

3249

2009-2010 Regular Sessions

I N S E N A T E

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Introduced by Sens. DeFRANCISCO, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, the state finance law, the arts and cultural affairs law, the economic development law, the environmental conservation law, the public authorities law, the general municipal law, the banking law, the facilities development corporation act, the New York state medical care facilities finance agency act and the New York state urban development corporation act, in relation to promoting service related disabled veteran owned business enterprises

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "service related disabled veteran owned business enterprise act".
3 S 2. The article heading of article 15-A of the executive law, as
4 added by chapter 261 of the laws of 1988, is amended to read as follows:
5 PARTICIPATION BY MINORITY GROUP MEMBERS, SERVICE RELATED DISABLED
6 VETERANS AND WOMEN WITH RESPECT TO STATE CONTRACTS
7 S 3. Subdivisions 1 and 9 of section 310 of the executive law, as
8 added by chapter 261 of the laws of 1988, are amended and a new subdivi-
9 sion 18 is added to read as follows:
10 1. "Certified business" shall mean a business verified as a minority,
11 SERVICE RELATED DISABLED VETERAN or women-owned business enterprise
12 pursuant to section three hundred fourteen of this article.
13 9. "Utilization plan" shall mean a plan prepared by a contractor and
14 submitted in connection with a proposed state contract. The utilization
15 plan shall identify certified minority, SERVICE RELATED DISABLED VETERAN
16 or women-owned business enterprises, if known, that have committed to
17 perform work in connection with the proposed state contract as well as
18 any such enterprises, if known, which the contractor intends to use in
19 connection with the contractor's performance of the proposed state

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

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1 contract. The plan shall specifically contain a list, including the
2 name, address and telephone number, of each certified enterprise with
3 which the contractor intends to subcontract.

4 18. "SERVICE RELATED DISABLED VETERAN OWNED BUSINESS ENTERPRISE" SHALL
5 MEAN A BUSINESS ENTERPRISE, INCLUDING A SOLE PROPRIETORSHIP, PARTNERSHIP
6 OR CORPORATION THAT IS:

7 (A) AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE UNITED STATES
8 CITIZENS OR PERMANENT RESIDENT ALIENS WHO ARE SERVICE RELATED DISABLED
9 VETERANS;

10 (B) AN ENTERPRISE IN WHICH THE OWNERSHIP INTEREST OF SUCH SERVICE
11 RELATED DISABLED VETERANS IS REAL, SUBSTANTIAL AND CONTINUING;

12 (C) AN ENTERPRISE IN WHICH SUCH SERVICE RELATED DISABLED VETERAN'S
13 OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPENDENTLY THE
14 DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE;

15 (D) AN ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE AND INDE-
16 PENDENTLY OWNED AND OPERATED.

17 (E) SERVICE RELATED DISABLED VETERAN SHALL MEAN A PERSON (I) WHO
18 SERVED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE DURING A PERIOD OF
19 WAR AS DEFINED IN PARAGRAPH (F) OF THIS SUBDIVISION, OR WHO WAS A RECIP-
20 IENT OF THE ARMED FORCES EXPEDITIONARY MEDAL, NAVY EXPEDITIONARY MEDAL,
21 MARINE CORPS EXPEDITIONARY MEDAL, OR GLOBAL WAR ON TERRORISM EXPEDITION-
22 ARY MEDAL, AND WHO WAS DISCHARGED OR RELEASED THERE FROM UNDER OTHER
23 THAN DISHONORABLE CONDITIONS, (II) HAS BEEN AWARDED A DISABILITY RATING
24 OF FORTY PERCENT OR HIGHER FROM THE FEDERAL VETERAN'S ADMINISTRATION OR
25 FROM THE UNITED STATES DEPARTMENT OF DEFENSE, WHERE THAT DISABILITY WAS
26 INCURRED IN LINE OF DUTY IN THE ACTIVE MILITARY, NAVAL OR AIR SERVICE,
27 AS DOCUMENTED ACCORDING TO RULES AND REGULATIONS OF THE DIVISION OF
28 MILITARY AND NAVAL AFFAIRS.

29 (F) FOR THE PURPOSES OF THIS ARTICLE, SERVICE DURING TIME OF WAR IS
30 DEFINED AS FOLLOWS:

31 (I) THE INDIVIDUAL IN QUESTION WAS A RECIPIENT OF THE ARMED FORCES
32 EXPEDITIONARY MEDAL, THE NAVY EXPEDITIONARY MEDAL OR THE MARINE CORPS
33 EXPEDITIONARY MEDAL FOR PARTICIPATION IN OPERATIONS IN LEBANON FROM JUNE
34 FIRST, NINETEEN HUNDRED EIGHTY-THREE TO DECEMBER FIRST, NINETEEN HUNDRED
35 EIGHTY-SEVEN, IN GRENADA FROM OCTOBER TWENTY-THIRD, NINETEEN HUNDRED
36 EIGHTY-THREE TO NOVEMBER TWENTY-FIRST, NINETEEN HUNDRED EIGHTY-THREE, OR
37 IN PANAMA FROM DECEMBER TWENTIETH, NINETEEN HUNDRED EIGHTY-NINE TO JANU-
38 ARY THIRTY-FIRST, NINETEEN HUNDRED NINETY; OR

39 (II) THE INDIVIDUAL SERVED ON ACTIVE DUTY FOR NINETY DAYS OR MORE IN
40 THE ARMED FORCES OF THE UNITED STATES DURING ANY ONE OF THE FOLLOWING
41 WARS OR HOSTILITIES:

42 (1) IN THE SPANISH-AMERICAN WAR FROM THE TWENTY-FIRST DAY OF APRIL,
43 EIGHTEEN HUNDRED NINETY-EIGHT TO THE ELEVENTH DAY OF APRIL, EIGHTEEN
44 HUNDRED NINETY-NINE, INCLUSIVE;

45 (2) IN THE PHILIPPINE INSURRECTION OR THE CHINA RELIEF EXPEDITION FROM
46 THE ELEVENTH DAY OF APRIL, EIGHTEEN HUNDRED NINETY-NINE TO THE FOURTH
47 DAY OF JULY, NINETEEN HUNDRED TWO, INCLUSIVE;

48 (3) IN THE MEXICAN BORDER CAMPAIGN FROM THE NINTH DAY OF MAY, NINETEEN
49 HUNDRED SIXTEEN, TO THE FIFTH DAY OF APRIL, NINETEEN HUNDRED SEVENTEEN,
50 INCLUSIVE;

51 (4) IN WORLD WAR I FROM THE SIXTH DAY OF APRIL, NINETEEN HUNDRED
52 SEVENTEEN TO THE ELEVENTH DAY OF NOVEMBER, NINETEEN HUNDRED EIGHTEEN,
53 INCLUSIVE;

54 (5) IN WORLD WAR II FROM THE SEVENTH DAY OF DECEMBER, NINETEEN HUNDRED
55 FORTY-ONE TO THE THIRTY-FIRST DAY OF DECEMBER, NINETEEN HUNDRED
56 FORTY-SIX, INCLUSIVE;

1 (6) IN THE KOREAN HOSTILITIES FROM THE TWENTY-SEVENTH DAY OF JUNE,
2 NINETEEN HUNDRED FIFTY TO THE THIRTY-FIRST DAY OF JANUARY, NINETEEN
3 HUNDRED FIFTY-FIVE, INCLUSIVE;

4 (7) IN THE VIETNAM CONFLICT FROM THE TWENTY-SECOND DAY OF DECEMBER,
5 NINETEEN HUNDRED SIXTY-ONE TO THE SEVENTH DAY OF MAY, NINETEEN HUNDRED
6 SEVENTY-FIVE, INCLUSIVE; OR

7 (8) IN THE PERSIAN GULF CONFLICT FROM THE SECOND DAY OF AUGUST, NINE-
8 TEEN HUNDRED NINETY TO THE END OF SUCH CONFLICT.

9 S 4. Subdivision 1 and paragraphs (a), (d), (e) and (f) of subdivision
10 3 of section 311 of the executive law, subdivision 1 and paragraphs (d)
11 and (e) of subdivision 3 as amended by chapter 55 of the laws of 1992
12 and paragraphs (a) and (f) of subdivision 3 as added by chapter 261 of
13 the laws of 1988, are amended to read as follows:

14 1. The head of the division of minority and women's business develop-
15 ment shall be the director who shall be appointed by the governor and
16 hold office at the pleasure of the commissioner. It shall be the duty of
17 the director of the division of minority and women's business develop-
18 ment to assist the governor in the formulation and implementation of
19 laws and policies relating to minority, SERVICE RELATED DISABLED VETERAN
20 and women-owned business enterprises.

21 (a) to encourage and assist contracting agencies in their efforts to
22 increase participation by minority, SERVICE RELATED DISABLED VETERAN and
23 women-owned business enterprises on state contracts and subcontracts so
24 as to facilitate the award of a fair share of such contracts to them;

25 (d) to review periodically the practices and procedures of each
26 contracting agency with respect to compliance with the provisions of
27 this article, and to require them to file periodic reports with the
28 division of minority and women's business development as to the level of
29 minority, SERVICE RELATED DISABLED VETERAN and women-owned business
30 enterprises participation in the awarding of agency contracts for goods
31 and services;

32 (e) on January first of each year report to the governor and the
33 chairpersons of the senate finance and assembly ways and means commit-
34 tees on the level of minority, SERVICE RELATED DISABLED VETERAN and
35 women-owned business enterprises participating in each agency's
36 contracts for goods and services and on activities of the office and
37 effort by each contracting agency to promote employment of minority
38 group members, SERVICE RELATED DISABLED VETERANS and women, and to
39 promote and increase participation by certified businesses with respect
40 to state contracts and subcontracts so as to facilitate the award of a
41 fair share of state contracts to such businesses. The comptroller shall
42 assist the division in collecting information on the participation of
43 certified business for each contracting agency. Such report may recom-
44 mend new activities and programs to effectuate the purposes of this
45 article;

46 (f) to prepare and update periodically a directory of certified minor-
47 ity, SERVICE RELATED DISABLED VETERAN and women-owned business enter-
48 prises which shall, wherever practicable, be divided into categories of
49 labor, services, supplies, equipment, materials and recognized
50 construction trades and which shall indicate areas or locations of the
51 state where such enterprises are available to perform services;

52 S 5. The section heading, subdivision 3, paragraph (a) of subdivision
53 4, subdivision 5, paragraph (a) of subdivision 6 and subdivision 8 of
54 section 313 of the executive law, as added by chapter 261 of the laws of
55 1988, are amended to read as follows:

1 Opportunities for minority, SERVICE RELATED DISABLED VETERAN and
2 women-owned business enterprises.
3 3. In the implementation of this section, the contracting agency shall
4 consider compliance with the requirements of any federal law concerning
5 opportunities for minority, SERVICE RELATED DISABLED VETERAN and women-
6 owned business enterprises which effectuates the purpose of this
7 section. The contracting agency shall determine whether the imposition
8 of the requirements of any such law duplicate or conflict with the
9 provisions hereof and if such duplication or conflict exists, the
10 contracting agency shall waive the applicability of this section to the
11 extent of such duplication or conflict.

