process.
- 127 / Executive Order No. 150: Establishing One or More Correctional Facilities Within the Department of Corrections and Community Supervision Exclusively for Youth.