

4418

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 30, 2015

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Introduced by M. of A. KOLB, HAWLEY, GIGLIO, CORWIN, RAIA, TEDISCO,  
MALLIOTAKIS, LAVINE, CURRAN, STEC -- Multi-Sponsored by -- M. of A.  
McDONOUGH, SALADINO -- read once and referred to the Committee on  
Veterans' 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  
veteran owned business enterprises

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "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, VETERANS AND WOMEN WITH  
6     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 24 is added to read as follows:  
10    1. "Certified business" shall mean a business verified as a minority,  
11    HONORABLY DISCHARGED VETERAN or women-owned business enterprise pursuant  
12    to section three hundred fourteen of this article. FOR PURPOSES OF THIS  
13    SECTION "VETERAN DISCHARGED OR RELEASED UNDER CONDITIONS OTHER THAN  
14    DISHONORABLE" SHALL MEAN THOSE CONDITIONS DEFINED BY TITLE 38 CODE OF  
15    FEDERAL REGULATIONS SECTION 3.12.  
16    9. "Utilization plan" shall mean a plan prepared by a contractor and  
17    submitted in connection with a proposed state contract. The utilization  
18    plan shall identify certified minority, HONORABLY DISCHARGED VETERAN or

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

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women-owned business enterprises, if known, that have committed to perform work in connection with the proposed state contract as well as any such enterprises, if known, which the contractor intends to use in connection with the contractor's performance of the proposed state contract. The plan shall specifically contain a list, including the name, address and telephone number, of each certified enterprise with which the contractor intends to subcontract.

24. "HONORABLY DISCHARGED VETERAN OWNED BUSINESS ENTERPRISE" SHALL MEAN A BUSINESS ENTERPRISE, INCLUDING A SOLE PROPRIETORSHIP, PARTNERSHIP OR CORPORATION THAT IS:

(A) AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE UNITED STATES CITIZENS OR PERMANENT RESIDENT ALIENS WHO ARE HONORABLY DISCHARGED VETERANS;

(B) AN ENTERPRISE IN WHICH THE OWNERSHIP INTEREST OF SUCH HONORABLY DISCHARGED VETERANS IS REAL, SUBSTANTIAL AND CONTINUING;

(C) AN ENTERPRISE IN WHICH SUCH HONORABLY DISCHARGED VETERAN'S OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPENDENTLY THE DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE;

(D) AN ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE AND INDEPENDENTLY OWNED AND OPERATED.

(E) HONORABLY DISCHARGED VETERAN SHALL MEAN A PERSON WHO SERVED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE DURING A PERIOD OF WAR AS DEFINED IN PARAGRAPH (F) OF THIS SUBDIVISION, OR WHO WAS A RECIPIENT OF THE ARMED FORCES EXPEDITIONARY MEDAL, NAVY EXPEDITIONARY MEDAL, MARINE CORPS EXPEDITIONARY MEDAL, OR GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL, AND WHO WAS DISCHARGED OR RELEASED THEREFROM UNDER OTHER THAN DISHONORABLE CONDITIONS, AS DOCUMENTED ACCORDING TO RULES AND REGULATIONS OF THE DIVISION OF MILITARY AND NAVAL AFFAIRS.

(F) FOR THE PURPOSES OF THIS ARTICLE, SERVICE DURING TIME OF WAR IS DEFINED BY SECTION 3.2 OF TITLE 38 OF THE CODE OF FEDERAL REGULATIONS.

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

1. The head of the division of minority and women's business development shall be the director who shall be appointed by the governor and hold office at the pleasure of the commissioner. It shall be the duty of the director of the division of minority and women's business development to assist the governor in the formulation and implementation of laws and policies relating to minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises.

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

(d) to review periodically the practices and procedures of each contracting agency with respect to compliance with the provisions of this article, and to require them to file periodic reports with the division of minority and women's business development as to the level of minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises participation in the awarding of agency contracts for goods and services;

(e) on January first of each year report to the governor and the chairpersons of the senate finance and assembly ways and means committees on the level of minority, HONORABLY DISCHARGED VETERAN and women-

1 owned business enterprises participating in each agency's contracts for  
2 goods and services and on activities of the office and effort by each  
3 contracting agency to promote employment of minority group members,  
4 HONORABLY DISCHARGED VETERANS and women, and to promote and increase  
5 participation by certified businesses with respect to state contracts  
6 and subcontracts so as to facilitate the award of a fair share of state  
7 contracts to such businesses. The comptroller shall assist the division  
8 in collecting information on the participation of certified business for  
9 each contracting agency. Such report may recommend new activities and  
10 programs to effectuate the purposes of this article;