12 (a) Contracting agencies shall administer the rules and regulations
13 promulgated by the director to ensure compliance with the provisions of
14 this section. Such rules and regulations: shall require a contractor to
15 submit a utilization plan after bids are opened, when bids are required,
16 but prior to the award of a state contract; shall require the contract-
17 ing agency to review the utilization plan submitted by the contractor
18 within a reasonable period of time as established by the director; shall
19 require the contracting agency to notify the contractor in writing with-
20 in a period of time specified by the director as to any deficiencies
21 contained in the contractor's utilization plan; shall require remedy
22 thereof within a period of time specified by the director; may require
23 the contractor to submit periodic compliance reports relating to the
24 operation and implementation of any utilization plan; shall allow a
25 contractor to apply for a partial or total waiver of the minority,
26 SERVICE RELATED DISABLED VETERAN and women-owned business enterprise
27 participation requirements pursuant to subdivisions five and six of this
28 section; shall allow a contractor to file a complaint with the director
29 pursuant to subdivision seven of this section in the event a contracting
30 agency has failed or refused to issue a waiver of the minority, SERVICE
31 RELATED DISABLED VETERAN and women-owned business enterprise partic-
32 ipation requirements or has denied such request for a waiver; and shall
33 allow a contracting agency to file a complaint with the director pursu-
34 ant to subdivision eight of this section in the event a contractor is
35 failing or has failed to comply with the minority, SERVICE RELATED DISA-
36 BLED VETERAN and women-owned business enterprise participation require-
37 ments set forth in the state contract where no waiver has been granted.

38 5. Where it appears that a contractor cannot, after a good faith
39 effort, comply with the minority, SERVICE RELATED DISABLED VETERAN and
40 women-owned business enterprise participation requirements set forth in
41 a particular state contract, a contractor may file a written application
42 with the contracting agency requesting a partial or total waiver of such
43 requirements setting forth the reasons for such contractor's inability
44 to meet any or all of the participation requirements together with an
45 explanation of the efforts undertaken by the contractor to obtain the
46 required minority, SERVICE RELATED DISABLED VETERAN and women-owned
47 business enterprise participation. In implementing the provisions of
48 this section, the contracting agency shall consider the number and types
49 of minority, SERVICE RELATED DISABLED VETERAN and women-owned business
50 enterprises located in the region in which the state contract is to be
51 performed, the total dollar value of the state contract, the scope of
52 work to be performed and the project size and term. If, based on such
53 considerations, the contracting agency determines there is not a reason-
54 able availability of contractors on the list of certified business to
55 furnish services for the project, it shall issue a waiver of compliance
56 to the contractor. In making such determination, the contracting agency

1 shall first consider the availability of other business enterprises
2 located in the region and shall thereafter consider the financial abili-
3 ty of minority, SERVICE RELATED DISABLED VETERAN and women-owned busi-
4 nesses located outside the region in which the contract is to be
5 performed to perform the state contract.

6 (a) whether the contractor has advertised in general circulation
7 media, trade association publications, and minority-focus, VETERAN AND
8 DISABILITY-FOCUS and women-focus media and, in such event, (i) whether
9 or not certified minority, SERVICE RELATED DISABLED VETERAN or women-
10 owned businesses which have been solicited by the contractor exhibited
11 interest in submitting proposals for a particular project by attending a
12 pre-bid conference; and

13 (ii) whether certified businesses which have been solicited by the
14 contractor have responded in a timely fashion to the contractor's solici-
15 tations for timely competitive bid quotations prior to the contracting
16 agency's bid date; and

17 8. If, after the review of a contractor's minority, SERVICE RELATED
18 DISABLED VETERAN and women owned business utilization plan or review of
19 a periodic compliance report and after such contractor has been afforded
20 an opportunity to respond to a notice of deficiency issued by the
21 contracting agency in connection therewith, it appears that a contractor
22 is failing or refusing to comply with the minority, SERVICE RELATED
23 DISABLED VETERAN and women-owned business participation requirements as
24 set forth in the state contract and where no waiver from such require-
25 ments has been granted, the contracting agency may file a written
26 complaint with the director pursuant to section three hundred sixteen of
27 this article setting forth the facts and circumstances giving rise to
28 the contracting agency's complaint together with a demand for relief.
29 The contracting agency shall serve a copy of such complaint upon the
30 contractor by personal service or by certified mail, return receipt
31 requested. The contractor shall be afforded an opportunity to respond to
32 such complaint in writing.

33 S 6. Section 317 of the executive law, as added by chapter 261 of the
34 laws of 1988, is amended to read as follows:

35 S 317. Superseding effect of article with respect to state law. The
36 provisions of this article shall supersede any other provision of state
37 law, which expressly implements or mandates an equal employment opportu-
38 nity program or a program for securing participation by minority,
39 SERVICE RELATED DISABLED VETERAN and women-owned business enterprises,
40 concerning action to be taken by any party to a state contract, to which
41 the provisions of this article apply; provided, however, that the
42 provisions of any state law, not as hereinabove superseded, which
43 expressly implement or mandate such programs shall remain unimpaired by
44 the provisions of this article, except that the provisions of any such
45 law shall be construed as if the provisions of subdivisions five, six,
46 seven and eight of section three hundred thirteen and section three
47 hundred sixteen of this article were fully set forth therein and made
48 applicable only to complaints of violations under such provisions of law
49 occurring on or after September first, nineteen hundred eighty-eight;
50 provided, further, that nothing contained in this article shall be
51 construed to limit, impair, or otherwise restrict any state agency's
52 authority or discretionary power in effect prior to the enactment of
53 this article to establish or continue, by rule, regulation or resol-
54 ution, an equal opportunity program or a program for securing partic-
55 ipation of minority, SERVICE RELATED DISABLED VETERAN and women-owned
56 business enterprises with regard to banking relationships, the issuance

1 of insurance policies or contracts for the sale of bonds, notes or other
2 securities; and, provided further, that nothing contained in the imme-
3 diately preceding proviso shall be construed to create, impair, alter,
4 limit, modify, enlarge, abrogate or restrict any agency's authority or
5 discretionary power with respect to an equal opportunity program or a
6 program for securing participation of minority, SERVICE RELATED DISABLED
7 VETERAN and women-owned enterprises.

8 S 7. Section 136-b of the state finance law, as added by chapter 261
9 of the laws of 1988, is amended to read as follows:

10 S 136-b. Selection of underwriters by state agencies. Whenever a state
11 agency, as defined in article fifteen-A of the executive law, sells its
12 bonds, notes or other securities at a private sale, in selecting one or
13 more underwriters to purchase such securities the state agency shall
14 consider, among other things, the participation of firms certified
15 pursuant to such article as minority, SERVICE RELATED DISABLED VETERAN
16 or women-owned firms and the ability of other firms under consideration
17 to work with minority, SERVICE RELATED DISABLED VETERAN and women-owned
18 business enterprises so as to promote and assist participation by such
19 enterprises.

20 S 8. Paragraphs (b) and (d) of subdivision 2 of section 139-i of the
21 state finance law, as amended by chapter 531 of the laws of 1993, are
22 amended to read as follows:

23 (b) include in all bid documents provided to potential bidders a
24 statement that information concerning the availability of New York state
25 subcontractors and suppliers is available from the New York state
26 department of economic development, which shall include the directory of
27 certified minority and women-owned businesses, and it is the policy of
28 New York state to encourage the use of New York state subcontractors and
29 suppliers, and to promote the participation of minority, SERVICE RELATED
30 DISABLED VETERAN and women-owned businesses, where possible, in the
31 procurement of goods and services.

32 (d) adopt policies to promote the participation by New York state
33 business enterprises and New York state residents in procurement
34 contracts, with the cooperation of the department of economic develop-
35 ment and the community services division of the department of labor
36 including, but not limited to, providing through cooperative efforts
37 with contractors for the notification of New York state business enter-
38 prises of opportunities to participate as subcontractors and suppliers
39 on procurement contracts in an amount estimated to be equal to or great-
40 er than one million dollars and for the notification of New York state
41 residents of employment opportunities arising in New York state out of
42 procurement contracts in an amount estimated to be equal to or greater
43 than one million dollars; and promulgating procedures which will assure
44 compliance by contractors with such notification. Once awarded the
45 contract, such contractors shall document their efforts to encourage the
46 participation of New York state business enterprises as suppliers and
47 subcontractors on procurement contracts equal to or greater than one
48 million dollars. Documented efforts by a successful contractor shall
49 consist of and be limited to showing that such contractor has [(a)] (I)
50 solicited bids, in a timely and adequate manner, from New York state
51 business enterprises including certified minority, SERVICE RELATED DISA-
52 BLED VETERAN and women-owned business, or [(b)] (II) contacted the New
53 York state department of economic development to obtain listings of New
54 York state business enterprises, or [(c)] (III) placed notices for
55 subcontractors and suppliers in newspapers, journals and other trade
56 publications distributed in New York state, or [(d)] (IV) participated

1 in bidder outreach conferences. If the contractor determines that New
2 York state business enterprises are not available to participate on the
3 contract as subcontractors or suppliers, the contractor shall provide a
4 statement indicating the method by which such determination was made. If
5 the contractor does not intend to use subcontractors on the contract,
6 the contractor shall provide a statement verifying such intent. Such
7 contractors shall also provide notification to New York state residents
8 of employment opportunities through listing any such positions with the
9 community services division, or providing for such notification in such
10 manner as is consistent with existing collective bargaining contracts or
11 agreements. On or before the effective date of this section, each state
12 agency or department shall submit such policies to the division of the
13 budget and copies thereof to the department of audit and control, the
14 department of economic development, the senate finance committee and the
15 assembly ways and means committee.

16 S 9. Subdivision 5, paragraph (e) of subdivision 11, paragraph (e) of
17 subdivision 12 and paragraph (a) of subdivision 16 of section 213 of the
18 state finance law, subdivision 5, paragraph (e) of subdivision 11 and
19 paragraph (e) of subdivision 12 as added by chapter 705 of the laws of
20 1993 and paragraph (a) of subdivision 16 as amended by chapter 291 of
21 the laws of 2004, are amended to read as follows:

22 5. "Certified [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN
23 or women-owned business" means any [minority-] MINORITY, SERVICE RELATED
24 DISABLED VETERAN or women-owned business enterprise as defined in
25 section three hundred ten of the executive law and certified pursuant to
26 section three hundred fourteen of the executive law.

27 (e) any certified [minority-] MINORITY, SERVICE RELATED DISABLED
28 VETERAN or women-owned business seeking financing necessary to carry out
29 a procurement contract with an agency or authority or other entity of
30 the state or federal government; or

31 (e) for certified [minority-] MINORITY, SERVICE RELATED DISABLED
32 VETERAN and women-owned businesses, projects to provide financing neces-
33 sary to carry out a procurement contract with an agency or authority or
34 other entity of the state or federal government.

