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

S. 550 A. 1562

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

IN SENATE -- Introduced by Sens. BRESLIN, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- Introduced by M. of A. CANESTRARI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to enacting the educational buildings balanced fire safety act

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

Section 1. This act shall be known and may be cited as the "educational buildings balanced fire safety act".

S 2. Article 18-A of the executive law is relettered article 18-B and a new article 18-A is added to read as follows:

ARTICLE 18-A

EDUCATIONAL BUILDINGS BALANCED FIRE SAFETY ACT

SECTION 385. LEGISLATIVE FINDINGS.
385-A. DEFINITIONS.
385-B. REGULATIONS.
385-C. ENFORCEMENT.
385-D. CONSTRUCTION WITH OTHER LAWS; SEVERABILITY.

S 385. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS THAT FIRES THAT COULD HAVE BEEN PREVENTED OR CONTAINED HAVE TRAGICALLY CUT DOWN STUDENTS IN THE PRIME OF THEIR LIVES. SCHOOLS SHOULD BE A SAFE PLACE FROM THE RAVAGES OF FIRE AND UNWANTED ENVIRONMENTAL CONCERNS OVER QUALITY OF BUILDING CONSTRUCTION. THE LEGISLATURE FURTHER FINDS THAT EDUCATIONAL FACILITIES HOUSING K THROUGH TWELVE STUDENTS POSE A SIGNIFICANT FIRE RISK GIVEN THE HIGH DENSITY OF STUDENTS OF VARIOUS AGES AND CAPABILITIES. A DEPENDABLE AND BALANCED APPROACH TO FIRE SAFETY REQUIRES EARLY WARNING DETECTION AND ALARMS, FIRE CONTROL AND FIRE CONTAINMENT VIA FIRE RESISTIVE COMPARTMENTS. SPRINKLERS AND FIRE ALARM SYSTEMS ARE HIGHLY EFFECTIVE WHEN PROPERLY INSPECTED AND MAINTAINED.

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

LBD03587-01-9

THE LEGISLATURE ALSO FINDS THAT A BALANCED APPROACH TO FIRE SAFETY EMPLOYS A COMBINATION OF FIRE PROTECTION STRATEGIES INCLUDING FIRE RESISTIVE CONSTRUCTION, WELL DEFINED EXITING PATHS, SPRINKLERS AND FIRE ALARM SYSTEMS. CONTAINING FIRE SPREAD WITH FIRE RESISTIVE CONSTRUCTION PROVIDES A CRITICAL BASIC CORNERSTONE ENHANCING THE SAFETY AND WELL-BEING OF STUDENTS, FACULTY AND VISITORS. SUBDIVIDING A FACILITY INTO COMPARTMENTS WITH FIRE RESISTIVE CONSTRUCTION ALLOWS EXTRA TIME FOR OCCUPANTS TO ESCAPE, CREATES TEMPORARY AREAS OF REFUGE AND ALLOWS TIME FOR EMERGENCY RESPONDERS TO ENGAGE IN RESCUE AND ATTACK A FIRE. SUBDIVISIONS OF SPACES WITH BUILDING MATERIALS HAVING PROVEN FIRE RESISTANCE CAPABILITY ALSO ENHANCES THE SOUND LIMITING PERFORMANCE OF THE CONSTRUCTION ELEMENT DUE TO THE UNIQUE, MULTIPLE BENEFIT PROPERTIES OF NON-COMBUSTIBLE MATERIALS. FIRE RESISTIVE CONSTRUCTION DOES NOT CONTRIBUTE TO THE EXPECTED FIRE LOAD OR ADD DEADLY, TOXIC SMOKE AND GASES. ADDITIONALLY, FIRE RESISTIVE CONSTRUCTION WITHSTANDS THE HEAT AND RAVAGES OF FIRE AS WELL AS THE IMPACT OF WATER FROM A FIREFIGHTER'S HOSE STREAM. THIS TYPE OF CONSTRUCTION PROTECTS OCCUPANTS AND FIREFIGHTERS FROM STRUCTURAL COLLAPSE CAUSED BY FIRE WEAKENED BUILDING ELEMENTS. FIRE RESISTIVE WALLS MUST BE MOLD RESISTANT AND OF ACOUSTICALLY SOUND CONSTRUCTION SO THAT ON A DAY TO DAY BASIS STUDENTS ARE WITHIN A LEARNING ENVIRONMENT THAT IS HEALTHY AND FREE OF UNWARRANTED DISTRACTIONS FROM OTHER ACTIVITIES WITHIN THE BUILDING.

