

administrative authority to regulate insurers' corporate and financial affairs, and that they have the necessary resources to carry out that authority.

The Department determines this rule to be a consensus rule, as defined in State Administrative Procedure Act § 102(11) (SAPA), and is proposed pursuant to SAPA § 202(1)(b)(i). Accordingly, this rulemaking is exempt from the requirement to file a Regulatory Impact Statement, Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility Analysis.

#### **Job Impact Statement**

The Department of Financial Services ("Department") does not believe that this rulemaking will have any impact on jobs and employment opportunities, including self-employment opportunities. The amendment adopts the most recent edition published by the National Association of Insurance Commissioners ("NAIC") of the Accounting Practices and Procedures Manual As of March 2016 ("2016 Accounting Manual"), replacing the rule's current reference to the Accounting Practices and Procedures Manual As of March 2015.

All states require insurers to comply with the 2016 Accounting Manual, which establishes uniform practices and procedures for U.S.-licensed insurers. Adoption of the rule is necessary for the Department to maintain its accreditation status with the NAIC. The NAIC accreditation standards require that state insurance regulators have adequate statutory and administrative authority to regulate insurers' corporate and financial affairs, and that they have the necessary resources to carry out that authority.

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## New York State Gaming Commission

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### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### **Repeal of Obsolete Thoroughbred Rule Giving Extra Weight Allowance for Apprentice Jockey Riding for "Original Contract Employer"**

**I.D. No.** SGC-24-16-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Repeal of section 4032.1(e) of Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Repeal of obsolete thoroughbred rule giving extra weight allowance for apprentice jockey riding for "original contract employer."

**Purpose:** To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

**Text of proposed rule:** Subdivision (e) of section 4032.1 of 9 NYCRR would be deleted as follows:

§ 4032.1. Apprentice weight allowances.

An apprentice jockey licensed in accordance with section 4002.26 of this Article may claim the following weight allowances in all overnight races except stakes and handicaps:

\* \* \*

[(e) a contracted apprentice may claim an allowance of three pounds for an additional one year while riding horses owned or trained by the original contract employee.]

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 45 days after publication of this notice.

#### **Regulatory Impact Statement**

1. Statutory authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104(1, 19). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and

persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative objectives: To preserve the safety and integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

3. Needs and benefits: This rule making is needed to delete from the thoroughbred rules of racing an obsolete provision concerning apprentice jockeys.

The current rules provide an additional year with a three-year weight allowance when a contract apprentice rides for "the original contract employer." See 9 NYCRR § 4032.1(e). This is an obsolete provision. Jockeys no longer participate in an apprentice system, in which youngsters are housed, fed and schooled as a jockey, as a pre-requisite to obtaining a jockey license. Rather, new jockeys may simply apply for an apprentice license. No apprentice jockey has entered racing in New York through the obsolete stable-apprenticeship system since the 1970s. As a result, there is no longer any need for a special incentive encouraging stables to introduce new jockeys to racing this way.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: These amendments will not add any new mandated costs to the existing rules. There is no cost to the regulated parties by deleting an obsolete rule.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel thoroughbred racing activities.

6. Paperwork: There will be no additional paperwork.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: None.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

#### **Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

The proposed amendment is a technical revision to the Commission's thoroughbred rules to omit weight allowances for jockeys racing for their "original contract employer." This is an obsolete provision. Jockeys no longer participate in an apprentice system as a pre-requisite to obtaining a jockey license.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

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## Department of Health

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### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### **Neurodegenerative Specialty Rate**

**I.D. No.** HLT-24-16-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Subpart 86-2 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 2802-2(c)

**Subject:** Neurodegenerative Specialty Rate.

**Purpose:** To authorize Medicaid rate of payment for providing quality of care to the neurodegenerative population.