

STATE OF NEW YORK

9451

IN ASSEMBLY

January 6, 2026

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

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

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

1 Section 1. Subdivision 5 of section 314 of the executive law, as
2 amended by a chapter of the laws of 2025 amending the executive law
3 relating to providing a rebuttable presumption relating to recertif-
4 ication as a minority and women-owned business enterprise, as proposed
5 in legislative bills numbers S. 596 and A. 2296, is amended to read as
6 follows:

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

11 (b) [~~Upon~~] Within eighteen months of the expiration of a minority and
12 women-owned business enterprise certification and the submission of a
13 new and completed application for minority and women-owned business
14 enterprise [~~recertification~~] certification, if there is no change in the
15 ownership or capital contribution relied upon for certification of the
16 enterprise and no material change in the nature or management of the
17 enterprise from the time of approval of a previous [~~original~~] minority
18 and women-owned business enterprise certification that was approved
19 within the previous [~~ten~~] six years and six months, if such application
20 is compliant with [~~21 NYCRR 9606~~] 5 NYCRR 144 then there shall be a
21 rebuttable presumption that the previous minority-owned business enter-
22 prise satisfies the requirements of paragraphs (a)[~~7~~] and (b) [~~and (e)~~]
23 of subdivision seven of section three hundred ten of this article and
24 that the previous women-owned business enterprise satisfies the require-
25 ments of paragraphs (a)[~~7~~] and (b) [~~and (e)~~] of subdivision fifteen of
26 section three hundred ten of this article.

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

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1 (c) The division in its discretion may review applications subject to
2 this rebuttable presumption and issue such determination pursuant to all
3 applicable laws and regulations. Any presumption of minority and women-
4 owned business enterprise certification shall expire upon the final
5 determination of an application for certification.

6 § 2. This act shall take effect on the same date and in the same
7 manner as a chapter of the laws of 2025 amending the executive law
8 relating to providing a rebuttable presumption relating to recertif-
9 ication as a minority and women-owned business enterprise, as proposed
10 in legislative bills numbers S. 596 and A. 2296, takes effect.