11 (f) to prepare and update periodically a directory of certified minor-  
12 ity, HONORABLY DISCHARGED VETERAN and women-owned business enterprises  
13 which shall, wherever practicable, be divided into categories of labor,  
14 services, supplies, equipment, materials and recognized construction  
15 trades and which shall indicate areas or locations of the state where  
16 such enterprises are available to perform services;

17 S 5. Section 313 of the executive law, as amended by chapter 175 of  
18 the laws of 2010, is amended to read as follows:

19 S 313. Opportunities for minority, HONORABLY DISCHARGED VETERAN and  
20 women-owned business enterprises. 1. Goals and requirements for agencies  
21 and contractors. Each agency shall structure procurement procedures for  
22 contracts made directly or indirectly to minority, HONORABLY DISCHARGED  
23 VETERAN and women-owned business enterprises, in accordance with the  
24 findings of the two thousand ten disparity study, consistent with the  
25 purposes of this article, to attempt to achieve the following results  
26 with regard to total annual statewide procurement:

27 (a) construction industry for certified minority-owned business enter-  
28 prises: fourteen and thirty-four hundredths percent;

29 (b) construction industry for certified women-owned business enter-  
30 prises: eight and forty-one hundredths percent;

31 (c) construction related professional services industry for certified  
32 minority-owned business enterprises: thirteen and twenty-one hundredths  
33 percent;

34 (d) construction related professional services industry for certified  
35 women-owned business enterprises: eleven and thirty-two hundredths  
36 percent;

37 (e) non-construction related services industry for certified minori-  
38 ty-owned business enterprises: nineteen and sixty hundredths percent;

39 (f) non-construction related services industry for certified women-  
40 owned business enterprises: seventeen and forty-four hundredths percent;

41 (g) commodities industry for certified minority-owned business enter-  
42 prises: sixteen and eleven hundredths percent;

43 (h) commodities industry for certified women-owned business enter-  
44 prises: ten and ninety-three hundredths percent;

45 (i) overall agency total dollar value of procurement for certified  
46 minority-owned business enterprises: sixteen and fifty-three hundredths  
47 percent;

48 (j) overall agency total dollar value of procurement for certified  
49 women-owned business enterprises: twelve and thirty-nine hundredths  
50 percent; and

51 (k) overall agency total dollar value of procurement for certified  
52 minority, women-owned business enterprises: twenty-eight and ninety-two  
53 hundredths percent.

54 1-a. The director shall ensure that each state agency has been  
55 provided with a copy of the two thousand ten disparity study.

1 1-b. Each agency shall develop and adopt agency-specific goals based  
2 on the findings of the two thousand ten disparity study.

3 2. The director shall promulgate rules and regulations pursuant to the  
4 goals established in subdivision one of this section that provide meas-  
5 ures and procedures to ensure that certified minority, HONORABLY  
6 DISCHARGED VETERAN and women-owned businesses shall be given the oppor-  
7 tunity for maximum feasible participation in the performance of state  
8 contracts and to assist in the agency's identification of those state  
9 contracts for which minority, HONORABLY DISCHARGED VETERAN and women-  
10 owned certified businesses may best bid to actively and affirmatively  
11 promote and assist their participation in the performance of state  
12 contracts so as to facilitate the agency's achievement of the maximum  
13 feasible portion of the goals for state contracts to such businesses.

14 2-a. The director shall promulgate rules and regulations that will  
15 accomplish the following:

16 (a) provide for the certification and decertification of minority,  
17 HONORABLY DISCHARGED VETERAN and women-owned business enterprises for  
18 all agencies through a single process that meets applicable require-  
19 ments;

20 (b) require that each contract solicitation document accompanying each  
21 solicitation set forth the expected degree of minority, HONORABLY  
22 DISCHARGED VETERAN and women-owned business enterprise participation  
23 based, in part, on:

24 (i) the potential subcontract opportunities available in the prime  
25 procurement contract; and

26 (ii) the availability, as contained within the study, of certified  
27 minority, HONORABLY DISCHARGED VETERAN and women-owned business enter-  
28 prises to respond competitively to the potential subcontract opportu-  
29 nities;

30 (c) require that each agency provide a current list of certified  
31 minority business enterprises to each prospective contractor;

32 (d) allow a contractor that is a certified minority-owned, HONORABLY  
33 DISCHARGED VETERAN-OWNED or women-owned business enterprise to use the  
34 work it performs to meet requirements for use of certified minority-  
35 owned, HONORABLY DISCHARGED VETERAN-OWNED or women-owned business enter-  
36 prises as subcontractors;