THE LEGISLATURE FINDS THAT BUILDINGS CONSTRUCTED OF LESS DURABLE CONSTRUCTION INCREASES THE LIFE CYCLE COST OF THE STRUCTURE AND REDUCES INDOOR QUALITY THUS PLACING AN ADDED BURDEN ON THE TAXPAYER. THE STUDENTS AND TEACHERS OF NEW YORK STATE ARE A VITAL RESOURCE AND REPRESENT THE FUTURE OF THIS STATE AND COUNTRY. TRAINING YOUNG MINDS TO LEAD THIS STATE AND COUNTRY THROUGH THE TWENTY-FIRST CENTURY SHOULD BE A SAFE AND REWARDING EXPERIENCE. UNFORTUNATELY STUDENTS IN HIGHLY POPULATED AREAS ARE ESPECIALLY SUSCEPTIBLE TO THE RAVAGES OF FIRE. FIRE PROTECTION OF STUDENTS AND TEACHERS RELIES UPON A BALANCED APPROACH TO FIRE SAFETY INCLUDING EARLY WARNING DETECTION THROUGH A FIRE ALARM SYSTEM, FIRE CONTROL BY SPRINKLERS, READILY AVAILABLE MEANS OF ESCAPE AND FIRE/SMOKE CONTAINMENT VIA FIRE RESISTIVE COMPARTMENTS. MANY STUDENTS AND TEACHERS REQUIRE EXTRA TIME TO EVACUATE IN A FIRE EMERGENCY OR CANNOT BE EVACUATED AT ALL. CONTAINING FIRE SPREAD WITH FIRE RESISTIVE AND ACOUSTICALLY SOUND CONSTRUCTION PROVIDES A CRITICAL CORNERSTONE TO THE SAFETY, WELL-BEING AND QUIET ENJOYMENT OF STUDENTS AND TEACHERS. USING MATERIALS THAT DO NOT PROMOTE THE GROWTH OF MOLD CREATES A SAFER INDOOR ENVIRONMENT AND REDUCES LIFE CYCLE COSTS. FIRE RESISTIVE MATERIALS READILY PERFORM FOR FIFTY YEARS OR MORE, PROVIDING A SUBSTANTIALLY GREATER SERVICE LIFE AS COMPARED TO POROUS, CORROSIVE AND MORE BRITTLE CONSTRUCTION SUSCEPTIBLE TO MOLD ATTACK, RUSTING, ROTTING AND DAMAGE.

IN ADDITION, THE LEGISLATURE FINDS THAT SUBDIVIDING A BUILDING INTO STRATEGIC COMPARTMENTS USING FIRE RESISTIVE CONSTRUCTION ALLOWS FOR EXTRA TIME TO ESCAPE, PROVIDES TEMPORARY AREAS OF REFUGE AND ALLOWS TIME FOR EMERGENCY RESPONSE TO EFFECTUATE RESCUE AND FIREFIGHTING. COMPARTMENTALIZATION OR SUBDIVISION OF SPACE UTILIZING BUILDING MATERIALS HAVING HIGH FIRE RESISTANCE ALSO ENHANCES THE SOUND LIMITING PERFORMANCE OF THE CONSTRUCTION ELEMENT DUE TO THE UNIQUE, MULTIPLE BENEFIT PROPERTIES OF NON-COMBUSTIBLE MATERIALS. FIRE RESISTIVE CONSTRUCTION DOES NOT CONTRIBUTE TO THE EXPECTED FIRE LOAD IN BUILDING OR ADD DEADLY, TOXIC SMOKE AND GASES TO THE AIR WHILE OCCUPANTS ESCAPE. FIRE RESISTIVE CONSTRUCTION IS INHERENTLY MORE STRUCTURALLY STABLE AND WITHSTANDS THE HEAT AND RAVAGES OF FIRE. FIRE RESISTIVE CONSTRUCTION PROTECTS OCCUPANTS AND FIREFIGHTERS FROM STRUCTURAL COLLAPSE CAUSED BY FIRE WEAKENED

CONSTRUCTION. MOISTURE INTRUSION AND WATER DAMAGE IN BUILDINGS IS ONE OF THE MOST SIGNIFICANT CAUSES OF MOLD GROWTH ATTRIBUTING TO POOR INDOOR AIR QUALITY AND THE DETERIORATION OF BUILDING MATERIALS.

