STATE OF NEW YORK

7010

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

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

AN ACT to amend the executive law, in relation to expanding eligibility for minority participation in state contracts

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

Section 1. Subdivision 7 of section 310 of the executive law, as amended by chapter 22 of the laws of 2014, paragraph (e) as amended by chapter 96 of the laws of 2019, is amended to read as follows:

7. "Minority-owned business enterprise"**:**

(a) shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that is:

[~~**(a)**~~] **(i)** at least fifty-one percent owned by one or more minority group members;

[~~**(b)**~~] **(ii)** an enterprise in which such minority ownership is real, substantial and continuing;

[~~**(c)**~~] **(iii)** an enterprise in which such minority ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;

[~~**(d)**~~] **(iv)** an enterprise authorized to do business in this state and independently owned and operated;

[~~**(e)**~~] **(v)** an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a personal net worth that does not exceed fifteen million dollars, and such other amount as the director shall set forth in regulations, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and

[~~**(f)**~~] **(vi)** an enterprise that is a small business pursuant to subdivision twenty of this section**; and**

(b) shall include a business enterprise:

(i) that has an employee stock ownership plan; and

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

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(ii) where at least fifty-one percent of employees who participate in such employee stock ownership plan are minority group members.

(c) For the purposes of paragraph (b) of this subdivision, "employee stock ownership plan" shall mean an employee benefit plan that gives employees ownership interest in a business in the form of shares of stock.

§ 2. This act shall take effect immediately; provided, however, that the amendments to subdivision 7 of section 310 of executive law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.