37 (e) provide for joint ventures, which a bidder may count toward meet-  
38 ing its minority, HONORABLY DISCHARGED VETERAN and women-owned business  
39 enterprise participation;

40 (f) consistent with subdivision six of this section, provide for  
41 circumstances under which an agency may waive obligations of the  
42 contractor relating to minority, HONORABLY DISCHARGED VETERAN and  
43 women-owned business enterprise participation;

44 (g) require that an agency verify that minority, HONORABLY DISCHARGED  
45 VETERAN and women-owned business enterprises listed in a successful bid  
46 are actually participating to the extent listed in the project for which  
47 the bid was submitted;

48 (h) provide for the collection of statistical data by each agency  
49 concerning actual minority, HONORABLY DISCHARGED VETERAN and women-owned  
50 business enterprise participation; and

51 (i) require each agency to consult the most current disparity study  
52 when calculating agency-wide and contract specific participation goals  
53 pursuant to this article.

54 3. Solely for the purpose of providing the opportunity for meaningful  
55 participation by certified businesses in the performance of state  
56 contracts as provided in this section, state contracts shall include

1 leases of real property by a state agency to a lessee where: the terms  
2 of such leases provide for the construction, demolition, replacement,  
3 major repair or renovation of real property and improvements thereon by  
4 such lessee; and the cost of such construction, demolition, replacement,  
5 major repair or renovation of real property and improvements thereon  
6 shall exceed the sum of one hundred thousand dollars. Reports to the  
7 director pursuant to section three hundred fifteen of this article shall  
8 include activities with respect to all such state contracts. Contracting  
9 agencies shall include or require to be included with respect to state  
10 contracts for the acquisition, construction, demolition, replacement,  
11 major repair or renovation of real property and improvements thereon,  
12 such provisions as may be necessary to effectuate the provisions of this  
13 section in every bid specification and state contract, including, but  
14 not limited to: (a) provisions requiring contractors to make a good  
15 faith effort to solicit active participation by enterprises identified  
16 in the directory of certified businesses provided to the contracting  
17 agency by the office; (b) requiring the parties to agree as a condition  
18 of entering into such contract, to be bound by the provisions of section  
19 three hundred sixteen of this article; and (c) requiring the contractor  
20 to include the provisions set forth in paragraphs (a) and (b) of this  
21 subdivision in every subcontract in a manner that the provisions will be  
22 binding upon each subcontractor as to work in connection with such  
23 contract. Provided, however, that no such provisions shall be binding  
24 upon contractors or subcontractors in the performance of work or the  
25 provision of services that are unrelated, separate or distinct from the  
26 state contract as expressed by its terms, and nothing in this section  
27 shall authorize the director or any contracting agency to impose any  
28 requirement on a contractor or subcontractor except with respect to a  
29 state contract.

30 4. In the implementation of this section, the contracting agency shall  
31 (a) consult the findings contained within the disparity study evidencing  
32 relevant industry specific availability of certified businesses;

33 (b) implement a program that will enable the agency to evaluate each  
34 contract to determine the appropriateness of the goal pursuant to subdivi-  
35 sion one of this section;

36 (c) consider where practicable, the severability of construction  
37 projects and other bundled contracts; and

38 (d) consider compliance with the requirements of any federal law  
39 concerning opportunities for minority, HONORABLY DISCHARGED VETERAN and  
40 women-owned business enterprises which effectuates the purpose of this  
41 section. The contracting agency shall determine whether the imposition  
42 of the requirements of any such law duplicate or conflict with the  
43 provisions hereof and if such duplication or conflict exists, the  
44 contracting agency shall waive the applicability of this section to the  
45 extent of such duplication or conflict.

46 5. (a) Contracting agencies shall administer the rules and regulations  
47 promulgated by the director in a good faith effort to meet the maximum  
48 feasible portion of the agency's goals adopted pursuant to this article  
49 and the regulations of the director. Such rules and regulations: shall  
50 require a contractor to submit a utilization plan after bids are opened,  
51 when bids are required, but prior to the award of a state contract;  
52 shall require the contracting agency to review the utilization plan  
53 submitted by the contractor and to post the utilization plan and any  
54 waivers of compliance issued pursuant to subdivision six of this section  
55 on the website of the contracting agency within a reasonable period of  
56 time as established by the director; shall require the contracting agen-

