

9668

I N A S S E M B L Y

May 14, 2014

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

AN ACT to amend the executive law, in relation to minority and women-
owned business enterprise certification

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 310 of the executive law is amended by adding a new
2 subdivision 23 to read as follows:

3 23. "PROVISIONAL MWBE CERTIFICATION" SHALL MEAN MINORITY AND
4 WOMEN-OWNED BUSINESS ENTERPRISE CERTIFICATION STATUS WHICH SHALL NOT
5 EXCEED ONE YEAR, BUT WHICH MAY BE RENEWED BY THE DIRECTOR.

6 S 2. Subdivision 4 of section 314 of the executive law, as added by
7 section 2 of part BB of chapter 59 of the laws of 2006, is amended and a
8 new subdivision 5 is added to read as follows:

9 4. [All certifications shall be valid for a period of three years.]
10 THE DIRECTOR MAY, AFTER PERFORMING AN AVAILABILITY ANALYSIS AND UPON A
11 FINDING THAT INDUSTRY-SPECIFIC FACTORS COUPLED WITH PERSONAL NET WORTH
12 OR SMALL BUSINESS ELIGIBILITY REQUIREMENTS PURSUANT TO SUBDIVISIONS
13 NINETEEN AND TWENTY OF SECTION THREE HUNDRED TEN OF THIS ARTICLE,
14 RESPECTIVELY, HAVE LED TO THE SIGNIFICANT EXCLUSION OF BUSINESSES OWNED
15 BY MINORITY GROUP MEMBERS OR WOMEN IN THAT INDUSTRY, GRANT PROVISIONAL
16 MWBE CERTIFICATION STATUS TO APPLICANTS FROM THAT DESIGNATED INDUSTRY,
17 PROVIDED, HOWEVER, THAT ALL OTHER ELIGIBILITY REQUIREMENTS PURSUANT TO
18 SUBDIVISION SEVEN OR FIFTEEN OF SECTION THREE HUNDRED TEN OF THIS ARTI-
19 CLE, AS APPLICABLE, ARE SATISFIED. ANY INDUSTRY-BASED DETERMINATION MADE
20 UNDER THIS SECTION BY THE DIRECTOR SHALL BE MADE WIDELY AVAILABLE TO THE
21 PUBLIC AND POSTED ON THE DIVISION'S WEBSITE.

22 5. WITH THE EXCEPTION OF PROVISIONAL MWBE CERTIFICATION, AS PROVIDED
23 FOR IN SUBDIVISION TWENTY-THREE OF SECTION THREE HUNDRED TEN OF THIS
24 ARTICLE, ALL CERTIFICATIONS SHALL BE VALID FOR A PERIOD OF THREE YEARS.

25 S 3. This act shall take effect immediately, provided, however, that
26 the amendments to sections 310 and 314 of the executive law made by
27 sections one and two of this act shall not affect the expiration of such
28 sections and shall be deemed to expire therewith.

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

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