35 (a) for a linked deposit made in connection with a linked loan to a
36 certified business in an empire zone or to an eligible business located
37 in a highly distressed area or a certified [minority-] MINORITY, SERVICE
38 RELATED DISABLED VETERAN or women-owned business enterprise for an
39 eligible project defined in paragraph (e) of subdivision twelve of this
40 section or to a defense industry manufacturer for a project defined in
41 paragraph (d) of subdivision twelve of this section, a fixed rate of
42 interest which is three hundred basis points below the lender's posted
43 four year certificate of deposit rate or, if the lender does not offer a
44 four year certificate of deposit, is three hundred basis points below
45 the average statewide rate for four year certificates of deposit as
46 determined by the commissioner of economic development;

47 S 10. Subdivision 1 of section 218 of the state finance law, as added
48 by chapter 705 of the laws of 1993 and as further amended by section 15
49 of part GG of chapter 63 of the laws of 2000, is amended to read as
50 follows:

51 1. Linked loans made to certified businesses in empire zones or to
52 eligible businesses in highly distressed areas or to minority, SERVICE
53 RELATED DISABLED VETERAN or women-owned business enterprises for an
54 eligible project defined in paragraph (e) of subdivision twelve of
55 section two hundred thirteen of this article or to a defense industry
56 manufacturer for a project defined in paragraph (d) of subdivision

1 twelve of section two hundred thirteen of this article shall bear inter-
2 est at a fixed rate equal to three percentage points below the fixed
3 interest rate the lender would have charged for the loan in the absence
4 of a linked deposit based on its usual credit considerations. All other
5 linked loans shall bear interest at a fixed rate equal to two percentage
6 points below the fixed interest rate the lender would have charged for
7 the loan in the absence of a linked deposit based on its usual credit
8 considerations. Lenders shall certify to the commissioner of economic
9 development that the rate to be charged on a linked loan is two percent-
10 age points or three percentage points, as the case may be, below the
11 interest rate the lender would have charged for the loan in the absence
12 of a linked deposit.

13 S 11. Paragraph (c) of subdivision 12 of section 3.07 of the arts and
14 cultural affairs law, as amended by chapter 255 of the laws of 1988, is
15 amended to read as follows:

16 (c) (i) In the performance of projects pursuant to this section,
17 minority, SERVICE RELATED DISABLED VETERAN and women-owned business
18 enterprises shall be given the opportunity for meaningful participation.
19 For purposes hereof, minority business enterprise shall mean any busi-
20 ness enterprise which is at least fifty-one per centum owned by, or in
21 the case of a publicly owned business, at least fifty-one per centum of
22 the stock or other voting interest is owned by citizens or permanent
23 resident aliens who are Black, Hispanic, Asian, American Indian, Pacific
24 Islander, or Alaskan native, and such ownership interest is real,
25 substantial and continuing and has the authority to independently
26 control the day to day business decisions of the entity for at least one
27 year; SERVICE RELATED DISABLED VETERAN OWNED BUSINESS ENTERPRISE SHALL
28 MEAN THE SAME AS PROVIDED IN SUBDIVISION EIGHTEEN OF SECTION THREE
29 HUNDRED TEN OF THE EXECUTIVE LAW; and women-owned business enterprise
30 shall mean any business enterprise which is at least fifty-one per
31 centum owned by, or in the case of a publicly owned business, at least
32 fifty-one per centum of the stock to other voting interests of which is
33 owned by citizens or permanent resident aliens who are women, and such
34 ownership interest is real, substantial and continuing and has the
35 authority to independently control the day to day business decisions of
36 the entity for at least one year.

37 The provisions of this subdivision shall not be construed to limit the
38 ability of any minority business enterprise to bid on any contract.

39 (ii) In order to implement the requirements and objectives of this
40 section, the council shall request, as appropriate, the assistance of
41 other state agencies to monitor the contractors' compliance with
42 provisions hereof, provide assistance in obtaining competing qualified
43 minority, SERVICE RELATED DISABLED VETERAN and women-owned business
44 enterprises to perform contracts proposed to be awarded, and take other
45 appropriate measures to improve the access of minority, SERVICE RELATED
46 DISABLED VETERAN and women-owned business enterprises to these
47 contracts.

48 S 12. Subdivision 2 of section 115 of the economic development law, as
49 added by chapter 55 of the laws of 1992, is amended to read as follows:

50 2. "Technical assistance" shall mean assistance and services designed
51 to improve the efficiency, effectiveness and viability of a minority,
52 SERVICE RELATED DISABLED VETERAN or women-owned business enterprise,
53 including, but not limited to, management assistance, problem solving,
54 the development of business and marketing plans, market analysis, finan-
55 cial planning, regulatory compliance, safety and security measures,
56 export assistance, procurement assistance, application assistance, state

1 program assistance, referral to private and public financing sources,
2 contracting assistance, and other forms of assistance which the commis-
3 sioner deems necessary and appropriate.

4 S 13. Section 118 of the economic development law, as added by chapter
5 55 of the laws of 1992 and subdivision 7 as further amended by section
6 15 of part GG of chapter 63 of the laws of 2000, is amended to read as
7 follows:

8 S 118. Power and duties. In addition to the power and duties conferred
9 by section one hundred sixteen of this article, the division shall have
10 the additional power and duty to:

11 1. Coordinate with all state agencies performing functions affecting
12 the operations of minority business enterprises, SERVICE RELATED DISA-
13 BLED VETERAN OWNED BUSINESS ENTERPRISES and women-owned business enter-
14 prises, as such terms are defined in section two hundred ten of this
15 chapter;

16 2. Receive complaints and inquiries of operators of minority, SERVICE
17 RELATED DISABLED VETERAN and women-owned business enterprises and refer
18 them to the appropriate federal, state or local agency for appropriate
19 action on such complaints;

20 3. Solicit recommendations from the operators of minority, SERVICE
21 RELATED DISABLED VETERAN and women-owned business enterprises for
22 improving existing state programs and refer such recommendations to the
23 governor, the legislature and appropriate state agencies or authorities;

24 4. Advise and make recommendations to the commissioner and the legis-
25 lature on matters affecting the minority, SERVICE RELATED DISABLED
26 VETERAN and women-owned business enterprises of the state and promote
27 and encourage the protection of the legitimate interests of minority,
28 SERVICE RELATED DISABLED VETERAN and women-owned business enterprises
29 within the state;

30 5. Conduct investigations, research, studies and analyses of matters
31 affecting the interests of minority, SERVICE RELATED DISABLED VETERAN
32 and women-owned business enterprises;

33 6. Study the implementation of the laws affecting minority, SERVICE
34 RELATED DISABLED VETERAN and women-owned business enterprises and recom-
35 mend to the commissioner new laws and amendments of laws for the benefit
36 of minority, SERVICE RELATED DISABLED VETERAN and women-owned business
37 enterprises; and review pending legislation affecting minority, SERVICE
38 RELATED DISABLED VETERAN and women-owned business enterprises and report
39 its findings to the commissioner;

40 7. Provide technical assistance and information to minority, SERVICE
41 RELATED DISABLED VETERAN and women-owned business enterprises in the
42 state on economic development programs administered by the department,
43 including, but not limited to: (a) the empire zones program, estab-
44 lished pursuant to article eighteen-B of the general municipal law, (b)
45 the industrial effectiveness program, established pursuant to article
46 seven of this chapter, (c) the economic development skills training
47 program, established pursuant to article eight of this chapter, and (d)
48 the entrepreneurial assistance program, established pursuant to article
49 nine of this chapter;

50 8. Provide technical assistance and information to minority, SERVICE
51 RELATED DISABLED VETERAN and women-owned business enterprises in the
52 state on economic development programs administered by agencies other
53 than the department, including, but not limited to programs administered
54 by the urban development corporation, the job development authority and
55 the science and technology foundation;

1 9. Be responsible for conducting minority, SERVICE RELATED DISABLED
2 VETERAN and women-owned business enterprise assistance programs and for
3 coordinating the activities of all other state agencies acting within
4 the scope of this section; and

5 10. Carry out the activities to implement the minority, SERVICE
6 RELATED DISABLED VETERAN and women-owned business enterprise assistance
7 programs, to the extent practicable, within amounts appropriated there-
8 for by[;]:

9 (a) collecting and maintaining information identifying certified
10 minority, SERVICE RELATED DISABLED VETERAN and women-owned business
11 enterprises within New York state;

12 (b) collecting, maintaining, and providing information to potential
13 users identifying existing contracting and procurement opportunities
14 within and outside New York state;

15 (c) maintaining, providing and marketing a compilation of existing
16 programs providing assistance for minority, SERVICE RELATED DISABLED
17 VETERAN and women-owned business enterprises;

18 (d) identifying special needs and problems facing minority, SERVICE
19 RELATED DISABLED VETERAN and women-owned business enterprises within New
20 York state;

21 (e) contacting institutions, organizations and commercial enterprises
22 that are potential consumers of minority, SERVICE RELATED DISABLED
23 VETERAN and women-owned business products and services; urging their
24 expanded consumption of such goods and services;

25 (f) facilitating the establishment of minority, SERVICE RELATED DISA-
26 BLED VETERAN and women-owned business enterprises; and

27 (g) providing information concerning local and regional opportunities
28 for minority, SERVICE RELATED DISABLED VETERAN and women-owned business
29 enterprises.

30 S 14. Section 210 of the economic development law is amended by
31 adding a new subdivision 6 to read as follows:

32 6. "SERVICE RELATED DISABLED VETERAN OWNED BUSINESS ENTERPRISE" MEANS
33 THE SAME AS DEFINED IN SUBDIVISION EIGHTEEN OF SECTION THREE HUNDRED TEN
34 OF THE EXECUTIVE LAW.

35 S 15. Paragraphs (b) and (i) of subdivision 1 of section 231 of the
36 economic development law, as amended by chapter 98 of the laws of 2008,
37 are amended to read as follows:

38 (b) to provide outreach to businesses, with attention to minority,
39 SERVICE RELATED DISABLED VETERAN and women-owned business enterprises,
40 for financial and technical assistance offered by state economic devel-
41 opment agencies;

42 (i) to provide information and assistance in the certification of
43 minority, SERVICE RELATED DISABLED VETERAN and women-owned business
44 enterprises;

45 S 16. Section 52-0113 of the environmental conservation law, as added
46 by chapter 512 of the laws of 1986, is amended to read as follows:

47 S 52-0113. Minority, SERVICE RELATED DISABLED VETERAN and women-owned
48 business enterprise program.

49 1. a. In the performance of projects pursuant to this article
50 minority, SERVICE RELATED DISABLED VETERAN and women-owned business
51 enterprises shall be given the opportunity for meaningful participation.
52 The department or the office shall establish measures and procedures to
53 secure meaningful participation and identify those contracts and items
54 of work for which minority, SERVICE RELATED DISABLED VETERAN and women-
55 owned business enterprises may best bid to actively and affirmatively
56 promote and assist their participation in the projects, so as to facili-

1 tate the award of a fair share of contracts to such enterprises;
2 provided, however, that nothing in this article shall be construed to
3 limit the ability of the department or office to assure that qualified
4 minority, SERVICE RELATED DISABLED VETERAN and women-owned business
5 enterprises may participate in the program.