S 385-A. DEFINITIONS. AS USED IN THIS ARTICLE THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "AUTHORITY HAVING JURISDICTION" MEANS THE ORGANIZATION, OFFICE OR INDIVIDUAL RESPONSIBLE FOR APPROVING EQUIPMENT AND CONSTRUCTION.

2. "BUILDING" MEANS ANY STRUCTURE USED OR INTENDED FOR SUPPORTING OR SHELTERING ANY USE OR OCCUPANCY.

3. "BUILDING CODE" MEANS THE PROVISIONS GOVERNING THE CONSTRUCTION, ALTERATION, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, USE AND OCCUPANCY, LOCATION, MAINTENANCE, REMOVAL AND DEMOLITION OF EVERY BUILDING OR STRUCTURE OR ANY APPURTENANCES CONNECTED OR ATTACHED TO SUCH BUILDINGS OR STRUCTURES.

4. "EXISTING BUILDING" MEANS A BUILDING ERECTED OR OFFICIALLY AUTHORIZED PRIOR TO THE EFFECTIVE DAY OF THIS ARTICLE. ADDITIONS, ALTERATIONS OR REPAIRS TO ANY BUILDING OR STRUCTURE SHALL CONFORM TO THE REQUIREMENTS OF THE STATE BUILDING CONSTRUCTION CODE, THE STATE BUILDING CONSERVATION FIRE PREVENTION CODE AND THE STATE UNIFORM FIRE PREVENTION AND BUILDING CODE ACT FOR NEW CONSTRUCTION AND THIS ARTICLE.

5. "NEW CONSTRUCTION" MEANS A BUILDING OR CONSTRUCTION ERECTED OR OFFICIALLY AUTHORIZED AFTER THE EFFECTIVE DATE OF THIS ARTICLE AND MEETING THE REQUIREMENTS OF THE STATE BUILDING CONSTRUCTION CODE, THE STATE BUILDING CONSERVATION FIRE PREVENTION CODE OR THE STATE UNIFORM FIRE PREVENTION AND BUILDING CODE.

6. "COMBUSTIBLE" MEANS A MATERIAL THAT, IN THE FORM IN WHICH IT IS USED AND UNDER THE CONDITIONS ANTICIPATED WILL IGNITE AND BURN OR A MATERIAL THAT DOES NOT MEET THE DEFINITION OF NONCOMBUSTIBLE.

7. "EDUCATIONAL FACILITY" MEANS THE USE OF A BUILDING OR STRUCTURE, OR A PORTION THEREOF, BY SIX OR MORE PERSONS AT ANY ONE TIME FOR EDUCATIONAL PURPOSES THROUGH THE TWELFTH GRADE.

8. "FIRE COMPARTMENT" MEANS A SPACE WITHIN A BUILDING THAT IS ENCLOSED BY FIRE PARTITIONS ON ALL SIDES, INCLUDING THE TOP AND BOTTOM.

9. "FIRE PARTITION" MEANS A THREE HOUR FIRE RESISTANCE RATED, NONCOMBUSTIBLE, FIRE RESISTIVE VERTICAL FIRE SEPARATION ASSEMBLY DESIGNED TO RESTRICT THE SPREAD OF FIRE IN WHICH OPENINGS ARE PROTECTED. FIRE PARTITIONS SHALL BE CONSTRUCTED OF NONPOROUS OR PAPER LINED MATERIALS.