1 cy to notify the contractor in writing within a period of time specified  
2 by the director as to any deficiencies contained in the contractor's  
3 utilization plan; shall require remedy thereof within a period of time  
4 specified by the director; shall require the contractor to submit peri-  
5 odic compliance reports relating to the operation and implementation of  
6 any utilization plan; shall not allow any automatic waivers but shall  
7 allow a contractor to apply for a partial or total waiver of the minori-  
8 ty, HONORABLY DISCHARGED VETERAN and women-owned business enterprise  
9 participation requirements pursuant to subdivisions six and seven of  
10 this section; shall allow a contractor to file a complaint with the  
11 director pursuant to subdivision eight of this section in the event a  
12 contracting agency has failed or refused to issue a waiver of the minor-  
13 ity, HONORABLY DISCHARGED VETERAN and women-owned business enterprise  
14 participation requirements or has denied such request for a waiver; and  
15 shall allow a contracting agency to file a complaint with the director  
16 pursuant to subdivision nine of this section in the event a contractor  
17 is failing or has failed to comply with the minority, HONORABLY  
18 DISCHARGED VETERAN and women-owned business enterprise participation  
19 requirements set forth in the state contract where no waiver has been  
20 granted.

21 (b) The rules and regulations promulgated pursuant to this subdivision  
22 regarding a utilization plan shall provide that where enterprises have  
23 been identified within a utilization plan, a contractor shall attempt,  
24 in good faith, to utilize such enterprise at least to the extent indi-  
25 cated. A contracting agency may require a contractor to indicate, within  
26 a utilization plan, what measures and procedures he or she intends to  
27 take to comply with the provisions of this article, but may not require,  
28 as a condition of award of, or compliance with, a contract that a  
29 contractor utilize a particular enterprise in performance of the  
30 contract.

31 (c) Without limiting other grounds for the disqualification of bids or  
32 proposals on the basis of non-responsibility, a contracting agency may  
33 disqualify the bid or proposal of a contractor as being non-responsible  
34 for failure to remedy notified deficiencies contained in the contrac-  
35 tor's utilization plan within a period of time specified in regulations  
36 promulgated by the director after receiving notification of such defi-  
37 ciencies from the contracting agency. Where failure to remedy any noti-  
38 fied deficiency in the utilization plan is a ground for disqualifica-  
39 tion, that issue and all other grounds for disqualification shall be  
40 stated in writing by the contracting agency. Where the contracting agen-  
41 cy states that a failure to remedy any notified deficiency in the utili-  
42 zation plan is a ground for disqualification the contractor shall be  
43 entitled to an administrative hearing, on a record, involving all  
44 grounds stated by the contracting agency. Such hearing shall be  
45 conducted by the appropriate authority of the contracting agency to  
46 review the determination of disqualification. A final administrative  
47 determination made following such hearing shall be reviewable in a  
48 proceeding commenced under article seventy-eight of the civil practice  
49 law and rules, provided that such proceeding is commenced within thirty  
50 days of the notice given by certified mail return receipt requested  
51 rendering such final administrative determination. Such proceeding shall  
52 be commenced in the supreme court, appellate division, third department  
53 and such proceeding shall be preferred over all other civil causes  
54 except election causes, and shall be heard and determined in preference  
55 to all other civil business pending therein, except election matters,  
56 irrespective of position on the calendar. Appeals taken to the court of

1 appeals of the state of New York shall be subject to the same prefer-  
2 ence.

3 6. Where it appears that a contractor cannot, after a good faith  
4 effort, comply with the minority, HONORABLY DISCHARGED VETERAN and  
5 women-owned business enterprise participation requirements set forth in  
6 a particular state contract, a contractor may file a written application  
7 with the contracting agency requesting a partial or total waiver of such  
8 requirements setting forth the reasons for such contractor's inability  
9 to meet any or all of the participation requirements together with an  
10 explanation of the efforts undertaken by the contractor to obtain the  
11 required minority, HONORABLY DISCHARGED VETERAN and women-owned business  
12 enterprise participation. In implementing the provisions of this  
13 section, the contracting agency shall consider the number and types of  
14 minority, HONORABLY DISCHARGED VETERAN and women-owned business enter-  
15 prises located in the region in which the state contract is to be  
16 performed, the total dollar value of the state contract, the scope of  
17 work to be performed and the project size and term. If, based on such  
18 considerations, the contracting agency determines there is not a reason-  
19 able availability of contractors on the list of certified business to  
20 furnish services for the project, it shall issue a waiver of compliance  
21 to the contractor. In making such determination, the contracting agency  
22 shall first consider the availability of other business enterprises  
23 located in the region and shall thereafter consider the financial abili-  
24 ty of minority, HONORABLY DISCHARGED VETERAN and women-owned businesses  
25 located outside the region in which the contract is to be performed to  
26 perform the state contract.

