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

7314

I N S E N A T E

May 12, 2014

Introduced by Sen. HASSELL-THOMPSON -- 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 minority and women-owned business enterprise certification

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

Section 1. Section 310 of the executive law is amended by adding a new subdivision 23 to read as follows:

23. "PROVISIONAL MWBE CERTIFICATION" SHALL MEAN MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE CERTIFICATION STATUS WHICH SHALL NOT EXCEED ONE YEAR, BUT WHICH MAY BE RENEWED BY THE DIRECTOR.

S 2. Subdivision 4 of section 314 of the executive law, as added by section 2 of part BB of chapter 59 of the laws of 2006, is amended and a new subdivision 5 is added to read as follows:

4. [All certifications shall be valid for a period of three years.] THE DIRECTOR MAY, AFTER PERFORMING AN AVAILABILITY ANALYSIS AND UPON A FINDING THAT INDUSTRY-SPECIFIC FACTORS COUPLED WITH PERSONAL NET WORTH OR SMALL BUSINESS ELIGIBILITY REQUIREMENTS PURSUANT TO SUBDIVISIONS NINETEEN AND TWENTY OF SECTION THREE HUNDRED TEN OF THIS ARTICLE, RESPECTIVELY, HAVE LED TO THE SIGNIFICANT EXCLUSION OF BUSINESSES OWNED BY MINORITY GROUP MEMBERS OR WOMEN IN THAT INDUSTRY, GRANT PROVISIONAL MWBE CERTIFICATION STATUS TO APPLICANTS FROM THAT DESIGNATED INDUSTRY, PROVIDED, HOWEVER, THAT ALL OTHER ELIGIBILITY REQUIREMENTS PURSUANT TO SUBDIVISION SEVEN OR FIFTEEN OF SECTION THREE HUNDRED TEN OF THIS ARTICLE, AS APPLICABLE, ARE SATISFIED. ANY INDUSTRY-BASED DETERMINATION MADE UNDER THIS SECTION BY THE DIRECTOR SHALL BE MADE WIDELY AVAILABLE TO THE PUBLIC AND POSTED ON THE DIVISION'S WEBSITE.

5. WITH THE EXCEPTION OF PROVISIONAL MWBE CERTIFICATION, AS PROVIDED FOR IN SUBDIVISION TWENTY-THREE OF SECTION THREE HUNDRED TEN OF THIS ARTICLE, ALL CERTIFICATIONS SHALL BE VALID FOR A PERIOD OF THREE YEARS.

S 3. This act shall take effect immediately, provided, however, that the amendments to sections 310 and 314 of the executive law made by sections one and two of this act shall not affect the expiration of such sections and shall be deemed to expire therewith.

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

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