

STATE OF NEW YORK

2564

2021-2022 Regular Sessions

IN SENATE

January 21, 2021

Introduced by Sens. JORDAN, TEDISCO -- read twice and ordered printed,
and when printed to be committed to the Committee on Procurement and
Contracts

AN ACT to amend the executive law, in relation to providing a rebuttable
presumption relating to certification as a minority and women-owned
business enterprise

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

1 Section 1. Subdivision 5 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 5. (a) With the exception of provisional MWBE certification, as
5 provided for in subdivision twenty-three of section three hundred ten of
6 this article, all minority and women-owned business enterprise certif-
7 ications shall be valid for a period of five years.

8 (b) Upon the expiration of a minority and women-owned business enter-
9 prise certification and the submission of a new application for further
10 minority and women-owned business enterprise certification, if there is
11 no change in the ownership of the enterprise and no material change in
12 the nature or management of the enterprise from the time of approval of
13 the previous minority and women-owned business enterprise certification,
14 there shall be a rebuttable presumption that the enterprise satisfies
15 the requirements of paragraphs (a), (b) and (c) of subdivision fifteen
16 of section three hundred ten of this article.

17 § 2. This act shall take effect on the first of July next succeeding
18 the date upon which it shall have become a law and shall apply to appli-
19 cations submitted by a business enterprise for further minority and
20 women-owned business enterprise certification submitted on and after
21 such effective date; provided, however, that the amendments made to
22 section 314 of the executive law made by section 1 of this act shall
23 not affect the repeal of such section and shall be deemed repealed ther-
24 ewith.

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

LBD00865-01-1