27 7. For purposes of determining a contractor's good faith effort to  
28 comply with the requirements of this section or to be entitled to a  
29 waiver therefrom the contracting agency shall consider:

30 (a) whether the contractor has advertised in general circulation  
31 media, trade association publications, and minority-focus, VETERAN-FOCUS  
32 and women-focus media and, in such event, (i) whether or not certified  
33 minority, HONORABLY DISCHARGED VETERAN or women-owned businesses which  
34 have been solicited by the contractor exhibited interest in submitting  
35 proposals for a particular project by attending a pre-bid conference;  
36 and

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

41 (b) whether there has been written notification to appropriate certi-  
42 fied businesses that appear in the directory of certified businesses  
43 prepared pursuant to paragraph (f) of subdivision three of section three  
44 hundred eleven of this article; and

45 (c) whether the contractor can reasonably structure the amount of work  
46 to be performed under subcontracts in order to increase the likelihood  
47 of participation by certified businesses.

48 8. In the event that a contracting agency fails or refuses to issue a  
49 waiver to a contractor as requested within twenty days after having made  
50 application therefor pursuant to subdivision six of this section or if  
51 the contracting agency denies such application, in whole or in part, the  
52 contractor may file a complaint with the director pursuant to section  
53 three hundred sixteen of this article setting forth the facts and  
54 circumstances giving rise to the contractor's complaint together with a  
55 demand for relief. The contractor shall serve a copy of such complaint  
56 upon the contracting agency by personal service or by certified mail,

1 return receipt requested. The contracting agency shall be afforded an  
2 opportunity to respond to such complaint in writing.

3 9. If, after the review of a contractor's minority, HONORABLY  
4 DISCHARGED VETERAN and women owned business utilization plan or review  
5 of a periodic compliance report and after such contractor has been  
6 afforded an opportunity to respond to a notice of deficiency issued by  
7 the contracting agency in connection therewith, it appears that a  
8 contractor is failing or refusing to comply with the minority, HONORABLY  
9 DISCHARGED VETERAN and women-owned business participation requirements  
10 as set forth in the state contract and where no waiver from such  
11 requirements has been granted, the contracting agency may file a written  
12 complaint with the director pursuant to section three hundred sixteen of  
13 this article setting forth the facts and circumstances giving rise to  
14 the contracting agency's complaint together with a demand for relief.  
15 The contracting agency shall serve a copy of such complaint upon the  
16 contractor by personal service or by certified mail, return receipt  
17 requested. The contractor shall be afforded an opportunity to respond to  
18 such complaint in writing.

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

21 S 317. Superseding effect of article with respect to state law. The  
22 provisions of this article shall supersede any other provision of state  
23 law, which expressly implements or mandates an equal employment opportu-  
24 nity program or a program for securing participation by minority, HONOR-  
25 ABLY DISCHARGED VETERAN and women-owned business enterprises, concerning  
26 action to be taken by any party to a state contract, to which the  
27 provisions of this article apply; provided, however, that the provisions  
28 of any state law, not as hereinabove superseded, which expressly imple-  
29 ment or mandate such programs shall remain unimpaired by the provisions  
30 of this article, except that the provisions of any such law shall be  
31 construed as if the provisions of subdivisions five, six, seven and  
32 eight of section three hundred thirteen and section three hundred  
33 sixteen of this article were fully set forth therein and made applicable  
34 only to complaints of violations under such provisions of law occurring  
35 on or after September first, nineteen hundred eighty-eight; provided,  
36 further, that nothing contained in this article shall be construed to  
37 limit, impair, or otherwise restrict any state agency's authority or  
38 discretionary power in effect prior to the enactment of this article to  
39 establish or continue, by rule, regulation or resolution, an equal  
40 opportunity program or a program for securing participation of minority,  
41 HONORABLY DISCHARGED VETERAN and women-owned business enterprises with  
42 regard to banking relationships, the issuance of insurance policies or  
43 contracts for the sale of bonds, notes or other securities; and,  
44 provided further, that nothing contained in the immediately preceding  
45 proviso shall be construed to create, impair, alter, limit, modify,  
46 enlarge, abrogate or restrict any agency's authority or discretionary  
47 power with respect to an equal opportunity program or a program for  
48 securing participation of minority, HONORABLY DISCHARGED VETERAN and  
49 women-owned enterprises.

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

52 S 136-b. Selection of underwriters by state agencies. Whenever a state  
53 agency, as defined in article fifteen-A of the executive law, sells its  
54 bonds, notes or other securities at a private sale, in selecting one or  
55 more underwriters to purchase such securities the state agency shall  
56 consider, among other things, the participation of firms certified



1 pursuant to such article as minority, HONORABLY DISCHARGED VETERAN or  
2 women-owned firms and the ability of other firms under consideration to  
3 work with minority, HONORABLY DISCHARGED VETERAN and women-owned busi-  
4 ness enterprises so as to promote and assist participation by such  
5 enterprises.