6 For purposes [hereof] OF THIS ARTICLE, minority business enterprise
7 shall mean any business enterprise which is at least fifty-one per
8 centum owned by, or in the case of a publicly owned business, at least
9 fifty-one per centum of the stock of which is owned by citizens or
10 permanent resident aliens who are Black, Hispanic, Asian or American
11 Indian, Pacific Islander or Alaskan natives and such ownership interest
12 is real, substantial and continuing and have the authority to independ-
13 ently control the day to day business decisions of the entity for at
14 least one year; SERVICE RELATED DISABLED VETERAN OWNED BUSINESS ENTER-
15 PRISE SHALL MEAN THE SAME AS DEFINED IN SUBDIVISION EIGHTEEN OF SECTION
16 THREE HUNDRED TEN OF THE EXECUTIVE LAW; and women-owned business enter-
17 prise shall mean any business enterprise which is at least fifty-one per
18 centum owned by, or in the case of a publicly owned business, at least
19 fifty-one per centum of the stock of which is owned by citizens or
20 permanent resident aliens who are women, and such ownership interest is
21 real, substantial and continuing and have the authority to independently
22 control the day to day business decisions of the entity for at least one
23 year. The provisions of this paragraph shall not be construed to limit
24 the ability of any minority, SERVICE RELATED DISABLED VETERAN or women-
25 owned business enterprise to bid on any contract.

26 b. In the implementation of this section, the department or the office
27 shall consider compliance by any contractor with the requirements of any
28 federal, state, or local law concerning minority, SERVICE RELATED DISA-
29 BLED VETERAN and women-owned business enterprises, which may effectuate
30 the requirements of this section. If the department or the office deter-
31 mines that by virtue of the imposition of the requirements of any such
32 law, in respect to capital project contracts, the provisions thereof
33 duplicate or conflict with such law, the department may waive the appli-
34 cability of this section to the extent of such duplication or conflict.

35 c. Nothing in this section shall be deemed to require that overall
36 state and federal requirements for participation of minority, SERVICE
37 RELATED DISABLED VETERAN and women-owned business enterprises in
38 programs authorized under this article be applied without regard to
39 local circumstances to all projects or in all communities.

40 2. In order to implement the requirements and objectives of this
41 section, the department and the office shall establish procedures to
42 monitor the contractors' compliance with provisions hereof, provide
43 assistance in obtaining competing qualified minority, SERVICE RELATED
44 DISABLED VETERAN and women-owned business enterprises to perform
45 contracts proposed to be awarded, and take other appropriate measures to
46 improve the access of minority, SERVICE RELATED DISABLED VETERAN and
47 women-owned business enterprises to these contracts.

48 S 17. The opening paragraph of paragraph (c) and clause (a) of subpar-
49 agraph (ii) and subparagraph (iii) of paragraph (i) of subdivision 3 of
50 section 2879 of the public authorities law, the opening paragraph of
51 paragraph (c) as amended by chapter 564 of the laws of 1988 and clause
52 (a) of subparagraph (ii) and subparagraph (iii) of paragraph (i) as
53 amended by chapter 531 of the laws of 1993, are amended and a new para-
54 graph (e-1) is added to read as follows:

55 An identification of those areas or types of contracts for which
56 minority, SERVICE RELATED DISABLED VETERAN or women-owned business

1 enterprises may best bid so as to promote and assist participation by
2 such enterprises and facilitate a fair share of the awarding of
3 contracts to such enterprises. For the purposes of this section, a
4 minority business enterprise means any business enterprise, including a
5 sole proprietorship, partnership or corporation that is:

6 (a) solicited bids, in a timely and adequate manner, from New York
7 state business enterprises including certified minority, SERVICE RELATED
8 DISABLED VETERAN and women-owned business, or

9 (iii) except for procurement contracts for which the corporation would
10 be expending funds received from another state, the corporation shall
11 include in all bid documents provided to potential bidders a statement
12 that information concerning the availability of New York state subcon-
13 tractors and suppliers is available from the New York state department
14 of economic development, which shall include the directory of certified
15 minority, SERVICE RELATED DISABLED VETERAN and women-owned businesses,
16 and it is the policy of New York state to encourage the use of New York
17 state subcontractors and suppliers, and to promote the participation of
18 minority, SERVICE RELATED DISABLED VETERAN and women-owned businesses
19 where possible, in the procurement of goods and services; and

20 (E-1) FOR PURPOSES OF THIS SECTION, "SERVICE RELATED DISABLED VETERAN
21 OWNED BUSINESS ENTERPRISE" MEANS THE SAME AS DEFINED IN SUBDIVISION
22 EIGHTEEN OF SECTION THREE HUNDRED TEN OF THE EXECUTIVE LAW.

23 S 18. Section 957 of the general municipal law is amended by adding a
24 new subdivision (u) to read as follows:

25 (U) "SERVICE RELATED DISABLED VETERAN OWNED BUSINESS ENTERPRISE" SHALL
26 MEAN THE SAME AS DEFINED IN SUBDIVISION EIGHTEEN OF SECTION THREE
27 HUNDRED TEN OF THE EXECUTIVE LAW.

28 S 19. Subdivisions (h) and (u) of section 959 of the general municipal
29 law, as amended by section 5 of part A of chapter 63 of the laws of
30 2005, are amended to read as follows:

31 (h) Coordinate, with the local empire zone administrative board and
32 state agencies and authorities, the provision of business development
33 programs and services for each empire zone in order to stimulate the
34 creation and development of new small businesses, including new small
35 minority-owned, SERVICE RELATED DISABLED VETERAN-OWNED and women-owned
36 business enterprises, and may request and shall receive from any depart-
37 ment, division, board, bureau, commission, agency or public authority of
38 the state such assistance as may be necessary;

39 (u) Coordinate with the urban development corporation the creation of
40 a special category of assistance for zones within the regional economic
41 development partnership program, which will make available economic
42 development assistance grants for zone programs and activities, includ-
43 ing, but not limited to, planning, service coordination, and local
44 institutional capacity building for human resource development necessary
45 for economic revitalization; planning and development of small business
46 incubators; job placement and preparedness programs for zones residents;
47 education and training programs for zone businesses; child care programs
48 and projects supportive of business development; technical assistance
49 for minority, SERVICE RELATED DISABLED VETERAN and women-owned business
50 development; training for zone officials; business and tourism develop-
51 ment and marketing programs; and other innovative programs and activ-
52 ities in support of economic and community development within the zones;
53 and

54 S 20. Paragraph (x) of subdivision (b) of section 961 of the general
55 municipal law, as added by chapter 708 of the laws of 1993, is amended
56 to read as follows:

1 (x) identify financial commitments the applicant will make to the zone
2 for activities, including, but not limited to, marketing of the zone for
3 business development, human resource services for zone residents and
4 businesses, and services for small [and], minority, SERVICE RELATED
5 DISABLED VETERAN and women-owned businesses;

6 S 21. Subdivision (j) of section 962 of the general municipal law, as
7 amended by chapter 624 of the laws of 1990 and as further amended by
8 section 15 of part GG of chapter 63 of the laws of 2000, is amended to
9 read as follows:

10 (j) a description of activities designed to ensure the meaningful
11 participation of minority-owned, SERVICE RELATED DISABLED VETERAN-OWNED
12 and women-owned business enterprises in empire zone development activ-
13 ities;

14 S 22. Paragraphs (iii) and (xii) of subdivision (b) of section 963 of
15 the general municipal law, as amended by chapter 708 of the laws of 1993
16 and as further amended by section 15 of part GG of chapter 63 of the
17 laws of 2000, are amended to read as follows:

18 (iii) undertake efforts to ensure meaningful participation by minori-
19 ty-owned, SERVICE RELATED DISABLED VETERAN-OWNED and women-owned busi-
20 ness enterprises in empire zone activities;

21 (xii) provide within the zone, or contract with a new or existing
22 community-based local development corporation or entity to provide,
23 strategic economic development planning for the zone, marketing and
24 promotion of the zone, assistance to companies in applying for available
25 benefits, preparation of applications for financing assistance and other
26 technical assistance services; coordination of the delivery of state and
27 local programs within the zones; and operation of such other economic
28 development assistance programs in furtherance of the empire zone devel-
29 opment plan as may be appropriate. Provided, however, within the amount
30 appropriated therefor and allocated by the director of the budget, the
31 commissioner, through annual administrative contracts, shall, to the
32 maximum extent feasible, make equally available financial support,
33 through contracts or other means, to assist with the administrative
34 expenses of the local zone administrative bodies or community-based
35 development organizations. No funds shall be made available for this
36 purpose unless the amount to be provided has been matched by private or
37 governmental sources, other than state sources, in amounts at least
38 equalling that to be provided by the state. Such matching funds shall be
39 earmarked and used exclusively for the local administration of the zone
40 program or for activities of the zone program. At least fifty percent of
41 such matching funds shall be in cash, provided that the commissioner may
42 waive this requirement for communities with populations of twenty-five
43 thousand or less, and provided, further, that any amounts appropriated
44 for minority, SERVICE RELATED DISABLED VETERAN and women-owned business
45 development within the zones shall be distributed by the commissioner
46 pursuant to a competitive proposal solicitation process.

47 S 23. Subdivision (c) of section 964 of the general municipal law, as
48 amended by chapter 708 of the laws of 1993 and as further amended by
49 section 15 of part GG of chapter 63 of the laws of 2000, is amended to
50 read as follows:

51 (c) Each empire zone capital corporation shall, to the maximum extent
52 feasible, undertake measures and procedures to ensure meaningful partic-
53 ipation by minority-owned, SERVICE RELATED DISABLED VETERAN-OWNED and
54 women-owned business enterprises in the activities and investments of
55 such corporation. Each such corporation shall additionally, to the maxi-
56 mum extent feasible, undertake measures and procedures to ensure mean-

1 ingful participation by locally owned business enterprises in the activ-
2 ities and investments of such corporation.

3 S 24. Subparagraph 7 of paragraph f of subdivision 3 of section 970-r
4 of the general municipal law, as added by section 1 of part F of chapter
5 577 of the laws of 2004, is amended to read as follows:

6 (7) the financial commitments the applicant will make to the brown-
7 field opportunity area for activities including, but not limited to,
8 marketing of the area for business development, human resource services
9 for residents and businesses in the brownfield opportunity area, and
10 services for small [and], minority, SERVICE RELATED DISABLED VETERAN and
11 women-owned businesses.

12 S 25. Subdivision 33 of section 454 of the banking law, as amended by
13 chapter 679 of the laws of 2003, is amended to read as follows:

14 33. Notwithstanding any other provision of this article to the contra-
15 ry, to participate in the [minority -] MINORITY, SERVICE RELATED DISA-
16 BLED VETERAN and women-owned business development and lending program,
17 as established in section 16-c of section 1 of chapter 174 of the laws
18 of 1968, constituting the urban development corporation act, to the
19 extent that such program allows participation by credit unions.

