

tion 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1307(2)(g) authorizes the Commission to regulate the operation and rules of authorized table games.

Racing Law section 1335(4) requires the Commission to regulate the minimum and maximum wagers at a table game.

Racing Law section 1335(6) requires the Commission to regulate the location of and access to table game rules and payout odds.

2. LEGISLATIVE OBJECTIVES: The above referenced statutory provisions carry out the legislature's stated goal "to tightly and strictly" regulate casinos "to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state and to prevent organized crime from any involvement in the casino industry" as set forth in Racing Law section 1300(10).

3. NEEDS AND BENEFITS: The proposed rules implement the above listed statutory directives regarding table game standards. The rules represent best practices in defining procedures for the conduct and operation of table games. Best practices addressed in the proposed rules include establishing a table game staffing plan and a dealer training program. In addition, the proposed rules set forth procedures for the opening and closing of table games; the acceptance, distribution and removal of chips and coins from table games; the posting of payout odds and table game rules; the setting of minimum and maximum wagers and the request to offer a new table game or feature.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: One of the three gaming facility licensees has indicated that the anticipated costs of implementing and complying with the proposed regulations will be initially \$400,000 to \$600,000 with an annual recurring expense of less than \$200,000.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The costs to the Commission for the implementation of and continued administration of the rule will be negligible given that all such costs are the responsibility of the gaming facility. These rules will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission's experience regulating racing and gaming activities within the State.

5. LOCAL GOVERNMENT MANDATES: There are no local government mandates associated with these rules.

6. PAPERWORK: These rules impose paperwork burdens on gaming facility licensees. Examples of paperwork burdens on the gaming facility licensees include the submission of the following to the Commission: a table game staffing plan; table game equipment schematics; a dealer training program; a table game layout, table game minimum and maximum wagers; table game rule signs; a table game tournament schedule and a request to offer a new table game or feature.

7. DUPLICATION: These rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. ALTERNATIVES: The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulation. These included the appropriate time to review table game operation plans; the appropriate time to count chips and coins; the appropriate information in fill request; the appropriate use of a match-play coupon as a wager; the appropriate patron access to table game rules and the appropriate notice and certifications required for table game tournaments. The Commission is also required to promulgate these rules pursuant to Racing Law sections 1307(2)(g), 1335(4) and 1335(6).

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

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

These rules will not have any adverse impact on small businesses, local governments, jobs or rural areas. These rules are intended to promote public confidence and trust in the credibility and integrity of casino gambling in New York State. The rules will ensure that licensed gaming facilities conduct table games in a uniform manner. The rules establish the procedures for the opening and closing of table games; the acceptance, distribution and removal of chips and coins from table games; the posting of payout odds and table game rules; the setting of minimum and maximum wagers and the request to offer a new table game or feature.

These rules do not impact local governments or small businesses as it is not expected that any local government or small business will hold a gaming facility license.

These rules impose no adverse impact on rural areas. These rules apply uniformly throughout the state and solely apply to licensed gaming facilities.

These rules will have no adverse impact on job opportunities.

These rules will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required and have not been prepared.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Registration of Lobbyists

I.D. No. SGC-28-16-00012-P

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

Proposed Action: Addition of Part 5309 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1) and 1329

Subject: Registration of lobbyists.

Purpose: To govern the registration of lobbyists.

Text of proposed rule: PART 5309

Lobbyist Registration

§ 5309.1. Registration of lobbyists.

A lobbyist seeking to engage in lobbying activity on behalf of a client or a client's interest before the commission shall, in advance of such activity and in accordance with Racing, Pari-Mutuel Wagering and Breeding Law section 1329, file a lobbying registration form the commission supplies and may amend from time to time.

§ 5309.2. Termination.

Upon the termination of a lobbyist's retainer, employment or designation, such lobbyist and the client on whose behalf such service has been rendered shall give written notice to the commission within 30 days after the lobbyist ceases the activity that required such lobbyist to file a lobbying registration form. Such lobbyist shall nevertheless comply with reporting requirements up to the date such activity has ceased, as required by Article 1-A of the Legislative Law.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, 6th Floor, Schenectady, NY 12305, (518) 388-3407, email: kristen.buckley@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: Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") section 104(19) grants authority to the Gaming Commission ("Commission") to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1329 mandates registration of lobbyists with the Secretary of the Commission.

2. LEGISLATIVE OBJECTIVES: The above referenced statutory provisions carry out the legislature's stated goal "to tightly and strictly" regulate casinos "to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state and to prevent organized crime from any involvement in the casino industry" as set forth in Racing Law section 1300(10).

3. NEEDS AND BENEFITS: The proposed rules implement the above listed statutory directives regarding the licensing requirements and procedures for registration of lobbyists. The rules provide specificity with respect to the above listed statutory directives to assure registration, notification and reporting requirements of all lobbyists. In addition, this rule making is necessary to promote public confidence and trust in the credibility and integrity of casino gambling in New York State.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: Lobbyist groups will have to file a form provided by the Commission for registration. There is no filing fee associated with the registration form and therefore no anticipated cost to the regulated party.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: These rules will not impose a cost to the Commission, State or local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission's experience regulating racing and gaming activities within the State.

5. LOCAL GOVERNMENT MANDATES: There are no local government mandates associated with these rules.

6. PAPERWORK: These rules impose a paperwork burden on lobbyists to file a registration with the Commission on a form provided by the Commission. Lobbyists will report prior to engaging in any activity and upon termination.

7. DUPLICATION: These rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. ALTERNATIVES: The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulation. Alternatives were discussed and considered with stakeholders and compared to other jurisdictions regulations. The Commission received no comments from stakeholders.