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

9 (b) include in all bid documents provided to potential bidders a  
10 statement that information concerning the availability of New York state  
11 subcontractors and suppliers is available from the New York state  
12 department of economic development, which shall include the directory of  
13 certified minority and women-owned businesses, and it is the policy of  
14 New York state to encourage the use of New York state subcontractors and  
15 suppliers, and to promote the participation of minority, HONORABLY  
16 DISCHARGED VETERAN and women-owned businesses, where possible, in the  
17 procurement of goods and services.

18 (d) adopt policies to promote the participation by New York state  
19 business enterprises and New York state residents in procurement  
20 contracts, with the cooperation of the department of economic develop-  
21 ment and the community services division of the department of labor  
22 including, but not limited to, providing through cooperative efforts  
23 with contractors for the notification of New York state business enter-  
24 prises of opportunities to participate as subcontractors and suppliers  
25 on procurement contracts in an amount estimated to be equal to or great-  
26 er than one million dollars and for the notification of New York state  
27 residents of employment opportunities arising in New York state out of  
28 procurement contracts in an amount estimated to be equal to or greater  
29 than one million dollars; and promulgating procedures which will assure  
30 compliance by contractors with such notification. Once awarded the  
31 contract, such contractors shall document their efforts to encourage the  
32 participation of New York state business enterprises as suppliers and  
33 subcontractors on procurement contracts equal to or greater than one  
34 million dollars. Documented efforts by a successful contractor shall  
35 consist of and be limited to showing that such contractor has [(a)] (I)  
36 solicited bids, in a timely and adequate manner, from New York state  
37 business enterprises including certified minority, HONORABLY DISCHARGED  
38 VETERAN and women-owned business, or [(b)] (II) contacted the New York  
39 state department of economic development to obtain listings of New York  
40 state business enterprises, or [(c)] (III) placed notices for subcon-  
41 tractors and suppliers in newspapers, journals and other trade publica-  
42 tions distributed in New York state, or [(d)] (IV) participated in  
43 bidder outreach conferences. If the contractor determines that New York  
44 state business enterprises are not available to participate on the  
45 contract as subcontractors or suppliers, the contractor shall provide a  
46 statement indicating the method by which such determination was made. If  
47 the contractor does not intend to use subcontractors on the contract,  
48 the contractor shall provide a statement verifying such intent. Such  
49 contractors shall also provide notification to New York state residents  
50 of employment opportunities through listing any such positions with the  
51 community services division, or providing for such notification in such  
52 manner as is consistent with existing collective bargaining contracts or  
53 agreements. On or before the effective date of this section, each state  
54 agency or department shall submit such policies to the division of the  
55 budget and copies thereof to the department of audit and control, the

department of economic development, the senate finance committee and the assembly ways and means committee.

S 9. Subdivision 5, paragraph (e) of subdivision 11, paragraph (e) of subdivision 12 and paragraph (a) of subdivision 16 of section 213 of the state finance law, subdivision 5, paragraph (e) of subdivision 11 and paragraph (e) of subdivision 12 as added by chapter 705 of the laws of 1993 and paragraph (a) of subdivision 16 as amended by section 2 of part HH of chapter 59 of the laws of 2013, are amended to read as follows:

5. "Certified [minority-] MINORITY, HONORABLY DISCHARGED VETERAN or women-owned business" means any [minority-] MINORITY, HONORABLY DISCHARGED VETERAN or women-owned business enterprise as defined in section three hundred ten of the executive law and certified pursuant to section three hundred fourteen of the executive law.

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

(e) for certified [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned businesses, projects to provide financing necessary to carry out a procurement contract with an agency or authority or other entity of the state or federal government.

(a) for a linked deposit made in connection with a linked loan to a certified business in an empire zone or to an eligible business located in a highly distressed area or to an eligible business that is defined in paragraph (b-1) of subdivision eleven of this section that is located in a renewal community or defined in paragraph (b-2) of such subdivision that is located in an empowerment zone or defined in paragraph (b-3) of such subdivision that is located in an enterprise community, or a qualifying technology or innovation business as defined in paragraph (g) of subdivision eleven of this section, respectively for eligible projects defined in paragraph (c) of subdivision twelve of this section or a certified [minority-] MINORITY, HONORABLY DISCHARGED VETERAN or women-owned business enterprise for an eligible project defined in paragraph (e) of subdivision twelve of this section or to a defense industry manufacturer for a project defined in paragraph (d) of subdivision twelve of this section, a fixed rate of interest which is three hundred basis points below the lender's posted four year certificate of deposit rate or, if the lender does not offer a four year certificate of deposit, is three hundred basis points below the average statewide rate for four year certificates of deposit as determined by the commissioner of economic development;