10. "FIRE RESISTANCE RATING" MEANS THE PERIOD OF TIME A BUILDING ELEMENT, COMPONENT OR ASSEMBLY MAINTAINS THE ABILITY TO CONFINE A FIRE, WITHSTAND A HOSE STREAM FOR THE EQUIVALENT TIME PERIOD OF THE FIRE EXPOSURE USING A SINGLE SPECIMEN, AND CONTINUES TO PERFORM A GIVEN STRUCTURE FUNCTION AS DETERMINED BY THE TEST METHODS PRESCRIBED IN "ASTM E 119 - STANDARD METHODS OF TESTING OF FIRE ENDURANCE OF BUILDING CONSTRUCTIONS AND MATERIALS."

11. "FIRE RESISTIVE CONSTRUCTION" MEANS STRUCTURAL ELEMENTS COMPRISED OF NON-COMBUSTIBLE MATERIALS INCLUDING STRUCTURAL STEEL, IRON, CONCRETE OR MASONRY AND OTHER MATERIALS THAT DO NOT SUPPORT COMBUSTION.

12. "FIRE WALL" MEANS A FOUR HOUR FIRE RESISTANCE RATED WALL HAVING PROTECTED OPENINGS, WHICH RESTRICTS THE SPREAD OF FIRE AND EXTENDS CONTINUOUSLY FROM THE FOUNDATION TO OR THROUGH THE ROOF, WITH SUFFICIENT STRUCTURAL STABILITY UNDER FIRE CONDITIONS TO ALLOW A COLLAPSE OF CONSTRUCTION ON EITHER SIDE WITHOUT COLLAPSE OF THE WALL.

13. "FIRE ALARM SYSTEM" MEANS A SYSTEM OR PORTION OF A COMBINATION SYSTEM CONSISTING OF COMPONENTS AND CIRCUITS ARRANGED TO MONITOR AND ANNUNCIATE THE STATUS OF FIRE ALARM OR SUPERVISORY SIGNAL-INITIATING DEVICES AND TO INITIATE THE APPROPRIATE RESPONSE TO THOSE SIGNALS.

14. "NON-COMBUSTIBLE MATERIAL" MEANS A MATERIAL THAT, IN THE FORM IN WHICH IT IS USED AND UNDER THE CONDITIONS ANTICIPATED, WILL NOT IGNITE, BURN, SUPPORT COMBUSTION OR RELEASE FLAMMABLE VAPORS WHEN SUBJECT TO FIRE OR HEAT. MATERIALS THAT ARE REPORTED AS PASSING "ASTM E - 136 STANDARD TEST METHOD FOR BEHAVIOR OF MATERIALS IN A VERTICAL TUBE FURNACE AT 750° C", SHALL BE CONSIDERED NON-COMBUSTIBLE MATERIALS.

15. "STUDENT" MEANS AN INDIVIDUAL LEARNER WHO IS ENROLLED IN AN EDUCATIONAL INSTITUTION K THROUGH TWELFTH GRADE.

16. "SOUND TRANSMISSION COEFFICIENT" MEANS THE VALUE ASSIGNED TO A MATERIAL'S ABILITY TO MINIMIZE SOUND TRANSMISSION AS PART OF A BUILDING SYSTEM.

17. "AUTOMATIC SPRINKLER SYSTEM" MEANS A SPRINKLER SYSTEM FOR FIRE PROTECTING PURPOSES THAT IS AN INTEGRATED SYSTEM OF UNDERGROUND AND OVERHEAD PIPING DESIGNED IN ACCORDANCE WITH FIRE PROTECTION ENGINEERING STANDARDS. A SYSTEM REQUIRES A SUITABLE WATER SUPPLY. THE PORTION OF THE SYSTEM ABOVE GROUND IS A NETWORK OF SPECIALLY OR HYDRAULICALLY DESIGNED PIPING INSTALLED IN A BUILDING, TO WHICH THE AUTOMATIC SPRINKLERS ARE CONNECTED IN A SYSTEMATIC PATTERN. THE SYSTEM IS USUALLY ACTIVATED BY HEAT FROM A FIRE AND DISCHARGES WATER OVER THE DESIGNATED AREA.

