S T A T E O F N E W Y O R K

1130

2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

Introduced by Sens. PERKINS, BRESLIN, DIAZ, DILAN, DUANE, HASSELL-THOMPSON, C. JOHNSON, KLEIN, KRUEGER, KRUGER, MONTGOMERY, ONORATO, OPPENHEIMER, PARKER, SAMPSON, SAVINO, SCHNEIDERMAN, SERRANO, SMITH, THOMPSON, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to authorizing a study on the minority and women-owned business enterprise programs

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

Section 1. The executive law is amended by adding a new section 312-b to read as follows:

S 312-B. STUDY OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAMS. 1. THE DIRECTOR OF THE DIVISION OF MINORITY AND WOMEN-OWNED BUSINESS DEVELOPMENT IN THE DEPARTMENT OF ECONOMIC DEVELOPMENT IS AUTHORIZED AND DIRECTED TO COMMISSION A STATEWIDE DISPARITY STUDY REGARDING THE PARTICIPATION OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES IN STATE CONTRACTS SINCE THE ENACTMENT OF THIS ARTICLE. THE STUDY SHALL BE PREPARED BY AN ENTITY INDEPENDENT OF THE DEPARTMENT AND SELECTED THROUGH A REQUEST FOR PROPOSAL PROCESS. THE PURPOSE OF SUCH STUDY IS TO DETERMINE WHETHER THERE IS A DISPARITY BETWEEN THE NUMBER OF QUALIFIED MINORITY AND WOMEN-OWNED BUSINESSES READY, WILLING AND ABLE TO PERFORM STATE CONTRACTS FOR COMMODITIES, SERVICES AND CONSTRUCTION, AND THE NUMBER OF SUCH CONTRACTORS ACTUALLY ENGAGED TO PERFORM SUCH CONTRACTS, AND TO DETERMINE WHAT CHANGES, IF ANY, SHOULD BE MADE TO STATE POLICIES AFFECTING MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES. SUCH STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO, AN ANALYSIS OF THE IMPACT OF COURT DECISIONS REGARDING THE USE OF QUOTAS AND SET-ASIDES AS A MEANS OF SECURING AND ENSURING PARTICIPATION BY MINORITIES AND WOMEN, AND A DISPARITY ANALYSIS BY MARKET AREA AND REGION OF THE STATE.

2. THE DIRECTOR OF THE DIVISION OF MINORITY AND WOMEN-OWNED BUSINESS DEVELOPMENT IS DIRECTED TO TRANSMIT THE DISPARITY STUDY TO THE GOVERNOR

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

LBD05459-01-9

AND THE LEGISLATURE NOT LATER THAN EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, AND TO POST THE STUDY ON THE WEBSITE OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT.

S 2. This act shall take effect immediately; provided, however, that the amendments to article 15-A of the executive law made by section one of this act shall not affect the expiration of such article and shall be deemed to expire therewith.