S 10. Subdivision 1 of section 218 of the state finance law, as amended by section 1 of part U of chapter 58 of the laws of 2012, is amended to read as follows:

1. Linked loans made to certified businesses in empire zones or to eligible businesses in highly distressed areas or to eligible businesses that are defined in paragraph (b-1) of subdivision eleven of section two hundred thirteen of this article that are located in a renewal community or defined in paragraph (b-2) of such subdivision that are located in an empowerment zone or defined in paragraph (b-3) of such subdivision that are located in an enterprise community, respectively for eligible projects defined in paragraph (c) of subdivision twelve of section two hundred thirteen of this article or to [minority-] MINORITY, HONORABLY DISCHARGED VETERAN or women-owned business enterprises for an eligible project defined in paragraph (e) of subdivision twelve of section two hundred thirteen of this article or to a defense industry manufacturer

1 for a project defined in paragraph (d) of subdivision twelve of section  
2 two hundred thirteen of this article or to an eligible business pursuant  
3 to paragraph (a) of subdivision eleven of section two hundred thirteen  
4 of this article that produces products defined in subdivision two of  
5 section three hundred one of the agriculture and markets law for an  
6 eligible project as defined in paragraph (b) of subdivision twelve of  
7 section two hundred thirteen of this article shall bear interest at a  
8 fixed rate equal to three percentage points below the fixed interest  
9 rate the lender would have charged for the loan in the absence of a  
10 linked deposit based on its usual credit considerations. All other  
11 linked loans shall bear interest at a fixed rate equal to two percentage  
12 points below the fixed interest rate the lender would have charged for  
13 the loan in the absence of a linked deposit based on its usual credit  
14 considerations. Lenders shall certify to the commissioner of economic  
15 development that the rate to be charged on a linked loan is two percent-  
16 age points or three percentage points, as the case may be, below the  
17 interest rate the lender would have charged for the loan in the absence  
18 of a linked deposit.

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

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

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

45 (ii) In order to implement the requirements and objectives of this  
46 section, the council shall request, as appropriate, the assistance of  
47 other state agencies to monitor the contractors' compliance with  
48 provisions hereof, provide assistance in obtaining competing qualified  
49 minority, HONORABLY DISCHARGED VETERAN and women-owned business enter-  
50 prises to perform contracts proposed to be awarded, and take other  
51 appropriate measures to improve the access of minority, HONORABLY  
52 DISCHARGED VETERAN and women-owned business enterprises to these  
53 contracts.

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

2. "Technical assistance" shall mean assistance and services designed to improve the efficiency, effectiveness and viability of a minority, HONORABLY DISCHARGED VETERAN or women-owned business enterprise, including, but not limited to, management assistance, problem solving, the development of business and marketing plans, market analysis, financial planning, regulatory compliance, safety and security measures, export assistance, procurement assistance, application assistance, state program assistance, referral to private and public financing sources, contracting assistance, and other forms of assistance which the commissioner deems necessary and appropriate.

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

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

1. Coordinate with all state agencies performing functions affecting the operations of minority business enterprises, HONORABLY DISCHARGED VETERAN OWNED BUSINESS ENTERPRISES and women-owned business enterprises, as such terms are defined in section two hundred ten of this chapter;

2. Receive complaints and inquiries of operators of minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises and refer them to the appropriate federal, state or local agency for appropriate action on such complaints;

3. Solicit recommendations from the operators of minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises for improving existing state programs and refer such recommendations to the governor, the legislature and appropriate state agencies or authorities;

4. Advise and make recommendations to the commissioner and the legislature on matters affecting the minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises of the state and promote and encourage the protection of the legitimate interests of minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises within the state;

5. Conduct investigations, research, studies and analyses of matters affecting the interests of minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises;

6. Study the implementation of the laws affecting minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises and recommend to the commissioner new laws and amendments of laws for the benefit of minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises; and review pending legislation affecting minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises and report its findings to the commissioner;

7. Provide technical assistance and information to minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises in the state on economic development programs administered by the department, including, but not limited to: (a) the empire zones program, established pursuant to article eighteen-B of the general municipal law, (b) the industrial effectiveness program, established pursuant to article seven of this chapter, (c) the economic development skills training program, established pursuant to article eight of this chapter, and (d) the entrepreneurial assistance program, established pursuant to article nine of this chapter;

