

4461

2009-2010 Regular Sessions

I N S E N A T E

April 23, 2009

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT providing for the dissolution of the New York Board of Fire Underwriters, and providing for the transfer of the powers, duties, functions, records and employees of the New York Board of Fire Underwriters Bureau of Electricity; to repeal chapter 241 of the laws of 1930 relating to the New York Board of Fire Underwriters and defining the powers and jurisdiction of such corporation; and to repeal chapter 181 of the laws of 1939 amending chapter 241 of the laws of 1930, entitled "An act in relation to the New York Board of Fire Underwriters, defining the powers and jurisdiction of such corporation", relating to the amount and assessment of expenses of the fire patrol

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

- 1 Section 1. Chapter 241 of the laws of 1930 relating to the New York
2 Board of Fire Underwriters and defining the powers and jurisdiction of
3 such corporation is REPEALED.
- 4 S 2. Chapter 181 of the laws of 1939 amending chapter 241 of the laws
5 of 1930, entitled "An act in relation to the New York Board of Fire
6 Underwriters, defining the powers and jurisdiction of such corporation",
7 relating to the amount and assessment of expenses of the fire patrol is
8 REPEALED.
- 9 S 3. Transfer of assets. Any assets held by the New York Board of Fire
10 Underwriters at the time of the effective date of this act shall inure
11 to the benefit of the state of New York and may be devoted to the elec-
12 trical inspection pilot program provided for in section eleven of this
13 act in the manner and amount deemed appropriate.
- 14 S 4. Transfer of powers, duties and functions. All powers, duties and
15 functions conferred upon the New York Board of Fire Underwriters Bureau
16 of Electricity shall be transferred to and assumed by the Electrical
17 Bureau of State Fire, as established in section seven of this act.

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

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1 S 5. Transfer of employees. Upon the transfer of the functions as
2 provided for in this act any affected employees shall be transferred to
3 the Electrical Bureau of State Fire as established in section seven of
4 this act.

5 S 6. Transfer of records. The New York Board of Fire Underwriters
6 Bureau of Electricity, shall deliver to the Electrical Bureau of State
7 Fire all books, papers, records and property pertaining to the functions
8 transferred pursuant to this act as requested by the Electrical Bureau
9 of State Fire.

10 S 7. Continuity of authority. For the purpose of succession to all
11 functions, powers, duties and obligations transferred and assigned to,
12 devolved upon and assumed by it pursuant to this act, the Electrical
13 Bureau of State Fire shall be deemed and held to constitute the contin-
14 uation of the New York Board of Fire Underwriters Bureau of Electricity
15 pertaining to the powers and functions transferred in this act.

16 S 8. Completion of unfinished business. Any business or other matter
17 undertaken or commenced by the New York Board of Fire Underwriters
18 Bureau of Electricity pertaining to or connected with the functions,
19 powers, obligations and duties transferred and assigned to the Elec-
20 trical Bureau of State Fire in this act, and pending on the effective
21 date of this act may be conducted and completed by the Electrical Bureau
22 of State Fire in the same manner and under the same terms and conditions
23 and with the same effect as if conducted and completed by the former New
24 York Board of Fire Underwriters Bureau of Electricity.

25 S 9. Terms occurring in laws, contracts and other documents. Whenever
26 the New York Board of Fire Underwriters Bureau of Electricity is
27 referred to or designated in any law, contract or documents pertaining
28 to the functions, powers, obligations and duties transferred and
29 assigned to the Electrical Bureau of State Fire pursuant to this act,
30 such reference or designation shall be deemed to refer to the Electrical
31 Bureau of State Fire as created by this act.

32 S 10. Existing rights and remedies preserved. No existing right or
33 remedy of any character shall be lost, impaired or affected by reason of
34 this act.

35 S 11. Pilot program established. The office of fire prevention and
36 control is hereby authorized to conduct an electrical inspection pilot
37 program in coordination with municipalities, or any other public or
38 private entities as deemed appropriate by the office of fire prevention
39 and control. The procedures, policies, operation and duration of such
40 program shall remain in the discretion of the office of fire prevention
41 and control.

42 S 12. Separability clause. If any clause, sentence, paragraph, section
43 or part of this act shall be adjudged by any court of competent juris-
44 diction to be invalid, such judgment shall not affect, impair or invali-
45 date the remainder thereof, but shall be confined in its operation to
46 the clause, sentence, paragraph, section or part thereof directly
47 involved in the controversy in which such judgment shall have been
48 rendered.

49 S 13. This act shall take effect December 31, 2009.