20 S 26. Section 9-b of section 1 of chapter 359 of the laws of 1968,
21 constituting the facilities development corporation act, as added by
22 chapter 58 of the laws of 1987, is amended to read as follows:

23 S 9-b. Minority, SERVICE RELATED DISABLED VETERAN and women-owned
24 business enterprise program. 1. (a) Minority, SERVICE RELATED DISABLED
25 VETERAN and women-owned business enterprises shall be given the opportu-
26 nity for meaningful participation in all contracts executed by the
27 corporation pursuant to the provisions of this act other than contracts
28 the cost of which is borne solely by a municipality or municipalities.
29 The corporation shall establish measures and procedures to secure mean-
30 ingful participation and identify those contracts and items of work for
31 which minority, SERVICE RELATED DISABLED VETERAN and women-owned busi-
32 ness enterprises may best bid to actively and affirmatively promote and
33 assist their participation in the projects, so as to facilitate the
34 award of a fair share of contracts to such enterprises; provided, howev-
35 er, that nothing in this act shall be construed to limit the ability of
36 the corporation to assure that qualified minority, SERVICE RELATED DISA-
37 BLED VETERAN and women-owned business enterprises may participate in the
38 program. For purposes hereof, minority business enterprise shall mean
39 any business enterprise which is at least fifty-one per centum owned by,
40 or in the case of a publicly owned business, at least fifty-one per
41 centum of the stock of which is owned by citizens or permanent resident
42 aliens who are Black, Hispanic, Asian or American Indian, Pacific Islan-
43 der or Alaskan natives and such ownership interest is real, substantial
44 and continuing and have the authority to independently control the day
45 to day business decisions of the entity for at least one year; SERVICE
46 RELATED DISABLED VETERANS BUSINESS ENTERPRISE SHALL MEAN THE SAME AS
47 DEFINED IN SUBDIVISION 18 OF SECTION 310 OF THE EXECUTIVE LAW; and
48 women-owned business enterprise shall mean any business enterprise which
49 is at least fifty-one per centum owned by, or in the case of a publicly
50 owned business, at least fifty-one per centum of the stock of which is
51 owned by citizens or permanent resident aliens who are women, and such
52 ownership interest is real, substantial and continuing and have the
53 authority to independently control the day to day business decisions of
54 the entity for at least one year.

1 The provisions of this paragraph shall not be construed to limit the
2 ability of any minority, SERVICE RELATED DISABLED VETERAN or women-owned
3 business enterprise to bid on any contract.

4 (b) In the implementation of this section, the corporation shall
5 consider compliance by any contractor with the requirements of any
6 federal, state, or local law concerning minority, SERVICE RELATED DISA-
7 BLED VETERAN and women-owned business enterprises, which may effectuate
8 the requirements of this section. If the corporation determines that by
9 virtue of the imposition of the requirements of any such law, in respect
10 to contracts, the provisions thereof duplicate or conflict with this
11 section, the corporation may waive the applicability of this section to
12 the extent of such duplication or conflict.

13 (c) Nothing in this section shall be deemed to require that overall
14 state and federal requirements for participation of minority, SERVICE
15 RELATED DISABLED VETERAN and women-owned business enterprises in
16 programs authorized under this act be applied without regard to local
17 circumstances to all projects or in all communities.

18 2. In order to implement the requirements and objectives of this
19 section, the corporation shall establish procedures to monitor the
20 contractors' compliance with provisions hereof, provide assistance in
21 obtaining competing qualified minority, SERVICE RELATED DISABLED VETERAN
22 and women-owned business enterprises to perform contracts proposed to be
23 awarded, and take other appropriate measures to improve the access of
24 minority, SERVICE RELATED DISABLED VETERAN and women-owned business
25 enterprises to these contracts.

26 S 27. Section 16-b of section 1 of chapter 392 of the laws of 1973,
27 constituting the New York state medical care facilities finance agency
28 act, as added by chapter 58 of the laws of 1987, is amended to read as
29 follows:

30 S 16-b. Minority, SERVICE RELATED DISABLED VETERAN and women-owned
31 business enterprise program. 1. a. In the performance of projects pursu-
32 ant to this act minority, SERVICE RELATED DISABLED VETERAN and women-
33 owned business enterprises shall be given the opportunity for meaningful
34 participation. The agency shall establish measures and procedures to
35 secure meaningful participation and identify those contracts and items
36 of work for which minority, SERVICE RELATED DISABLED VETERAN and women-
37 owned business enterprises may best bid to actively and affirmatively
38 promote and assist their participation in the projects, so as to facili-
39 tate the award of a fair share of contracts to such enterprises;
40 provided, however, that nothing in this act shall be construed to limit
41 the ability of the agency to assure that qualified minority, SERVICE
42 RELATED DISABLED VETERAN and women-owned business enterprises may
43 participate in the program. For purposes hereof, minority business
44 enterprise shall mean any business enterprise which is at least fifty-
45 one per centum owned by, or in the case of a publicly owned business, at
46 least fifty-one per centum of the stock of which is owned by citizens or
47 permanent resident aliens who are Black, Hispanic, Asian or American
48 Indian, Pacific Islander or Alaskan natives and such ownership interest
49 is real, substantial and continuing and have the authority to independ-
50 ently control the day to day business decisions of the entity for at
51 least one year; SERVICE RELATED DISABLED VETERANS BUSINESS ENTERPRISE
52 SHALL MEAN THE SAME AS DEFINED IN SUBDIVISION 18 OF SECTION 310 OF THE
53 EXECUTIVE LAW; and women-owned business enterprise shall mean any busi-
54 ness enterprise which is at least fifty-one per centum owned by, or in
55 the case of a publicly owned business, at least fifty-one per centum of
56 the stock of which is owned by citizens or permanent resident aliens who

1 are women, and such ownership interest is real, substantial and continu-
2 ing and have the authority to independently control the day to day busi-
3 ness decisions of the entity for at least one year.

4 The provisions of this paragraph shall not be construed to limit the
5 ability of any minority, SERVICE RELATED DISABLED VETERAN or women-owned
6 business enterprise to bid on any contract.

7 b. In the implementation of this section, the agency shall consider
8 compliance by any contractor with the requirements of any federal,
9 state, or local law concerning minority, SERVICE RELATED DISABLED VETER-
10 AN and women-owned business enterprises, which may effectuate the
11 requirements of this section. If the department or the office determines
12 that by virtue of the imposition of the requirements of any such law, in
13 respect to contracts, the provisions thereof duplicate or conflict with
14 this act, the agency may waive the applicability of this section to the
15 extent of such duplication or conflict.

16 c. Nothing in this section shall be deemed to require that overall
17 state and federal requirements for participation of minority, SERVICE
18 RELATED DISABLED VETERAN and women-owned business enterprises in
19 programs authorized under this act be applied without regard to local
20 circumstances to all projects or in all communities.

21 2. In order to implement the requirements and objectives of this
22 section, the agency shall establish procedures to monitor the contrac-
23 tors' compliance with provisions hereof, provide assistance in obtaining
24 competing qualified minority, SERVICE RELATED DISABLED VETERAN and
25 women-owned business enterprises to perform contracts proposed to be
26 awarded, and take other appropriate measures to improve the access of
27 minority, SERVICE RELATED DISABLED VETERAN and women-owned business
28 enterprises to these contracts.

29 S 28. Paragraph (c) of subdivision 10 of section 16-a of section 1 of
30 chapter 174 of the laws of 1968, constituting the New York state urban
31 development corporation act, as amended by chapter 477 of the laws of
32 2002, is amended to read as follows:

33 (c) of minority, SERVICE RELATED DISABLED VETERAN or women-owned
34 enterprises or enterprises owned by dislocated workers, such workers as
35 defined in the Workforce Investment Act (P.L. 105-220); and

36 S 29. Section 16-c of section 1 of chapter 174 of the laws of 1968,
37 constituting the New York state urban development corporation act, as
38 added by chapter 169 of the laws of 1994, subparagraphs (i) and (ii) of
39 paragraph (a) of subdivision 2 as further amended by section 15 of part
40 GG of chapter 63 of the laws of 2000, is amended to read as follows:

41 S 16-c. [Minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and
42 women-owned business development and lending program.

43 (1) [Minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and
44 women-owned business development and lending program. (a) There is
45 hereby created a [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN
46 and women-owned business development and lending program for the purpose
47 of providing financial and technical assistance to minority, SERVICE
48 RELATED DISABLED VETERAN and women-entrepreneurs.

49 (b) For the purposes of this section the following words or terms
50 shall mean as follows:

51 (i) "minority-owned business enterprise" or "minority-owned business"
52 shall mean the same as "minority business enterprise" as defined in
53 subdivision [three] 3 of section [two hundred ten] 210 of the economic
54 development law.

55 (ii) "women-owned business enterprise" or "women-owned business" shall
56 mean the same as "women-owned business enterprise" as defined in subdi-

1 vision [five] 5 of section [two hundred ten] 210 of the economic devel-
2 opment law.

3 (iii) "SERVICE RELATED DISABLED VETERANS BUSINESS ENTERPRISE" SHALL
4 MEAN THE SAME AS DEFINED IN SUBDIVISION 18 OF SECTION 310 OF THE EXECU-
5 TIVE LAW.

6 (IV) "incubator" shall mean a facility providing low-cost space, tech-
7 nical assistance and support services, including, but not limited to,
8 central services shared by tenants of the facility, to [minority-]
9 MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned business
10 enterprises.

11 (c) Assistance shall not be provided under this section for:

12 (i) the purchase or rehabilitation of real property for speculative
13 purposes;

14 (ii) payment of any tax or employee benefit arrearage;

15 (iii) residential construction, renovation or development
16 construction, except for assistance to minority, SERVICE RELATED DISA-
17 BLED VETERAN and women contractors under subdivision four of this
18 section;

19 (iv) educational institutions and proprietary education firms, except
20 licensed child care facilities;

21 (v) hospitals or residential health care facilities;

22 (vi) overnight lodging facilities;

23 (vii) refinancing of debt or equity invested in an enterprise or
24 project.

25 (d) The corporation is authorized to:

26 (i) establish programs in conjunction with locally, and community
27 based entities to decentralize lending for small loans and loans to
28 start up [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and
29 women-owned businesses;

30 (ii) establish a comprehensive program for minority, SERVICE RELATED
31 DISABLED VETERAN and women contractors, which may include assistance
32 through loans, bonding assistance and technical assistance;

33 (iii) establish a program to provide loans to established [minority-]
34 MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned businesses
35 and for [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and
36 women-owned businesses, including loans to such businesses seeking to
37 acquire or expand a franchise;

38 (iv) provide loan guarantees to financial institutions and make linked
39 deposits into federally and state chartered credit unions for the
40 purpose of encouraging private financial institutions to make loans to
41 [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned
42 businesses;

43 (v) establish a program to create incubators to assist small and high
44 risk [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-
45 owned businesses to grow and prosper;

46 (vi) promote equity investment in [minority-] MINORITY, SERVICE
47 RELATED DISABLED VETERAN and women-owned businesses; and

48 (vii) establish a comprehensive technical assistance program in coop-
49 eration with the department of economic development to assist [minori-
50 ty-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned busi-
51 nesses and potential minority, SERVICE RELATED DISABLED VETERAN and
52 women-entrepreneurs.

53 (2) Minority, SERVICE RELATED DISABLED VETERAN and women revolving
54 loan trust fund. For the purpose of establishing programs in conjunction
55 with locally and community based entities to decentralize lending for
56 small loans and loans to start up [minority-] MINORITY, SERVICE RELATED

1 DISABLED VETERAN and women-owned businesses, the corporation shall
2 establish minority, SERVICE RELATED DISABLED VETERAN and women revolving
3 loan trust fund accounts and related administrative expenses trust fund
4 accounts.