9. FEDERAL STANDARDS: There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. COMPLIANCE SCHEDULE: The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

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

These rules establish set forth the standards for lobbyist registration and will not have any adverse impact on small businesses, local governments, jobs or rural areas.

These rules do not impact local governments or small businesses as it is not expected that any local government or small business will be registered as a lobbyist with the Commission.

These rules impose no adverse impact on rural areas. These rules apply uniformly throughout the state.

These rules will have no adverse impact on job opportunities.

These rules will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required and have not been prepared.

Department of Motor Vehicles

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Fees Charged for the Impaired Driving Program Course

I.D. No. MTV-28-16-00003-P

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

Proposed Action: Amendment of section 134.14 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a), 1196(1) and (6)

Subject: Fees charged for the Impaired Driving Program course.

Purpose: To increase the fee for the Impaired Driving Program course, so that \$20 may be directed to curriculum development.

Text of proposed rule: Subdivision (b) of Section 134.14 is amended to read as follows:

(b) Except as provided in subdivisions (c) and (d) of this section, the total fee for a rehabilitation program shall not exceed [§300] *\$315*. Seventy-five dollars of any such total fee shall represent the reimbursement of costs for administrative expenses incurred by the Department of Motor Vehicles and sentencing courts. A participant in the program shall not be required to pay the \$75 dollar fee to the department if such participant held a conditional license pending prosecution under section 134.18 of this Part, if such conditional license was not revoked, and such conditional license was issued as the result of the same violation on which participation in such program is based. The Commissioner may require that up to [§5] *\$20* of the total fee for a rehabilitation program shall be used for reimbursement of costs for curriculum enhancements to be developed by the Department of Motor Vehicles and/or a third party authorized by the department. If the commissioner so requires, written notification of such requirement shall be sent to all rehabilitation programs, and such portion of the fee shall be paid by the program directly to such authorized third party.

Text of proposed rule and any required statements and analyses may be obtained from: Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

Data, views or arguments may be submitted to: David Cadalso, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

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

Regulatory Impact Statement

1. Statutory authority: Vehicle and Traffic Law (VTL) section 215(a) provides that the Commissioner of Motor Vehicles may enact rules and regulations that regulate and control the exercise of the powers of the Department. Vehicle and Traffic Law § 1196(1) establishes the Alcohol and Drug Rehabilitation Program (also referred to as the Impaired Driver Program or "IDP") within the Department of Motor Vehicles. Vehicle and Traffic Law § 1196(6) provides that the Commissioner shall establish a schedule of fees to be paid by or on behalf of each participant in the program, and may from time to time, modify the fees.

2. Legislative objectives: Vehicle and Traffic Law § 1196(6) provides that the fees to be established by the Commissioner shall defray the ongoing expenses of the IDP. The proposed rule is in accord with the public policy objectives that the Legislature sought to advance by allowing the Commissioner to modify such fees in order to defray the expenses of the IDP, and, specifically, the cost of sustaining a successful evidence based curriculum to rehabilitate and educate persons convicted of alcohol and drugged driving related offenses.

3. Needs and benefits: This regulation is necessary to defray the costs of the IDP, specifically curriculum enhancements that are central to the IDP.

Upon conviction for a violation of alcohol-related offenses and driving while ability impaired by drugs, some defendants are, as part of their sentence, ordered to participate in the IDP; many others take the course voluntarily, in part, because participation is necessary to obtain a conditional license. Approximately 20,000 persons attend the IDP annually. A strong, evidence based curriculum is critical to the successful rehabilitation of these individuals.

Part 134.14 of the Commissioner's Regulations provides a schedule of fees to be paid by or on behalf of each participant in the IDP, which fees defray the ongoing expenses of the IDP. Part 134.14(b) provides that the total fee for the IDP shall not exceed \$300.00 and that up to \$5.00 of the total fee "shall be used for reimbursement of costs for curriculum enhancements to be developed by the Department of Motor Vehicles and/or a third party authorized by the Department." The diversion of \$5.00 to curriculum enhancements was implemented about 12 years ago and is insufficient to sustain a high quality curriculum.

The current contract with the Department's third party IDP curriculum provider expires in February 2017. DMV is in the process of developing an Invitation for Bid (IFB) for a curriculum provider, to be issued in the fall of 2016. Based upon the experience in other states, it is unlikely the Department will be able to secure high quality bidders while offering a \$5 fee for curriculum enhancement, which includes the cost of the student workbook. For example, of the 17 states in which the current IDP vendor is the sole program provider, New York has the lowest rate charged for the curriculum enhancements, with Alaska's rate being the highest at \$30.00 and the next lowest rate being Hawaii at \$15.00. By raising the IDP fee from \$300 to \$315, the Department will be able to direct \$20 of such fee to the IDP curriculum provider, both insuring uninterrupted service to course participants and that qualified vendors will bid on the contract.

The curriculum provider not only develops the curriculum and publishes a workbook for course participants, but it provides training for the IDP instructors, a certification program and refresher courses. The current \$5 fee is simply insufficient to attract a curriculum provider that will offer all of these services.

Although New York State has made significant strides in addressing the problem of driving while impaired by alcohol and/or drugs, drunk and drugged driving remain critical highway safety problems. Offering a strong, evidenced based curriculum in the IDP is a necessary part of the continuing battle to confront these problems.

4. Costs: a. The approximate cost to regulated parties: The proposed rule will not impose additional costs on those entities that provide the IDP, since it will allow them to charge an additional \$15 to be paid by each participant in the program by increasing the total fee for the program from \$300 to \$315. The rule provides that a maximum of \$20 of the total fee shall be paid by IDP providers to curriculum providers for curriculum enhancements. The program currently services approximately 20,000 motorists annually. If each enrollee were to be charged the additional \$15, this would result in an overall increase estimated to be approximately \$300,000 annually. The enrollees would pay these costs.