§ 101-a. Legislative notification of the proposed adoption, amendment, suspension or repeal of agency rules.

1. Definitions. As used in this section,

a. "Agency" means any state board, bureau, commission, department, authority, division, or officer authorized by law to make rules.

b. "Rule" means the whole or part of each agency statement of general applicability or regulation or code that implements or applies law, or prescribes the procedure or practice requirements of any agency, including the amendment, suspension or repeal thereof, except such as relates to the organization or internal management of the agency.

2. Except as provided in subdivision three of this section, at least sixty days prior to either the adoption of any rule, or, if a public hearing is required by statute, at least sixty days prior to the first public hearing on a proposed rule, the agency proposing to take such action shall send in writing or may transmit electronically in accordance with article three of the state technology law, a notification of such proposed action to the temporary president of the senate and the speaker of the assembly. This notification shall: (a) refer to the statutory authority under which the action is proposed, (b) give the time and place of any public hearing that may be scheduled concerning the proposed action, or state the manner in which data, views or arguments may be submitted to the agency concerning the proposed action, (c) contain a copy of the complete text of the proposed rule, and (d) contain a fiscal statement setting forth the fiscal consequences of the proposed action on the state and its local governments.

3. If the agency finds that it is necessary for the preservation of the public health, safety or general welfare to dispense with the requirements of subdivision two of this section, the agency may dispense with such requirements and adopt the rule, as an emergency measure. Within five days of the filing of such emergency measure in the office of the department of state, the agency taking such action shall send or transmit, as the case may be, the temporary president of the senate and

the speaker of the assembly a notification containing the information required by subdivision two of this section; provided, however, such notification shall also: (a) include a brief statement setting forth the reasons why the agency finds that it is necessary for the preservation of the public health, safety or general welfare to dispense with the requirements of subdivision two of this section and adopt the rule as an emergency measure, and (b) provide the date the emergency measure will terminate if the agency does not intend to adopt such measure as a permanent rule, or indicate that the agency intends to adopt such measure as a permanent rule, in which case compliance with the notification requirements of this section shall be deemed satisfied. The effectiveness of any such emergency measure, unless adopted as a permanent rule in the manner prescribed by law, shall not exceed ninety days after the filing of such measure in the office of the department of state, provided, however, if such emergency measure is readopted prior to the expiration of such ninety day period such readoption and any subsequent readoptions shall remain in effect for no longer than sixty days.

4. The legislature in the joint rules of the senate and assembly may exempt from the requirements of this section certain rules which have or would have no significant fiscal implications.

5. This section does not relieve any agency from compliance with any statute requiring that its rules be filed with or approved by designated persons or bodies before they become effective.

6. A proceeding to invalidate any rule on the ground of noncompliance with the procedural requirements of this section must be commenced by the temporary president of the senate or the speaker of the assembly within four months from the effective date of the rule. No rule shall be valid unless adopted in substantial compliance with this section; provided, however, that the inadvertent failure to give notice as provided in this section shall not invalidate any rule.