

7122--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 20, 2009

Introduced by M. of A. SPANO, BENEDETTO, PHEFFER, DenDEKKER, GABRYSZAK, MILLMAN, JAFFEE, DINOWITZ, ROSENTHAL, O'DONNELL, BING -- Multi-Sponsored by -- M. of A. EDDINGTON, GALEF, GORDON, MENG, SWEENEY, WEISENBERG -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the court of claims act and the general municipal law, in relation to extending the time to file a notice of claim for certain persons who sustained injury as a result of the World Trade Center rescue, recovery or cleanup operations

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

1 Section 1. Short title. This act shall be known and may be cited as
2 "Jimmy Nolan's law".
3 S 2. Section 10 of the court of claims act is amended by adding a new
4 subdivision 10 to read as follows:
5 10. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A
6 PARTICIPANT IN WORLD TRADE CENTER RESCUE, RECOVERY OR CLEANUP OPERATIONS
7 SHALL HAVE ONE YEAR FROM THE EFFECTIVE DATE OF THIS SUBDIVISION TO FILE
8 A NOTICE OF CLAIM AGAINST THE STATE OF NEW YORK FOR INJURIES SUFFERED AS
9 A RESULT OF SUCH PARTICIPATION.
10 (B) FOR THE PURPOSES OF THIS SUBDIVISION:
11 (1) "PARTICIPANT IN WORLD TRADE CENTER RESCUE, RECOVERY OR CLEANUP
12 OPERATIONS" MEANS ANY EMPLOYEE OR VOLUNTEER THAT:
13 (I) PARTICIPATED IN THE RESCUE, RECOVERY OR CLEANUP OPERATIONS AT THE
14 WORLD TRADE CENTER SITE; OR
15 (II) WORKED AT THE FRESH KILLS LAND FILL IN THE CITY OF NEW YORK AFTER
16 SEPTEMBER ELEVENTH, TWO THOUSAND ONE; OR
17 (III) WORKED AT THE NEW YORK CITY MORGUE OR THE TEMPORARY MORGUE ON
18 PIER LOCATIONS ON THE WEST SIDE OF MANHATTAN AFTER SEPTEMBER ELEVENTH,
19 TWO THOUSAND ONE; OR

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

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1 (IV) WORKED ON THE BARGES BETWEEN THE WEST SIDE OF MANHATTAN AND THE
2 FRESH KILLS LAND FILL IN THE CITY OF NEW YORK AFTER SEPTEMBER ELEVENTH,
3 TWO THOUSAND ONE.

4 (2) "WORLD TRADE CENTER SITE" MEANS ANYWHERE BELOW A LINE STARTING
5 FROM THE HUDSON RIVER AND CANAL STREET; EAST ON CANAL STREET TO PIKE
6 STREET; SOUTH ON PIKE STREET TO THE EAST RIVER; AND EXTENDING TO THE
7 LOWER TIP OF MANHATTAN.

8 S 3. Subdivision 1 of section 50-e of the general municipal law is
9 amended by adding a new paragraph (c) to read as follows:

10 (C) 1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE
11 CONTRARY, A PARTICIPANT IN WORLD TRADE CENTER RESCUE, RECOVERY OR CLEAN-
12 UP OPERATIONS SHALL HAVE ONE YEAR FROM THE EFFECTIVE DATE OF THIS PARA-
13 GRAPH TO FILE A NOTICE OF CLAIM AGAINST A PUBLIC CORPORATION FOR INJU-
14 RIES SUFFERED AS A RESULT OF SUCH PARTICIPATION.

15 2. FOR THE PURPOSES OF THIS PARAGRAPH:

16 (1) "PARTICIPANT IN WORLD TRADE CENTER RESCUE, RECOVERY OR CLEANUP
17 OPERATIONS" MEANS ANY EMPLOYEE OR VOLUNTEER THAT:

18 (I) PARTICIPATED IN THE RESCUE, RECOVERY OR CLEANUP OPERATIONS AT THE
19 WORLD TRADE CENTER SITE; OR

20 (II) WORKED AT THE FRESH KILLS LAND FILL IN THE CITY OF NEW YORK AFTER
21 SEPTEMBER ELEVENTH, TWO THOUSAND ONE; OR

22 (III) WORKED AT THE NEW YORK CITY MORGUE OR THE TEMPORARY MORGUE ON
23 PIER LOCATIONS ON THE WEST SIDE OF MANHATTAN AFTER SEPTEMBER ELEVENTH,
24 TWO THOUSAND ONE; OR

25 (IV) WORKED ON THE BARGES BETWEEN THE WEST SIDE OF MANHATTAN AND THE
26 FRESH KILLS LAND FILL IN THE CITY OF NEW YORK AFTER SEPTEMBER ELEVENTH,
27 TWO THOUSAND ONE.

28 (2) "WORLD TRADE CENTER SITE" MEANS ANYWHERE BELOW A LINE STARTING
29 FROM THE HUDSON RIVER AND CANAL STREET; EAST ON CANAL STREET TO PIKE
30 STREET; SOUTH ON PIKE STREET TO THE EAST RIVER; AND EXTENDING TO THE
31 LOWER TIP OF MANHATTAN.

32 S 4. This act shall take effect immediately.