S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

March 2, 2009

Introduced by M. of A. GORDON, PAULIN, LIFTON -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the state finance law, in relation to enforcement of the uniform fire prevention and building code

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 9108 of the insurance law is amended by adding a new subsection (f) to read as follows:

(F) COMMENCING APRIL FIRST, TWO THOUSAND NINE, NOT LESS THAN ONE-HALF OF MONEYS RECEIVED BY THE SUPERINTENDENT AND PAID INTO THE CODE ENFORCEMENT ACCOUNT PURSUANT TO THIS SECTION SHALL BE FOR THE SOLE PURPOSE OF STATE AID TO MUNICIPALITIES FOR ENFORCEMENT OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE PURSUANT TO SECTION FIFTY-FOUR-G OF THE STATE FINANCE LAW AND ANY ADMINISTRATIVE EXPENSES INCURRED BY THE SECRETARY OF STATE PURSUANT TO SUCH PROGRAM. COMMENCING APRIL FIRST, TWO THOUSAND TEN, ALL SUCH MONEYS SHALL BE FOR THE SOLE PURPOSE OF STATE AID TO MUNICIPALITIES FOR ENFORCEMENT OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE PURSUANT TO SECTION FIFTY-FOUR-G OF THE STATE FINANCE LAW AND ANY ADMINISTRATIVE EXPENSES INCURRED BY THE SECRETARY OF STATE PURSUANT TO SUCH PROGRAMS.

S 2. Section 54-g of the state finance law, as added by chapter 707 of the laws of 1981 and subdivision 1 as amended by chapter 609 of the laws of 1983, is amended to read as follows:

S 54-g. State assistance to local governments for support of activities related to THE UNIFORM fire prevention and building [codes] CODE. 1. [Beginning in March, nineteen hundred eighty-two and annually thereafter, each city, village, and town shall receive from moneys] THE SECRETARY OF STATE SHALL ANNUALLY GRANT AID TO COUNTIES, CITIES, TOWNS AND VILLAGES FROM MONEYS COLLECTED BY THE STATE PURSUANT TO SECTION NINE THOUSAND ONE HUNDRED EIGHT OF THE INSURANCE LAW AND appropriated by the state in support of activities related to the administration and

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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enforcement in the previous calendar year of [fire prevention and building codes] THE UNIFORM FIRE PREVENTION AND BUILDING CODE the sum of the amounts computed in paragraphs a [and], b [below] AND C OF THIS SUBDIVISION, PROVIDED, THAT, COMMENCING APRIL FIRST, TWO THOUSAND NINE, NOT LESS THAN ONE-HALF OF THE MONEYS COLLECTED BY THE STATE PURSUANT TO SECTION NINE THOUSAND ONE HUNDRED EIGHT OF THE INSURANCE LAW SHALL BE GRANTED TO COUNTIES, CITIES, TOWNS AND VILLAGES FOR SUCH ACTIVITIES AND COMMENCING APRIL FIRST, TWO THOUSAND TEN ALL SUCH MONEYS SHALL BE GRANTED TO COUNTIES, CITIES, TOWNS AND VILLAGES FOR SUCH ACTIVITIES.

a. One-half the amount appropriated multiplied by the proportion which [the population of the city, village or town outside a village bears to the population of the state taken] THE NUMBER OF PERMITS ISSUED BY THE COUNTY, CITY, VILLAGE OR TOWN OUTSIDE A VILLAGE BEARS TO THE NUMBER OF PERMITS ISSUED IN THE STATE as a whole.

b. One-half the amount appropriated multiplied by the proportion which [the full value of the city, village or town outside a village bears to the full value of the state taken] THE NUMBER OF FIRE SAFETY INSPECTIONS ISSUED BY THE COUNTY, CITY, VILLAGE OR TOWN OUTSIDE A VILLAGE BEARS TO THE NUMBER OF FIRE SAFETY INSPECTIONS ISSUED IN THE STATE as a whole. The amount otherwise payable to a local government under this subdivision shall be reduced by the amount of state aid to local governments for housing maintenance code enforcement payable to such local government in the same state fiscal year under the provisions of section fifty-four-h of this [chapter] ARTICLE.

C. NOTWITHSTANDING PARAGRAPHS A AND B OF THIS SUBDIVISION, NO COUNTY SHALL RECEIVE AN AMOUNT GREATER THAN THE PERCENTAGE SHARE COUNTYWIDE OF CODE ENFORCEMENT ACTIVITIES ACTUALLY CONDUCTED BY THE COUNTY.

2. In the instance where, pursuant to section three hundred eighty-one of the New York state uniform fire prevention and building code act set forth in article eighteen of the executive law, [a county or] the secretary of state administers and enforces the New York state uniform fire prevention and building code within a city, village or town, the funds otherwise payable to the city, village, or town shall [be paid to the county or] revert to the state[, as the case may be]. Where [a county or] the secretary of state has been so engaged for less than the entire calendar year provided in subdivision one OF THIS SECTION, the moneys shall be distributed to the city, village, or town, county or state in proportion to the length of time for which each was responsible for said administration and enforcement. TO RECEIVE MONEY FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH THE ADMINISTRATION OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE, EACH COUNTY, CITY, TOWN, AND VILLAGE SHALL ANNUALLY ON SUCH DATES AS MAY BE FIXED BY THE SECRETARY OF STATE, SUBMIT AN APPLICATION WITH SUCH INFORMATION AS THE SECRETARY OF STATE MAY REQUIRE. THE SECRETARY OF STATE SHALL PRESCRIBE THE FORM OF SUCH APPLICATION.

3. The terms used in this section shall have the meanings ascribed to them in section fifty-four of this article.

S 3. This act shall take effect immediately.