§ 101-b. Application by municipal corporations for the suspension of certain rules.

1. Definitions. As used in this section,

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

b. "Rule" means the whole or part of each agency statement of general applicability or regulation or code that implements or applies law, including the amendment, suspension or repeal thereof.

c. "Municipal corporation" means a county outside the city of New York, a city, a town, a village or a school district.

d. "Governing body" means:

(1) In a county, a board of supervisors, county legislature or other body vested by its charter, other law or other valid enactment with jurisdiction to enact local laws;

(2) In a city, the board of aldermen, a common council, commission or other body vested by its charter or other law with jurisdiction to enact ordinances or local laws;

(3) In a town, the town board;

(4) In a village, the board of trustees; and

(5) In a school district, the board of education, board of trustees or sole trustee.

2. A municipal corporation may, by resolution adopted by its governing body, apply to the agency which has adopted a rule for the mandatory suspension of such rule for the balance of the municipal corporation's current fiscal year, provided the rule was filed in the office of the secretary of state after the commencement of the municipal corporation's current fiscal year.

3. Upon the receipt of such an application, the agency which adopted the rule shall forthwith by order suspend its applicability to the petitioning municipal corporation for the balance of such corporation's

current fiscal year, unless the agency determines by order, within thirty days of receipt of such application, that the immediate implementation of the rule is necessary for public health, safety or welfare, or that its postponement would be contrary to express provision of law. A copy of any order issued pursuant to this section shall be sent to the temporary president of the senate, the speaker of the assembly and the administrative regulations review commission.

4. This section shall not relieve a municipal corporation from complying with a rule until such time that the agency which has adopted the rule shall issue an order pursuant to this section suspending its applicability to such corporation.