5 (a) Each minority, SERVICE RELATED DISABLED VETERAN and women revolving
6 loan trust fund account shall be administered by one or more of the
7 following types of entities that provide services to community busi-
8 nesses and have as one of their primary purposes the provision of
9 services and assistance to [minority-] MINORITY, SERVICE RELATED DISA-
10 BLED VETERAN and women-owned businesses:

11 (i) empire zone capital corporations established pursuant to section
12 [nine hundred sixty-four] 964 of the general municipal law;

13 (ii) community-based local development corporations or industrial
14 development agencies that serve a municipality in which an empire zone
15 has been established pursuant to article [eighteen-B] 18-B of the gener-
16 al municipal law and have as their primary purpose assistance to [minor-
17 ity-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned busi-
18 nesses located or to be located in such empire zone; or

19 (iii) local and community development corporations, industrial devel-
20 opment agencies, or other not-for-profit entities, representative of the
21 community.

22 (b) To be eligible to administer a minority, SERVICE RELATED DISABLED
23 VETERAN and women revolving loan trust fund account, the entity must
24 also: (i) have staff with sufficient expertise to analyze applications
25 for financial assistance, to regularly monitor financial assistance to
26 clients, and to provide management or technical assistance to clients;
27 and (ii) have established a loan committee composed of six or more
28 persons experienced in business management, commercial lending or in the
29 operation of a for-profit business, at least one-half of whom shall be
30 experienced in commercial lending, at least one-third of whom shall be
31 minority persons and at least one-third of whom shall be women. Such
32 loan committee shall review every application, determine the feasibility
33 of the proposed project and the likelihood of repayment of the requested
34 financing and shall recommend to the governing body of the entity such
35 action on the application as the loan committee deems appropriate. The
36 corporation shall identify entities eligible to administer minority,
37 SERVICE RELATED DISABLED VETERAN and women revolving loan trust fund
38 accounts through a competitive statewide request for proposal process.

39 (c) Any entity selected to administer a minority, SERVICE RELATED
40 DISABLED VETERAN and women revolving loan trust fund account shall be
41 eligible to draw funds from the account as needed to provide the follow-
42 ing types of financial assistance to [minority-] MINORITY, SERVICE
43 RELATED DISABLED VETERAN and women-owned businesses upon certification
44 to and acceptance by the corporation that such assistance complies with
45 rules and regulations promulgated by the corporation: (i) working capi-
46 tal loans, provided that the amount of the loan does not exceed thirty-
47 five thousand dollars and the term of the loan does not exceed five
48 years; and (ii) loans for the acquisition and/or improvement of real
49 property and for the acquisition of machinery and equipment provided
50 that the amount of the loan does not exceed fifty thousand dollars and
51 the term of the loan does not exceed the useful life of the equipment or
52 property.

53 (d) (i) Notwithstanding any provision of law to the contrary, the
54 corporation may establish an administrative expenses trust fund account
55 for the benefit of each entity selected to administer a minority,
56 SERVICE RELATED DISABLED VETERAN and women revolving loan trust fund

1 account. The initial deposit of funds to an administrative expenses
2 trust fund account shall be an amount determined by the corporation but
3 shall not exceed twenty-five thousand dollars.

4 (ii) An entity selected to administer a minority, SERVICE RELATED
5 DISABLED VETERAN and women revolving loan trust fund account may use the
6 funds in the administrative expenses trust fund account for costs
7 incurred by it in the start up and administration of the financial
8 assistance program authorized pursuant to this subdivision.

9 (iii) The corporation shall deposit into each administrative expenses
10 trust fund account:

11 (A) all income earned from the moneys on deposit in the corresponding
12 minority, SERVICE RELATED DISABLED VETERAN and women revolving loan
13 trust fund account during the first year of the entity's administration
14 of said account; and

15 (B) beginning with its second year in administering a minority,
16 SERVICE RELATED DISABLED VETERAN and women revolving loan trust fund
17 account, said amounts may be used for costs incurred by the entity in
18 administering the minority, SERVICE RELATED DISABLED VETERAN and women
19 revolving loan trust fund account; and

20 (C) repayments of interest on loans made from the corresponding minor-
21 ity, SERVICE RELATED DISABLED VETERAN and women revolving loan trust
22 fund account.

23 (iv) Funds from the administrative expenses trust fund account may be
24 used for costs incurred at any time by an administering entity in its
25 administration of a minority, SERVICE RELATED DISABLED VETERAN and women
26 revolving loan trust fund account pursuant to this section.

27 (v) Funds deposited in an administrative expenses trust fund account
28 shall be disbursed by the corporation to the entity that administers the
29 corresponding minority, SERVICE RELATED DISABLED VETERAN and women
30 revolving loan trust fund account on a periodic basis and shall be
31 expended by the entity in accordance with an annual budget and any
32 updates of same, approved by the corporation.

33 (e) Any entity selected to administer a minority, SERVICE RELATED
34 DISABLED VETERAN and women revolving loan trust fund account shall pay
35 to the corporation for deposit any repayments received in connection
36 with financial assistance provided from its account. Payments consisting
37 of the repayment of the principal amount of a loan shall be deposited by
38 the corporation into the minority, SERVICE RELATED DISABLED VETERAN and
39 women revolving loan trust fund account from which the loan was made.
40 The interest earned by the corporation from the investment of moneys in
41 each minority, SERVICE RELATED DISABLED VETERAN and women revolving loan
42 trust fund account during and after the second year of a selected enti-
43 ty's administration of said account shall be deposited by the corpo-
44 ration into the corresponding minority, SERVICE RELATED DISABLED VETERAN
45 and women revolving loan trust fund account and used to provide the
46 financial assistance to [minority-] MINORITY, SERVICE RELATED DISABLED
47 VETERAN and women-owned businesses as authorized pursuant to this
48 section.

49 (f) The provisions of subdivisions eight, nine, and fourteen through
50 nineteen of section sixteen-a of this act pertaining to the regional
51 revolving loan trust fund shall also be applicable to the minority,
52 SERVICE RELATED DISABLED VETERAN and women revolving loan trust fund,
53 provided that: where the term "regional corporation" appears therein it
54 shall be interpreted to mean an entity selected to administer a
55 minority, SERVICE RELATED DISABLED VETERAN and women revolving loan
56 trust fund account, and "regional revolving [loans] LOAN trust fund"

1 shall mean a minority, SERVICE RELATED DISABLED VETERAN and women
2 revolving loan trust fund, and where the term "this section" appears
3 therein it shall mean this section sixteen-c.

4 (g) The corporation may provide funds from an appropriation for the
5 [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned
6 business development and lending program to any entity selected to
7 administer a minority, SERVICE RELATED DISABLED VETERAN and women
8 revolving loan trust fund for the purposes of recapitalizing such
9 account and the entity's corresponding administrative expenses trust
10 fund account following an evaluation by the corporation of the entity's
11 administration and use of such accounts.

12 (h) Notwithstanding any provision of law to the contrary, the corpo-
13 ration shall establish a minority, SERVICE RELATED DISABLED VETERAN and
14 women revolving loan trust fund to pay into such fund any moneys made
15 available to the corporation for such fund from any source, including
16 moneys appropriated by the state and any income earned by, or increment
17 to, the account due to the investment thereof, or any repayment of
18 moneys advanced from the fund. The corporation shall not commingle the
19 moneys of such fund with any moneys held in trust by the corporation,
20 except for investment purposes.

21 (3) Micro-loan program. (a) For the purposes of this subdivision
22 "micro-loan" shall mean a loan of under seven thousand five hundred
23 dollars.

24 (b) The corporation shall, pursuant to requests for proposals, enter
25 into agreements for other types of locally, community or regionally
26 administered loan programs than those set forth in subdivision two of
27 this section, including micro-loan programs to be administered by local
28 development corporations, local industrial development organizations,
29 municipalities and not-for-profit organizations, to provide micro-loans
30 to small and high risk [minority-] MINORITY, SERVICE RELATED DISABLED
31 VETERAN and women-owned businesses located within their respective
32 service areas, provided that loan review committees are established by
33 such administering entity, including women, SERVICE RELATED DISABLED
34 VETERAN and minority persons experienced in business management, busi-
35 ness development, commercial lending, entrepreneurship, or in the opera-
36 tion of a for-profit business.

37 (c) Agreements entered into pursuant to paragraph (b) of this subdivi-
38 sion shall be governed by paragraphs (d) through (h) of subdivision two
39 of this section, and minority, SERVICE RELATED DISABLED VETERAN and
40 women revolving loan trust fund accounts and administrative expenses
41 trust fund accounts shall be established in a similar fashion for enti-
42 ties selected to administer micro-loan funds pursuant to this subdivi-
43 sion.

44 (4) Minority, SERVICE RELATED DISABLED VETERAN and women contracting
45 program. For the purpose of establishing a comprehensive program to
46 assist minority, SERVICE RELATED DISABLED VETERAN and women contractors,
47 the corporation may provide loans, loan guarantees, technical assistance
48 and bonding assistance, the corporation may enter into cooperative
49 agreements with cities, counties, municipalities, authorities, agencies,
50 federally and state chartered credit unions in New York state and feder-
51 ally insured banking organizations and financial institutions for such
52 purposes.

53 (a) To be eligible for a contractor loan, the borrower must have
54 either (i) a construction contract with, or a contract to provide goods
55 or services to, a governmental entity or authority, (ii) a subcontract
56 on a government-sponsored construction contract, (iii) a contract or

1 subcontract on a [government sponsored] GOVERNMENT-SPONSORED residential
2 project, or (iv) a contract or subcontract on a construction project
3 previously approved by the corporation pursuant to section ten of this
4 act.

5 (b) The corporation shall provide technical assistance specifically
6 oriented to [minority] MINORITY-, SERVICE RELATED DISABLED VETERAN and
7 women-owned government contractors as part of its comprehensive techni-
8 cal assistance program.

9 (c) The corporation is authorized to provide assistance through the
10 creation of, or assistance to, a minority, SERVICE RELATED DISABLED
11 VETERAN and women bonding guarantee program to enable minority, SERVICE
12 RELATED DISABLED VETERAN and women contractors and subcontractors to
13 meet payment or performance bonding requirements.

14 (i) Through such program, assistance in the form of working capital
15 loans and loan guarantees pursuant to subdivision six of this section
16 may also be provided to minority, SERVICE RELATED DISABLED VETERAN and
17 women contractors and subcontractors who have secured contracts by
18 participating in the program.

19 (ii) The corporation shall either establish criteria for the bonding
20 guarantee program and for any required escrow funds which shall include
21 detailed provisions for eligibility; or if the corporation is providing
22 assistance to a program other than one established by the corporation,
23 review and approve the criteria established for such other program.

