

# STATE OF NEW YORK

3961

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

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

AN ACT to amend the executive law, in relation to authorizing the empire state development corporation to retain one or more independent MWBE consultant firms for the purpose of helping reduce contractor violations of the provisions of article 15-A of the executive law and requiring contractors in violation of the provisions of article 15-A of the executive law to retain independent monitors to oversee compliance

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

1 Section 1. Section 315 of the executive law is amended by adding a new  
2 subdivision 8 to read as follows:

3 8. The empire state development corporation shall retain one or more  
4 independent MWBE consultant firms for the purpose of helping reduce  
5 contractor violations of the provisions of this article. Any contractor  
6 found by the director to be in violation of the provisions of this arti-  
7 cle shall be required by the director to retain an independent monitor  
8 who shall examine the circumstances under which a contractor's violation  
9 or violations occurred, assist the contractor in rectifying its  
10 violations, implement any remedial action plan as described in subdivi-  
11 sions six and seven of this section, and, until such time as the  
12 contractor is no longer in violation of the provisions of this article,  
13 operate as an independent monitor to oversee the contractor's compliance  
14 with its obligations under this article. The contractor's monitor shall  
15 provide regular reports concerning the contractor's compliance and  
16 progress to the MWBE contractor assigned to review the contractor.

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 315  
19 of the executive law made by section one of this act shall not affect  
20 the repeal of such section and shall be deemed repealed therewith.

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

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