S 385-B. REGULATIONS. 1. THE CHAIRPERSON OF THE STATE FIRE PREVENTION AND BUILDING CODE COUNCIL SHALL, AS MUCH AS FEASIBLY POSSIBLE, IMPLEMENT THE PROVISIONS OF THIS SECTION INTO THE BUILDING CODE SPECIFICALLY DESIGNED TO FOSTER FIRE SAFE EDUCATIONAL FACILITIES PROTECTING THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE STATE. THE PROVISIONS OF THIS ARTICLE SHALL BE DESIGNED FOR USE THROUGHOUT THE STATE AND SHALL HAVE PARTICULAR APPLICATION TO EDUCATIONAL FACILITIES. THE PROVISIONS OF THIS ARTICLE SHALL BE APPLICABLE TO NEW BUILDINGS AND CONSTRUCTION RELATED TO ALTERATIONS AND REMODELING THAT REQUIRES A BUILDING PERMIT. THE PROVISIONS OF THIS ARTICLE SHALL BE IN ADDITION TO AND SHALL SUPPLEMENT THE STATE BUILDING CONSTRUCTION CODE, THE STATE BUILDING CONSERVATION AND FIRE PREVENTION CODE AND THE UNIFORM FIRE PREVENTION AND BUILDING CODE AND SHALL BE ENFORCED PURSUANT TO SECTION THREE HUNDRED EIGHTY-FIVE-C OF THIS ARTICLE.

2. ALL NEW EDUCATIONAL CONSTRUCTION AS DEFINED IN SUBDIVISION FIVE OF SECTION THREE HUNDRED EIGHTY-FIVE-A OF THIS ARTICLE SHALL BE NON-COMBUSTIBLE FIRE RESISTIVE CONSTRUCTION CONSTRUCTED PURSUANT TO THE BUILDING CODE.

3. ADDITIONS, ALTERATIONS OR REPAIRS TO ANY BUILDING OR STRUCTURE SHALL CONFORM TO THE REQUIREMENTS OF THE BUILDING CODE FOR NEW CONSTRUCTION AND OF THIS ARTICLE.

4. BUILDINGS PROTECTED WITH AN AUTOMATIC SPRINKLER SYSTEM AND IN COMPLIANCE WITH THIS SECTION MAY BE OF ANY CONSTRUCTION TYPE PERMITTED BY THE BUILDING CODE.

5. A FIRE PARTITION CONSTRUCTED OF FIRE RESISTIVE CONSTRUCTION SHALL BE REQUIRED IN ALL NEW BUILDINGS AND THE REMODELING AND ALTERATION CONSTRUCTION OF EXISTING BUILDINGS OR PORTIONS THEREOF USED FOR EDUCATIONAL PURPOSES AS DEFINED IN SUBDIVISION FOUR OF SECTION THREE HUNDRED EIGHTY-FIVE-A OF THIS ARTICLE. SPECIFICALLY FIRE PARTITIONS SHALL BE REQUIRED IN THE FOLLOWING LOCATIONS:

(A) BETWEEN EACH INDIVIDUAL LIVING UNIT IN A FIRE COMPARTMENT;

(B) ALL EXIT CORRIDORS;

(C) ALL ENCLOSED EXIT STAIRWAYS;

(D) OCCUPANCY SEPARATIONS PURSUANT TO THE BUILDING CODE;

(E) EXTERIOR LOAD BEARING WALLS;

(F) INTERIOR LOAD BEARING WALLS; AND

(G) WALLS SEPARATING CLASSROOMS USED FOR EDUCATIONAL PURPOSES.

6. FIRE WALLS SHALL BE CONSTRUCTED OF FIRE RESISTIVE CONSTRUCTION AND SHALL HAVE A MINIMUM FOUR HOUR FIRE RESISTANCE RATING. ALL OTHER FIRE RATED PARTITIONS SHALL HAVE A MINIMUM HOURLY RATING OF TWO HOURS.

7. OPENINGS IN FIRE PARTITIONS AND FIRE WALLS SHALL BE PROTECTED IN ACCORDANCE WITH THE BUILDING CODE.

8. FIRE PARTITIONS AND FIRE WALLS SHALL HAVE A SOUND TRANSMISSION COEFFICIENT OF FIFTY OR GREATER WHEN TESTED IN ACCORDANCE WITH "ASTM E90-TEST METHOD FOR LABORATORY MEASUREMENT OF AIRBORNE SOUND TRANSMISSION LOSS OF BUILDING PARTITIONS."