24 (5) Direct financial assistance for [minority-] MINORITY, SERVICE
25 RELATED DISABLED VETERAN and women-owned businesses. For the purpose of
26 establishing a program to provide direct financial assistance to [minor-
27 ity-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned busi-
28 nesses, the corporation is authorized to provide assistance in the form
29 of:

30 (a) Business development loans and loan guarantees pursuant to subdi-
31 vision six of this section to eligible enterprises for the acquisition
32 or improvement of real property, machinery, equipment or working capi-
33 tal, provided that to be eligible for a business development loan, the
34 borrowers must have been in business for at least three years and
35 provided that the loans must be in an amount equal to or in excess of
36 fifty thousand dollars;

37 (b) Franchise loans to eligible enterprises seeking to acquire or
38 expand franchises of nationally recognized corporations, provided that
39 disbursements by the corporation of such loans shall be conditioned on
40 obtaining such franchises;

41 (c) Equity assistance for eligible minority, SERVICE RELATED DISABLED
42 VETERAN and women-owned enterprises to match equity contributions to
43 such enterprises by financial institutions and community development
44 equity capital funds, provided, however, that such assistance shall be
45 targeted to start-up and early stage enterprises in the manufacturing,
46 retail and service sectors located in economically distressed areas.

47 (6) Deposits and loan guarantees. For the purpose of encouraging
48 private financial institutions to make loans to eligible enterprises
49 pursuant to this section for any of the eligible projects pursuant to
50 subdivisions four and five of this section, the corporation is author-
51 ized to:

52 (a) Make linked deposits of funds into federally and state chartered
53 credit unions in New York state, in order to encourage such organiza-
54 tions to make small loans to minority, SERVICE RELATED DISABLED VETERAN
55 and women-owned businesses; and

1 (b) Provide loan guarantees to private financial institutions for
2 loans made to eligible [minority-] MINORITY, SERVICE RELATED DISABLED
3 VETERAN and women-owned businesses pursuant to this subdivision for
4 eligible projects, provided that the guarantee shall be at least fifty
5 percent backed by funds of the corporation. Any such loan guaranteed by
6 the corporation shall be made to borrowers that are approved by the
7 corporation and substantially meet the underwriting criteria the credit
8 union or financial institution customarily applies to similar borrowers
9 for similar loans supported by similar guarantees, and no guaranteed
10 loan funds shall be disbursed until the corporation has received,
11 reviewed and concurred, in writing, with the recommendation of the cred-
12 it union or banking or financial institution to make a loan.

13 (7) Minority, SERVICE RELATED DISABLED VETERAN and women small busi-
14 ness incubator program.

15 (a) The corporation shall establish a minority and women small busi-
16 ness incubator program for the purpose of providing financial support
17 for the creation of incubators to nurture minority, SERVICE RELATED
18 DISABLED VETERAN and women-owned business enterprises with growth poten-
19 tial.

20 (b) Under this subdivision the corporation is authorized to provide
21 low-interest loans and grants for construction financing and permanent
22 financing of up to seventy-five percent of project costs up to a maximum
23 of six hundred fifty thousand dollars per project, provided that the
24 total amount of grant assistance provided pursuant to this paragraph
25 shall not exceed twenty percent of an appropriation provided for the
26 purposes of this section.

27 (c) Incubator projects eligible for such assistance shall involve the
28 renovation or reconstruction of existing facilities or the acquisition
29 of equipment, except that construction shall be allowable in cases in
30 which an applicant can demonstrate to the satisfaction of the corpo-
31 ration that an existing facility is unavailable in the area to be served
32 by the new incubator facility.

33 (d) Incubator projects are not eligible to receive loans for the
34 purpose of covering operating costs or supplying incubator support
35 services, except that incubators in their first eighteen months of oper-
36 ation may receive one-time grants not to exceed forty thousand dollars,
37 which costs may include administrative costs of employing a resident
38 administrator/advisor to the incubator, provided that the corporation
39 shall not expend a sum greater than two hundred fifty thousand dollars
40 in any one state fiscal year, or so much as may be specifically appro-
41 priated for this purpose.

42 (e) Eligible incubator projects shall be required to demonstrate to
43 the corporation's satisfaction:

44 (i) public or private support and involvement sufficient to complete
45 the renovation of existing facilities or the construction of new facili-
46 ties and the acquisition of equipment;

47 (ii) significant community support for the project;

48 (iii) the existence of prospective tenants for such incubator space;

49 (iv) demand for such incubator space, which may include evidence of
50 the unavailability of suitable space for prospective tenants at appro-
51 priate rental or lease costs in the community in which such prospective
52 tenants are located; and

53 (v) the inability of the project to occur without financial assistance
54 from the corporation.

55 (f) The corporation shall establish criteria for eligibility for fund-
56 ing for incubator projects, including but not limited to the following:

1 (i) the project must be designed to provide low-cost space and support
2 services to incubator tenants, coordination with other sources of
3 assistance and flexible leasing arrangements for tenants;

4 (ii) the project sponsors must provide a management plan and a busi-
5 ness plan for operating the incubator satisfactory to the corporation;
6 and

7 (iii) the project gives preference for incubator space and assistance
8 to [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-
9 owned businesses which currently receive, or have received, assistance
10 from the corporation pursuant to this section and to incubator projects
11 proposed to be located in economically distressed areas.

12 (8) [Minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-
13 owned business technical assistance program. (a) The corporation shall
14 establish a comprehensive technical assistance program within the minor-
15 ity, SERVICE RELATED DISABLED VETERAN and women business development
16 office, in cooperation with the department of economic development's
17 division of [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and
18 women-business development established pursuant to article [four-A] 4-A
19 of the economic development law, to provide technical assistance to
20 [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned
21 business enterprises and to prospective [minority-] MINORITY, SERVICE
22 RELATED DISABLED VETERAN and women-business entrepreneurs through third
23 party service providers, which assistance shall include, but not be
24 limited to:

25 (i) technical assistance in development and execution of business
26 plans, including the formation of, acquisition of, management of, or
27 diversification of a [minority-] MINORITY, SERVICE RELATED DISABLED
28 VETERAN or women-owned business enterprise;

29 (ii) technical assistance with applications for obtaining funds from
30 public and private financing sources;

31 (iii) technical assistance in the development of a working capital
32 budget;

33 (iv) referrals to other providers of technical assistance to [minori-
34 ty-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned busi-
35 nesses and minority, SERVICE RELATED DISABLED VETERAN and women entre-
36 preneurs, where appropriate, including the entrepreneurial assistance
37 program established pursuant to article [nine] 9 of the economic devel-
38 opment law; and

39 (v) technical assistance through education programs directed primarily
40 at women, SERVICE RELATED DISABLED VETERAN and minority entrepreneurs.

41 (b) Technical assistance may be provided through direct corporate
42 support, through grants to or contracts with service providers or
43 governmental entities, and [minority-] MINORITY, SERVICE RELATED DISA-
44 BLED VETERAN and women-owned business enterprises and individuals.

45 (9) Priorities. The corporation shall give priority to applications
46 for assistance pursuant to this section in which the business seeking
47 such assistance indicates a commitment to first consider persons eligi-
48 ble to participate in federal job training partnership act (P.L. 97-300)
49 programs.

50 (10) Non-application of certain provisions. The provisions of section
51 ten and subdivision two of section sixteen of this act shall not apply
52 to assistance or projects authorized pursuant to this section.

53 (11) Rules and regulations. The corporation shall, assisted by the
54 commissioner of economic development and in consultation with the
55 department of economic development, promulgate rules and regulations in
56 accordance with the state administrative procedure act. Such rules and

1 regulations shall be consistent with the program plan required by subdi-
2 vision [nineteen] 19 of section [one hundred] 100 of the economic devel-
3 opment law. No funds shall be disbursed under this program until such
4 rules and regulations have been reviewed and approved by the corpo-
5 ration. All assistance and projects funded under this program shall be
6 funded in accordance with the rules and regulations in effect on the
7 date the completed application for such assistance shall be received by
8 the corporation.

9 (12) Minority, SERVICE RELATED DISABLED VETERAN and women business
10 development and lending account. Notwithstanding any provision of law
11 to the contrary, the corporation shall establish within the treasury of
12 the corporation a minority, SERVICE RELATED DISABLED VETERAN and women
13 business development and lending account, and shall pay into such
14 account any moneys which may be made available to the corporation for
15 this purpose from any source including, but not limited to, moneys
16 appropriated by the state and any repayment of principal and interest on
17 loans made by the corporation pursuant to the [minority-] MINORITY,
18 SERVICE RELATED DISABLED VETERAN and women-owned business development
19 and lending program. Funds in the minority, SERVICE RELATED DISABLED
20 VETERAN and women business development and lending account, including
21 funds from the repayment of principal and interest on loans made by the
22 corporation, may be used for any form of assistance authorized here-
23 under. The amounts deposited in the minority, SERVICE RELATED DISABLED
24 VETERAN and women business development and lending account may not be
25 interchanged with any other account, but may be commingled with any
26 other account for investment purposes. All loans disbursed by the corpo-
27 ration shall be repaid into the account. The corporation shall enter
28 into a written agreement with the director of the budget for repayment,
29 to the state comptroller to the credit of the capital projects fund, of
30 all moneys in the account after a period of time to be determined by the
31 corporation and the director of the budget. The corporation shall
32 transfer to the minority, SERVICE RELATED DISABLED VETERAN and women
33 business development and lending account: all moneys appropriated or
34 reappropriated by New York state for the minority, SERVICE RELATED DISA-
35 BLED VETERAN and women revolving loan trust fund that have not been
36 committed prior to the effective date of the appropriation for the
37 program in the current fiscal year, or become uncommitted subsequent to
38 the effective date of the program's appropriation for the current fiscal
39 year; and all repayments of principal and interest on loans made by the
40 corporation which are currently on deposit in, or payable to, the minor-
41 ity, SERVICE RELATED DISABLED VETERAN and women business development and
42 lending account.

43 (13) Standardization. The corporation shall streamline the review and
44 approval process for projects and wherever possible standardize all
45 relevant attendant documentation and legal documents.

46 (14) Approval cycle. The corporation shall approve eligible loans or
47 grants on at least a four-month cycle and shall give priority consider-
48 ation to the comparative degree of economic distress within the areas in
49 which the project is located. Other factors to be considered by the
50 corporation shall include the impact of the project on the employment
51 and economic condition of the community and the financial feasibility of
52 the project.

53 (15) Repayment. Notwithstanding the provisions of section [forty-a]
54 40-A of the state finance law and any other general or special law, no
55 written agreement under this program shall require repayment at any time
56 or on any terms inconsistent with the provisions of this act or the New

1 York state project finance agency act; except, however, that the corpo-
2 ration may make grants to projects using funds appropriated for this
3 purpose and that the repayment provision may not apply to such grants.

4 (16) Reports. The chairman of the corporation shall submit to the
5 director of the budget, the speaker of the assembly and the temporary
6 president of the senate an evaluation of the effectiveness of the
7 program prepared by an entity independent of the corporation. The corpo-
8 ration shall select the program evaluator through a request for proposal
9 process. Such evaluation shall determine whether the assistance provided
10 has enhanced the economic condition of assisted companies or communi-
11 ties, and shall make recommendation for improvements which would make
12 the program more effective. Such evaluation shall be submitted by
13 September first, nineteen hundred ninety-five and September first every
14 two years thereafter.

