

STATE OF NEW YORK

10025

IN ASSEMBLY

March 7, 2018

Introduced by M. of A. BICHOTTE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring the completion of certification as a minority- or woman-owned business enterprise to be completed within thirty days of submission of a final, completed application and directing the director of the division of minority and women's business development in the department of economic development to establish a procedure enabling the division to expedite the statewide MWBE certification process by outsourcing certain certification functions to local MWBE consultants and/or to appropriate chambers of commerce focused on minority- and women-owned business enterprises

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 314 of the executive law, as added
2 by chapter 261 of the laws of 1988, is amended and a new subdivision 2-b
3 is added to read as follows:

4 2-b. The director shall establish a procedure enabling the division to
5 expedite the statewide certification process by outsourcing certain
6 certification functions to local MWBE consultants and/or to appropriate
7 chambers of commerce and other organizations focused on minority- and
8 women-owned business enterprises. Certification through such entities
9 shall comply in all respects with the requirements for certification as
10 provided in this section and in the rules and regulations of the direc-
11 tor.

12 3. Following application for certification pursuant to this section,
13 the director shall provide the applicant with written notice of the
14 status of the application, including notice of any outstanding deficiencies,
15 within thirty days. Within [~~sixty~~] thirty days of submission of a
16 final completed application, the director shall provide the applicant
17 with written notice of a determination by the office approving or denying
18 such certification and, in the event of a denial a statement setting
19 forth the reasons for such denial. Upon a determination denying or
20 revoking certification, the business enterprise for which certification

EXPLANATION--Matter in italics (underscoring) is new; matter in brackets
[~~-~~] is old law to be omitted.

LBD14910-02-8

1 has been so denied or revoked shall, upon written request made within
2 thirty days from receipt of notice of such determination, be entitled to
3 a hearing before an independent hearing officer designated for such
4 purpose by the director. In the event that a request for a hearing is
5 not made within such thirty day period, such determination shall be
6 deemed to be final. The independent hearing officer shall conduct a
7 hearing and upon the conclusion of such hearing, issue a written recom-
8 mendation to the director to affirm, reverse or modify such determi-
9 nation of the director. Such written recommendation shall be issued to
10 the parties. The director, within thirty days, by order, must accept,
11 reject or modify such recommendation of the hearing officer and set
12 forth in writing the reasons therefor. The director shall serve a copy
13 of such order and reasons therefor upon the business enterprise by
14 personal service or by certified mail return receipt requested. The
15 order of the director shall be subject to review pursuant to article
16 seventy-eight of the civil practice law and rules.

17 § 2. This act shall take effect on the ninetieth day after it shall
18 have become a law; provided, however, that the amendments to section 314
19 of the executive law made by section one of this act shall not affect
20 the expiration of such section and shall be deemed to expire therewith.