

STATE OF NEW YORK

7836--A

2023-2024 Regular Sessions

IN SENATE

December 27, 2023

Introduced by Sen. MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Procurement and Contracts in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to extending the time for a business enterprise to cure defects in an application for certification and curing defects where a certification was revoked

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
2 amended by chapter 96 of the laws of 2019, is amended to read as
3 follows:
4 3. Following application for certification pursuant to this section,
5 the director shall provide the applicant with written notice of the
6 status of the application, including notice of any outstanding deficiencies,
7 within twenty-one days. Within forty-five days of submission of a
8 final completed application, the director shall provide the applicant
9 with written notice of a determination by the office approving or deny-
10 ing such certification and, in the event of a denial a statement setting
11 forth the reasons for such denial. Upon a determination denying or
12 revoking certification, the business enterprise for which certification
13 has been so denied or revoked shall be entitled to an extension of time
14 not to exceed sixty days for curing an omission or technical error, as
15 such terms are determined by the director, on the application for such
16 certification, which shall allow the business enterprise to immediately
17 re-apply to the statewide certification program upon remedy of such
18 application. Upon a determination denying or revoking certification
19 other than from an omission or technical error, the business enterprise
20 for which certification has been so denied or revoked shall, upon writ-
21 ten request made within [~~thirty~~] sixty days from receipt of notice of

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

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

15 § 2. This act shall take effect immediately; provided, however, that
16 the amendments to subdivision 3 of section 314 of the executive law made
17 by section one of this act shall not affect the repeal of such section
18 and shall be deemed repealed therewith.