

7122--C

R. R. 319

2009-2010 Regular Sessions

I N A S S E M B L Y

March 20, 2009

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 -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the general municipal law, in relation to extending the time to file a claim 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 50-i of the general municipal law is amended by adding a
4 new subdivision 4 to read as follows:
5 4. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
6 INCLUDING ANY OTHER SUBDIVISION OF THIS SECTION, SECTION FIFTY-E OF THIS
7 ARTICLE, SECTION THIRTY-EIGHT HUNDRED THIRTEEN OF THE EDUCATION LAW, AND
8 THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW OR CHARTER REQUIRING
9 AS A CONDITION PRECEDENT TO COMMENCEMENT OF AN ACTION OR SPECIAL
10 PROCEEDING THAT A NOTICE OF CLAIM BE FILED OR PRESENTED, ANY CAUSE OF
11 ACTION AGAINST A PUBLIC CORPORATION FOR PERSONAL INJURIES SUFFERED BY A
12 PARTICIPANT IN WORLD TRADE CENTER RESCUE, RECOVERY OR CLEANUP OPERATIONS
13 AS A RESULT OF SUCH PARTICIPATION WHICH IS BARRED AS OF THE EFFECTIVE
14 DATE OF THIS SUBDIVISION BECAUSE THE APPLICABLE PERIOD OF LIMITATION HAS

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

LBD00990-10-9

1 EXPIRED IS HEREBY REVIVED, AND A CLAIM THEREON MAY BE FILED AND SERVED
2 AND PROSECUTED PROVIDED SUCH CLAIM IS FILED AND SERVED WITHIN ONE YEAR
3 OF THE EFFECTIVE DATE OF THIS SUBDIVISION.

4 (B) FOR THE PURPOSES OF THIS SUBDIVISION:

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

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

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

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

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

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

21 S 3. This act shall take effect immediately.