

7122--B

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 20, 2009

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Introduced by M. of A. SPANO, BING, KAVANAGH, BENEDETTO, PHEFFER, DenDEKKER, GABRYSZAK, MILLMAN, JAFFEE, DINOWITZ, ROSENTHAL, O'DONNELL -- Multi-Sponsored by -- M. of A. COLTON, CONTE, EDDINGTON, GALEF, GORDON, HYER-SPENCER, McKEVITT, MENG, MOLINARO, RAIA, SWEENEY, THIELE, TOBACCO, WALKER, WEISENBERG -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the court of claims act and the general municipal law, in relation to extending the time to file a claim against the state or an action against a public corporation for injuries sustained by persons who participated in 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. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY  
6     CLAIM FOR DAMAGES AGAINST THE STATE FOR PERSONAL INJURIES SUFFERED BY A  
7     PARTICIPANT IN WORLD TRADE CENTER RESCUE, RECOVERY OR CLEANUP OPERATIONS  
8     AS A RESULT OF SUCH PARTICIPATION WHICH IS BARRED AS OF THE EFFECTIVE  
9     DATE OF THIS SUBDIVISION BECAUSE THE APPLICABLE PERIOD OF LIMITATION HAS  
10    EXPIRED IS HEREBY REVIVED, AND A CLAIM THEREON MAY BE FILED AND SERVED  
11    AND PROSECUTED PROVIDED SUCH CLAIM IS FILED AND SERVED WITHIN ONE YEAR  
12    OF THE EFFECTIVE DATE OF THIS SUBDIVISION.  
13    S 3. Section 50-i of the general municipal law is amended by adding a  
14    new subdivision 4 to read as follows:

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

LBD00990-08-9

1 4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, INCLUD-  
2 ING ANY OTHER SUBDIVISION OF THIS SECTION, SECTION FIFTY-E OF THIS ARTI-  
3 CLE, SECTION THIRTY-EIGHT HUNDRED THIRTEEN OF THE EDUCATION LAW, AND THE  
4 PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW OR CHARTER REQUIRING AS  
5 A CONDITION PRECEDENT TO COMMENCEMENT OF AN ACTION OR SPECIAL PROCEEDING  
6 THAT A NOTICE OF CLAIM BE FILED OR PRESENTED, ANY CAUSE OF ACTION  
7 AGAINST A PUBLIC CORPORATION FOR PERSONAL INJURIES SUFFERED BY A PARTIC-  
8 IPANT IN WORLD TRADE CENTER RESCUE, RECOVERY OR CLEANUP OPERATIONS AS A  
9 RESULT OF SUCH PARTICIPATION WHICH IS BARRED AS OF THE EFFECTIVE DATE OF  
10 THIS SUBDIVISION BECAUSE THE APPLICABLE PERIOD OF LIMITATION HAS EXPIRED  
11 IS HEREBY REVIVED, AND A CLAIM THEREON MAY BE FILED AND SERVED AND PROS-  
12 ECUTED PROVIDED SUCH CLAIM IS FILED AND SERVED WITHIN ONE YEAR OF THE  
13 EFFECTIVE DATE OF THIS SUBDIVISION.  
14 S 4. This act shall take effect immediately.