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

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4713

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 5, 2015
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Introduced by M. of A. COLTON, ENGLEBRIGHT, JAFFEE -- Multi-Sponsored by
   -- M. of A. DINOWITZ -- read once and referred to the Committee on
   Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
   prohibiting any solid waste polluter from procuring solid waste public
   contracts

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

1   Section 1. The environmental conservation law is amended by adding a
2   new section 71-2730 to read as follows:
3   S 71-2730. ENFORCEMENT OF SOLID WASTE POLLUTION VIOLATIONS; PROHIBITION
4   OF PROCUREMENT OF SOLID WASTE PUBLIC CONTRACTS.
5   1. WHEN USED IN THIS SECTION:
6   A. "SOLID WASTE" SHALL HAVE THE SAME MEANING AS DEFINED IN SECTION
7   27-0701 OF THIS CHAPTER.
8   B. "PROCUREMENT OF A SOLID WASTE PUBLIC CONTRACT" MEANS ANY SUBMISSION
9   OF BIDS, ENTRANCE INTO CONTRACTUAL RELATIONSHIPS, AND CONDUCTION OF ANY
10 CONTRACTUAL BUSINESS WITH ANY PUBLIC ENTITY WITHIN THE STATE, THAT DEALS
11 WITH SOLID WASTE, INCLUDING, BUT NOT LIMITED TO, ANY STATE OR LOCAL
12 BOARD, AGENCY, COMMISSION, DEPARTMENT OR AUTHORITY.
13   2. ANY PERSON FOUND GUILTY OF A FELONY VIOLATION PURSUANT TO SECTION
14 71-2703 OF THIS TITLE SHALL BE PROHIBITED FROM PROCURING ANY SOLID WASTE
15 PUBLIC CONTRACTS FOR THE FOLLOWING PERIODS:
16   A. AFTER ONE VIOLATION, THE PROHIBITION PERIOD SHALL BE FIVE YEARS
17 FOLLOWING THE DATE OF THE JUDGMENT, VERDICT, DECISION OR ORDER IMPOSING
18 SUCH VIOLATION.
19   B. AFTER TWO VIOLATIONS, THE PROHIBITION PERIOD SHALL BE TEN YEARS
20 FOLLOWING THE DATE OF THE JUDGMENT, VERDICT, DECISION OR ORDER IMPOSING
21 SUCH SECOND VIOLATION. SUCH PROHIBITION PERIOD SHALL BE IN ADDITION TO
22 ANY OTHER PROHIBITION PERIOD ALREADY IMPOSED PURSUANT TO THIS SECTION.

1   C. AFTER THREE OR MORE VIOLATIONS, THE VIOLATING PERSON SHALL BE
2 PERMANENTLY PROHIBITED FROM PROCURING ANY SOLID WASTE PUBLIC CONTRACTS.
3   3. ANY PERSON FOUND GUILTY OF A MISDEMEANOR PURSUANT TO SECTION
4 71-2703 OF THIS TITLE SHALL BE PROHIBITED FROM PROCURING ANY SOLID WASTE
5 PUBLIC CONTRACTS FOR THE FOLLOWING PERIODS:
6   A. AFTER ONE VIOLATION, THE PROHIBITION PERIOD SHALL BE ONE YEAR
7 FOLLOWING THE DATE OF THE JUDGMENT, VERDICT, DECISION OR ORDER IMPOSING
8 SUCH VIOLATION.
9   B. AFTER TWO VIOLATIONS, THE PROHIBITION PERIOD SHALL BE TWO YEARS
10 FOLLOWING THE DATE OF THE JUDGMENT, VERDICT, DECISION OR ORDER IMPOSING
11 SUCH SECOND VIOLATION. SUCH PROHIBITION PERIOD SHALL BE IN ADDITION TO
12 ANY OTHER PROHIBITION PERIOD ALREADY IMPOSED PURSUANT TO THIS SECTION.
13   C. AFTER THREE OR MORE VIOLATIONS, THE PROHIBITION PERIOD SHALL BE
14 FIVE YEARS FOLLOWING THE DATE OF THE JUDGMENT, VERDICT, DECISION OR
15 ORDER IMPOSING SUCH THIRD VIOLATION AND EACH SUBSEQUENT VIOLATION THERE-
16 AFTER. SUCH PROHIBITION PERIOD SHALL BE IN ADDITION TO ANY OTHER PROHI-
17 BITION PERIOD ALREADY IMPOSED PURSUANT TO THIS SECTION.
18   4. ANY PERSON WHO HAS BEEN FOUND GUILTY OF A VIOLATION PURSUANT TO
19 SECTION 71-2703 OF THIS TITLE SHALL BE PROHIBITED FROM SERVING AS A
20 MEMBER OF ANY BOARD OR OTHER CONTROLLING BODY OF ANY ENTITY ENGAGED IN
21 THE BUSINESS OF SOLID WASTE REMOVAL AND DISPOSAL.
22   5. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THIS SECTION
23 SHALL REMAIN APPLICABLE TO ANY VIOLATING ENTITY THAT REORGANIZES AND
24 INCORPORATES AS A NEW ENTITY PURSUANT TO TITLE 11 OF THE UNITED STATES
25 CODE.
26   6. ANY PROHIBITION PERIOD IMPOSED BY THIS SECTION SHALL BE IN ADDITION
27 TO ANY OTHER PENALTY AUTHORIZED BY THIS CHAPTER OR ANY OTHER LAW.
28   S 2. This act shall take effect on the one hundred twentieth day after
29 it shall have become a law; provided that the department of environ-
30 mental conservation is authorized to promulgate any and all rules and
31 regulations and take any other measures necessary to implement this act
32 on its effective date, on or before such date.