15 S 30. Subparagraphs (viii) and (x) of paragraph (e) of subdivision 7
16 of section 16-d of section 1 of chapter 174 of the laws of 1968, consti-
17 tuting the New York state urban development corporation act, as added by
18 chapter 169 of the laws of 1994, are amended to read as follows:

19 (viii) export, marketing, procurement and subcontracting assistance to
20 small and medium-sized industrial firms, including [minority-] MINORITY,
21 SERVICE RELATED DISABLED VETERAN and women-owned businesses, and to
22 flexible manufacturing networks, and programs to assist regional and
23 multi-county business marketing and procurement programs;

24 (x) business planning, management assistance and counseling, and
25 financial packaging assistance to small and medium-sized industrial
26 firms, including [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN
27 and women-owned businesses, flexible manufacturing networks, and new
28 enterprises and small businesses, including the establishment of neigh-
29 borhood-based business service centers designed to deliver comprehensive
30 technical assistance to new and small businesses in specific communities
31 and neighborhoods;

32 S 31. Clause (B) of subparagraph (i) of paragraph (h) of subdivision 8
33 of section 16-d of section 1 of chapter 174 of the laws of 1968, consti-
34 tuting the New York state urban development corporation act, as added by
35 chapter 169 of the laws of 1994 and as further amended by section 15 of
36 part GG of chapter 63 of the laws of 2000, is amended to read as
37 follows:

38 (B) community based local development corporations, industrial devel-
39 opment agencies, or other not-for-profit entities which serve a munici-
40 pality in which an empire zone has been established and which, as one of
41 their primary purposes, provide services and assistance to business
42 enterprises located or to be located in such empire zone, including
43 [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned
44 businesses;

45 S 32. Subparagraph (vi) of paragraph (c) of subdivision 10 of section
46 16-e of section 1 of chapter 174 of the laws of 1968, constituting the
47 New York state urban development corporation act, as added by chapter
48 169 of the laws of 1994, is amended to read as follows:

49 (vi) management and procurement assistance to small business, includ-
50 ing [minority-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-
51 owned businesses;

52 S 33. Paragraph (d) of subdivision 18 of section 16-e of section 1 of
53 chapter 174 of the laws of 1968, constituting the New York state urban
54 development corporation act, as added by chapter 169 of the laws of
55 1994, is amended to read as follows:

1 (d) The participation of [minority-] MINORITY, SERVICE RELATED DISA-
2 BLED VETERAN and women-owned businesses;

3 S 34. The opening paragraph, paragraph (a) and the opening paragraph
4 and subparagraph (iv) of paragraph (b) of subdivision 1 of section 16-f
5 of section 1 of chapter 174 of the laws of 1968, constituting the New
6 York state urban development corporation act, as added by chapter 169 of
7 the laws of 1994, are amended to read as follows:

8 There is hereby created a state bonding guarantee assistance program
9 to enable small businesses, [and] minority-owned, SERVICE RELATED DISA-
10 BLED VETERAN-OWNED and women-owned business enterprises, certified as a
11 minority-owned, SERVICE RELATED DISABLED VETERAN-OWNED or women-owned
12 business enterprise pursuant to article [fifteen-A] 15-A of the execu-
13 tive law, to meet payment and/or performance bonding requirements by
14 providing additional financial backing needed to induce a surety company
15 to issue a bond for construction projects, including but not limited to,
16 government sponsored, transportation related construction projects. For
17 purposes of this section, the term small business shall have the same
18 meaning as defined in section [one hundred thirty-one] 131 of the
19 economic development law. Such program shall give preference to minori-
20 ty-owned, SERVICE RELATED DISABLED VETERAN-OWNED and women-owned busi-
21 ness enterprises and shall:

22 (a) Make available funds to surety companies providing bonds to small
23 businesses [and minority- owned], MINORITY-OWNED, SERVICE RELATED DISA-
24 BLED VETERAN-OWNED or women-owned business enterprises in an amount
25 equal to a percentage not to exceed fifty percent of the face value of
26 bonds issued by the surety.

27 Provide technical assistance in completing bonding applications for
28 small businesses [and], minority-owned, SERVICE RELATED DISABLED VETER-
29 AN-OWNED or women-owned business enterprises seeking to become eligible
30 for bonding in preparation for bidding on construction projects, includ-
31 ing transportation related projects. The corporation shall provide and
32 may refer such businesses to the department of economic development for
33 technical assistance as such businesses may need, including but not
34 limited to:

35 (iv) assistance from the regional offices of the department of econom-
36 ic development, pursuant to article [eleven] 11 of the economic develop-
37 ment law, and the entrepreneurial assistance program, pursuant to arti-
38 cle [nine] 9 of such law, and any other such program receiving state
39 funds from this act or the department of economic development or any
40 other state agency that is intended to provide technical assistance to
41 small businesses [and], minority-owned, SERVICE RELATED DISABLED VETER-
42 AN-OWNED and women-owned small business enterprises.

43 S 35. Paragraph (g) of subdivision 1 of section 16-i of section 1 of
44 chapter 174 of the laws of 1968, constituting the New York state urban
45 development corporation act, as amended by chapter 471 of the laws of
46 2001, is amended to read as follows:

47 (g) Assistance to local or regional organizations to facilitate
48 financing for small- and medium-sized business, including [minority-]
49 MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned business
50 enterprises through flexible financing programs, including, but not
51 limited to, loan loss reserve and revolving loan programs, working capi-
52 tal loans, working capital loan guarantees, or other flexible financing
53 programs that leverage traditional financing;

54 S 36. Subparagraph (i) of paragraph (c) of subdivision 2 of section
55 16-k of section 1 of chapter 174 of the laws of 1968, constituting the
56 New York state urban development corporation act, as added by section 1

1 of part J of chapter 413 of the laws of 1999, is amended to read as
2 follows:

3 (i) provide a plan to the corporation or its agent for the marketing
4 of the capital access program in highly distressed areas and to [minority-
5 ty-] MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned busi-
6 nesses, with appropriate lending objectives identified by the financial
7 institution for such areas and businesses;

8 S 37. Paragraph (g) of subdivision 1 of section 16-m of section 1 of
9 chapter 174 of the laws of 1968, constituting the New York state urban
10 development corporation act, as added by section 1 of part N of chapter
11 84 of the laws of 2002, is amended to read as follows:

12 (g) Assistance to local or regional organizations to facilitate
13 financing for small- and medium-sized business, including [minority-]
14 MINORITY, SERVICE RELATED DISABLED VETERAN and women-owned business
15 enterprises through flexible financing programs, including, but not
16 limited to, loan loss reserve and revolving loan programs, working capi-
17 tal loans, working capital loan guarantees, or other flexible financing
18 programs that leverage traditional financing;

19 S 38. Paragraph 1 of subdivision (c) of section 30 of section 1 of
20 chapter 174 of the laws of 1968, constituting the New York state urban
21 development corporation act, as amended by chapter 732 of the laws of
22 1990, is amended to read as follows:

23 (1) In addition to any other requirements imposed by the act or other-
24 wise regarding evaluations of programs administered by the corporation,
25 each evaluation shall include an analysis of the job creation effect of
26 such program, the number of small businesses that received assistance,
27 the number of minority, SERVICE RELATED DISABLED VETERAN and women-owned
28 firms that received assistance, the number of projects undertaken in
29 distressed and highly distressed communities, and, if applicable, the
30 repayment experience of borrowers of funds from the corporation.

31 S 39. Paragraph 2 of subdivision (e) of section 30-a of section 1 of
32 chapter 174 of the laws of 1968, constituting the New York state urban
33 development corporation act, as added by section 2 of part M1 of chapter
34 62 of the laws of 2003, is amended to read as follows:

35 (2) require projects to be financed out of the empire state economic
36 development fund be approved generally in amounts which are proportional
37 to amounts appropriated for the urban and community development program,
38 and the minority, SERVICE RELATED DISABLED VETERAN and women-owned busi-
39 ness development and lending program;

40 S 40. The section heading, the opening paragraph of subdivision 1, the
41 opening paragraph of subdivision 2, paragraph (a) of subdivision 3 and
42 subdivisions 4 and 5 of section 38 of section 1 of chapter 174 of the
43 laws of 1968, constituting the New York state urban development corpo-
44 ration act, as amended by chapter 169 of the laws of 1994, are amended
45 to read as follows:

46 Small business [and], minority-owned, SERVICE RELATED DISABLED VETER-
47 AN-OWNED and women-owned business enterprises transportation capital
48 assistance and guaranteed loan program.

49 To provide financial assistance to small business [and], minority-
50 owned, SERVICE RELATED DISABLED VETERAN-OWNED and women-owned business
51 enterprises engaged in government sponsored, transportation related
52 construction projects, the corporation shall establish a small business
53 [and], minority-owned, SERVICE RELATED DISABLED VETERAN-OWNED and
54 women-owned business enterprise transportation capital assistance
55 revolving loan fund which shall provide loans or loan guarantees to
56 small business [and], minority-owned, SERVICE RELATED DISABLED VETERAN-

1 OWNED and women-owned business enterprises. For purposes of this
2 section:

3 Such loans, or loan guarantees for loans made by federally and state
4 chartered credit institutions, financial institutions, and federally
5 insured banking organizations to small business [and], minority-owned,
6 SERVICE RELATED DISABLED VETERAN-OWNED and women-owned business enter-
7 prises, shall be used to:

8 (a) To be eligible for such loans or loan guarantees (i) a minority-
9 owned, SERVICE RELATED DISABLED VETERAN-OWNED or women-owned business
10 enterprise must be certified as a minority-owned, SERVICE RELATED DISA-
11 BLED VETERAN-OWNED or women-owned business enterprise pursuant to arti-
12 cle 15-A of the executive law; and (ii) a small business or a minority-
13 owned, SERVICE RELATED DISABLED VETERAN-OWNED or women-owned business
14 enterprise shall have a contract or sub-contract to provide goods or
15 services related to a government sponsored, transportation related
16 construction project.

17 4. The corporation shall give preference to minority-owned, SERVICE
18 RELATED DISABLED VETERAN-OWNED and women-owned business enterprises in
19 making such loans and loan guarantees and shall establish such other
20 criteria as it may deem necessary for this program and for any required
21 amount that shall be held in reserve for any guarantees made under this
22 program.

23 5. Notwithstanding any inconsistent provision of law, general, special
24 or local, including pursuant to capital projects budget appropriations
25 or reappropriations, where applicable, the corporation is hereby author-
26 ized to enter into such agreements as may be necessary for the operation
27 and administration of a small business [and], minority-owned, SERVICE
28 RELATED DISABLED VETERAN-OWNED and women-owned business enterprises
29 transportation capital assistance and guaranteed loan program.

30 S 41. This act shall take effect immediately; provided, however, that
31 the amendments to article 15-A of the executive law made by sections two
32 through six of this act shall not affect the expiration of such article
33 and shall be deemed to expire therewith; and provided, further that the
34 amendments to section 136-b of the state finance law made by section
35 seven of this act shall not affect the expiration of such section and
36 shall be deemed to expire therewith; and provided further that the
37 amendments to section 16-m of section 1 of chapter 174 of the laws of
38 1968, constituting the New York state urban development corporation act,
39 made by section thirty-seven of this act shall not affect the expiration
40 of such section and shall be deemed to expire therewith.