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

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:

Section 1. 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relating to the New York Board of Fire Underwriters and defining the powers and jurisdiction of such corporation is REPEALED.

S 2. 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powers and jurisdiction of such corporation", relating to the amount and assessment of expenses of the fire patrol is REPEALED.

S 3. Transfer of assets. Any assets held by the New York Board of Fire Underwriters at the time of the effective date of this act shall inure to the benefit of the state of New York and may be devoted to the electrical inspection pilot program provided for in section eleven of this act in the manner and amount deemed appropriate.

S 4. Transfer of powers, duties and functions. All powers, duties and functions conferred upon the New York Board of Fire Underwriters Bureau of Electricity shall be transferred to and assumed by the Electrical 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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S 5. Transfer of employees. Upon the transfer of the functions as provided for in this act any affected employees shall be transferred to the Electrical Bureau of State Fire as established in section seven of this act.

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

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

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

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

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

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

S 12. Separability clause. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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