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

2342

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Governmental Employees

AN ACT to revive causes of action for the relief provided by section 803 of the retirement and social security law for members who previously took all steps necessary to obtain relief under such section but were denied such relief

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

Section 1. Legislative findings and declaration of intent. The legislature finds that for many members of public retirement systems who qualified for retroactive membership pursuant to section 803 of the retirement and social security law but who were nonetheless denied such retroactive membership by their employers, the time to bring a lawsuit to obtain the relief provided for by such section has expired. Accordingly, the legislature declares the need for remedial legislation in the form of this act, to revive the period within which a lawsuit may be commenced by members who previously qualified under such section but who were nonetheless denied the benefits thereunder.

S 2. Notwithstanding any other provision of law, any member of a public retirement system who previously took all of the steps necessary to qualify for retroactive membership under section 803 of the retirement and social security law within the time required by such section but who nevertheless was denied such retroactive membership by the appropriate employer and who failed to bring an action against the appropriate employer for such cause within the time allowed by law, or whose action was dismissed without prejudice to the commencement of a new action or whose action was not decided upon the merits but with respect to which the time to bring such new action has expired, may bring such action or new action as authorized by this act. All such causes of action are hereby revived, provided, however, that all such actions or new actions shall be commenced on or before June 30, 2011.

S 3. This act shall take effect immediately.

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

LBD02074-01-9