9. BUILDINGS PROTECTED WITH AN AUTOMATIC SPRINKLER SYSTEM AND IN COMPLIANCE WITH SUBDIVISIONS TWO AND THREE OF THIS SUBDIVISION SHALL BE ALLOWED TO BE OF UNLIMITED AREA AND INCREASE THE BUILDING HEIGHT BY TWENTY-FIVE PERCENT. REDUCTIONS IN THE HOURLY RATING OF FIRE PARTITIONS AND FIRE WALLS ARE NOT PERMITTED WHEN THE SPACE IS ALSO PROTECTED BY AN ACTIVE SPRINKLER SYSTEM.

10. ALL FLOOR ASSEMBLIES IN EDUCATIONAL BUILDINGS SHALL HAVE A MINIMUM THREE HOUR FIRE RESISTANCE RATING AND BE OF NONCOMBUSTIBLE CONSTRUCTION.

11. FIRE PARTITIONS AND FIRE WALLS SHALL NOT BE CONSTRUCTED OF POROUS OR PAPER BASED OR PAPER LINED PRODUCTS OR HAVE BEEN DOCUMENTED TO SUPPORT THE GROWTH OF MOLD.

S 385-C. ENFORCEMENT. THE APPROPRIATE STATE AND LOCAL AUTHORITIES HAVING JURISDICTION PURSUANT TO THE BUILDING CODE SHALL BE RESPONSIBLE FOR ENFORCING THE PROVISIONS OF THIS ARTICLE.

S 385-D. CONSTRUCTION WITH OTHER LAWS; SEVERABILITY. 1. THE PROVISIONS OF THIS ARTICLE AND OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE SHALL SUPERSEDE ANY OTHER PROVISION OF A GENERAL, SPECIAL OR LOCAL LAW, ORDINANCE, ADMINISTRATIVE CODE, RULE OR REGULATION INCONSISTENT OR IN CONFLICT THEREWITH PROVIDED HOWEVER:

(A) NOTHING HEREIN SHALL IMPAIR THE VALIDITY OF ANY ACTION TAKEN PURSUANT TO OR IN COMPLIANCE WITH SUCH LAW OR REGULATION BEFORE THE EFFECTIVE DATE OF THIS ARTICLE.

(B) ANY IMPROVEMENT, MODIFICATION, ALTERATION, ADAPTATION, REDESIGN OR REPAIR REQUIRED BY OR PURSUANT TO ANY GENERAL, SPECIAL OR LOCAL LAW, ADMINISTRATIVE CODE, RULE OR REGULATION ENACTED AND EFFECTIVE BEFORE THE EFFECTIVE DATE OF THIS ARTICLE SHALL BE MADE IN THE MANNER AND WITHIN THE TIME SO REQUIRED.

2. NOTHING HEREIN SHALL BE CONSTRUED AS AFFECTING THE AUTHORITY OF THE STATE LABOR DEPARTMENT TO ENFORCE A SAFETY OR HEALTH STANDARD ISSUED UNDER THE PROVISIONS OF SECTIONS TWENTY-SEVEN AND TWENTY-SEVEN-A OF THE LABOR LAW.

3. NOTHING HEREIN SHALL BE CONSTRUED TO RELIEVE A PERSON FROM COMPLYING WITH A STRICTER STANDARD ISSUED PURSUANT TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED.

4. IF ANY SECTION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES SHALL BE ADJUDGED INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH ORDER OR JUDGEMENT SHALL BE CONFINED IN ITS OPERATION TO THE CONTROVERSY IN WHICH IT WAS RENDERED, AND SHALL NOT AFFECT OR INVALIDATE THE REMAINDER OF ANY PROVISION OF ANY SECTION OR THE APPLICATION OF ANY PART THEREOF TO ANY OTHER PERSON OR CIRCUMSTANCES AND TO THIS END THE PROVISIONS OF EACH SECTION OF THIS ARTICLE ARE HEREBY DECLARED TO BE SEPARABLE.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.