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I N   S E N A T E

May 12, 2014

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Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed,  
and when printed to be committed to the Committee on Finance

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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