

# STATE OF NEW YORK

1480

2019-2020 Regular Sessions

## IN ASSEMBLY

January 15, 2019

Introduced by M. of A. BICHOTTE, SEAWRIGHT -- 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 women-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:

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

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

3. Following application for certification pursuant to this section, the director shall provide the applicant with written notice of the status of the application, including notice of any outstanding deficiencies, within thirty days. Within [~~sixty~~] thirty days of submission of a final completed application, the director shall provide the applicant with written notice of a determination by the office approving or deny-

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

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ing such certification and, in the event of a denial a statement setting forth the reasons for such denial. Upon a determination denying or revoking certification, the business enterprise for which certification has been so denied or revoked shall, upon written request made within thirty days from receipt of notice of such determination, be entitled to a hearing before an independent hearing officer designated for such purpose by the director. In the event that a request for a hearing is not made within such thirty day period, such determination shall be deemed to be final. The independent hearing officer shall conduct a hearing and upon the conclusion of such hearing, issue a written recommendation to the director to affirm, reverse or modify such determination of the director. Such written recommendation shall be issued to the parties. The director, within thirty days, by order, must accept, reject or modify such recommendation of the hearing officer and set forth in writing the reasons therefor. The director shall serve a copy of such order and reasons therefor upon the business enterprise by personal service or by certified mail return receipt requested. The order of the director shall be subject to review pursuant to article seventy-eight of the civil practice law and rules.

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