

STATE OF NEW YORK

6020--A

Cal. No. 966

2025-2026 Regular Sessions

IN SENATE

March 4, 2025

Introduced by Sens. BASKIN, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts -- recommitted to the Committee on Procurement and Contracts in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 denied, revoked, or changed

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 denying
10 such certification and, in the event of a denial a statement setting
11 forth the reasons for such denial. Upon a determination denying, revoking,
12 or changing certification, the business enterprise for which
13 certification has been so denied, revoked, or changed shall be entitled
14 to an extension of time not to exceed sixty days for curing an omission
15 or technical error, as such terms are determined by the director, on the
16 application for such certification, which shall allow the business
17 enterprise to immediately re-apply to the statewide certification
18 program upon remedy of such application. Upon a determination denying

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

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1 ~~[or]~~, revoking, or changing certification other than from an omission or
2 technical error, the business enterprise for which certification has
3 been so denied ~~[or]~~, revoked, or changed shall, upon written request
4 made within ~~[thirty]~~ sixty days from receipt of notice of such determi-
5 nation, be entitled to a hearing before an independent hearing officer
6 designated for such purpose by the director. In the event that a request
7 for a hearing is not made within such ~~[thirty]~~ sixty day period, such
8 determination shall be deemed to be final. Upon the timely filing of a
9 written request for a hearing pursuant to this subdivision, any certifi-
10 cation that was denied, revoked, or changed shall be restored and shall
11 remain in full force and effect pending the issuance of a final order by
12 the director pursuant to this subdivision. The independent hearing offi-
13 cer shall conduct a hearing, within twenty-one days of receipt of the
14 written request for a hearing, and upon the conclusion of such hearing,
15 issue a written recommendation to the director to affirm, reverse or
16 modify such determination of the director. Such written recommendation
17 shall be issued to the parties. The director, within thirty days, by
18 order, must accept, reject or modify such recommendation of the hearing
19 officer and set forth in writing the reasons therefor. The director
20 shall serve a copy of such order and reasons therefor upon the business
21 enterprise by personal service or by certified mail return receipt
22 requested. The order of the director shall be subject to review pursuant
23 to article seventy-eight of the civil practice law and rules.

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