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

3529

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A. COOK, MAGEE, PHEFFER -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to certain heart disabilities incurred by members of the uniformed force of correction departments in certain cities

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

Section 1. The general municipal law is amended by adding a new section 207-s to read as follows:

S 207-S. DISABILITIES OF MEMBERS OF THE UNIFORMED FORCE OF CORRECTION DEPARTMENTS IN CERTAIN CITIES. 1. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW OR ADMINISTRATIVE CODE TO THE CONTRARY, BUT EXCEPT FOR THE PURPOSES OF THE WORKERS' COMPENSATION LAW AND THE LABOR LAW, ANY CONDITION OF IMPAIRMENT OF HEALTH CAUSED BY DISEASES OF THE HEART, RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO A PAID MEMBER OF THE UNIFORMED FORCE OF A PAID CORRECTION DEPARTMENT, WHERE SUCH PAID MEMBER IS DRAWN FROM COMPETITIVE CIVIL SERVICE LISTS, WHO SUCCESSFULLY PASSED A PHYSICAL EXAMINATION ON ENTRY INTO THE SERVICE OF SUCH DEPARTMENT, WHICH EXAMINATION FAILED TO REVEAL ANY EVIDENCE OF SUCH CONDITION, SHALL BE PRESUMPTIVE EVIDENCE THAT IT WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY, UNLESS THE CONTRARY BE PROVED BY COMPETENT EVIDENCE.

2. THE PROVISIONS OF THIS SECTION SHALL REMAIN IN FULL FORCE AND EFFECT TO AND INCLUDING THE THIRTIETH DAY OF JUNE, TWO THOUSAND ELEVEN AT WHICH TIME THE PROVISIONS OF THIS SECTION SHALL BE DEEMED TO BE REPEALED.

S 2. This act shall take effect immediately.

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

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