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

478

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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:

Section 1. Short title. This act shall be known and may be cited as "Jimmy Nolan's Law".

S 2. Section 10 of the court of claims act is amended by adding a new subdivision 10 to read as follows:

10. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A PARTICIPANT IN WORLD TRADE CENTER RESCUE, RECOVERY OR CLEANUP OPERATIONS SHALL HAVE ONE YEAR FROM THE EFFECTIVE DATE OF THIS SUBDIVISION TO FILE A NOTICE OF CLAIM AGAINST THE STATE OF NEW YORK FOR INJURIES SUFFERED AS A RESULT OF SUCH PARTICIPATION.

(B) FOR THE PURPOSES OF THIS SUBDIVISION:

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

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

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

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

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

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

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

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

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

2. FOR THE PURPOSES OF THIS PARAGRAPH:

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

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

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

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

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

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

S 4. This act shall take effect immediately.