1 8. Provide technical assistance and information to minority, HONORABLY  
2 DISCHARGED VETERAN and women-owned business enterprises in the state on  
3 economic development programs administered by agencies other than the  
4 department, including, but not limited to programs administered by the  
5 urban development corporation, the job development authority and the  
6 science and technology foundation;

7 9. Be responsible for conducting minority, HONORABLY DISCHARGED VETER-  
8 AN and women-owned business enterprise assistance programs and for coor-  
9 dinating the activities of all other state agencies acting within the  
10 scope of this section; and

11 10. Carry out the activities to implement the minority, HONORABLY  
12 DISCHARGED VETERAN and women-owned business enterprise assistance  
13 programs, to the extent practicable, within amounts appropriated there-  
14 for by[;]:

15 (a) collecting and maintaining information identifying certified  
16 minority, HONORABLY DISCHARGED VETERAN and women-owned business enter-  
17 prises within New York state;

18 (b) collecting, maintaining, and providing information to potential  
19 users identifying existing contracting and procurement opportunities  
20 within and outside New York state;

21 (c) maintaining, providing and marketing a compilation of existing  
22 programs providing assistance for minority, HONORABLY DISCHARGED VETERAN  
23 and women-owned business enterprises;

24 (d) identifying special needs and problems facing minority, HONORABLY  
25 DISCHARGED VETERAN and women-owned business enterprises within New York  
26 state;

27 (e) contacting institutions, organizations and commercial enterprises  
28 that are potential consumers of minority, HONORABLY DISCHARGED VETERAN  
29 and women-owned business products and services; urging their expanded  
30 consumption of such goods and services;

31 (f) facilitating the establishment of minority, HONORABLY DISCHARGED  
32 VETERAN and women-owned business enterprises; and

33 (g) providing information concerning local and regional opportunities  
34 for minority, HONORABLY DISCHARGED VETERAN and women-owned business  
35 enterprises.

36 S 14. Section 210 of the economic development law is amended by  
37 adding a new subdivision 7 to read as follows:

38 7. "HONORABLY DISCHARGED VETERAN OWNED BUSINESS ENTERPRISE" MEANS THE  
39 SAME AS DEFINED IN SUBDIVISION TWENTY-FOUR OF SECTION THREE HUNDRED TEN  
40 OF THE EXECUTIVE LAW.

41 S 15. Paragraphs (b) and (i) of subdivision 1 of section 231 of the  
42 economic development law, as amended by chapter 352 of the laws of 2009,  
43 are amended to read as follows:

44 (b) to provide outreach to businesses, with attention to small and  
45 medium-sized businesses, including minority, HONORABLY DISCHARGED VETER-  
46 AN and women-owned business enterprises, for financial and technical  
47 assistance offered by state economic development agencies, authorities,  
48 or other economic entities;

49 (i) to provide information and assistance in the certification of  
50 minority, HONORABLY DISCHARGED VETERAN and women-owned business enter-  
51 prises;

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

54 S 52-0113. Minority, HONORABLY DISCHARGED VETERAN and women-owned busi-  
55 ness enterprise program.

1 1. a. In the performance of projects pursuant to this article  
2 minority, HONORABLY DISCHARGED VETERAN and women-owned business enter-  
3 prises shall be given the opportunity for meaningful participation. The  
4 department or the office shall establish measures and procedures to  
5 secure meaningful participation and identify those contracts and items  
6 of work for which minority, HONORABLY DISCHARGED VETERAN and women-owned  
7 business enterprises may best bid to actively and affirmatively promote  
8 and assist their participation in the projects, so as to facilitate the  
9 award of a fair share of contracts to such enterprises; provided, howev-  
10 er, that nothing in this article shall be construed to limit the ability  
11 of the department or office to assure that qualified minority, HONORABLY  
12 DISCHARGED VETERAN and women-owned business enterprises may participate  
13 in the program.

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

34 b. In the implementation of this section, the department or the office  
35 shall consider compliance by any contractor with the requirements of any  
36 federal, state, or local law concerning minority, HONORABLY DISCHARGED  
37 VETERAN and women-owned business enterprises, which may effectuate the  
38 requirements of this section. If the department or the office determines  
39 that by virtue of the imposition of the requirements of any such law, in  
40 respect to capital project contracts, the provisions thereof duplicate  
41 or conflict with such law, the department may waive the applicability of  
42 this section to the extent of such duplication or conflict.

43 c. Nothing in this section shall be deemed to require that overall  
44 state and federal requirements for participation of minority, HONORABLY  
45 DISCHARGED VETERAN and women-owned business enterprises in programs  
46 authorized under this article be applied without regard to local circum-  
47 stances to all projects or in all communities.

48 2. In order to implement the requirements and objectives of this  
49 section, the department and the office shall establish procedures to  
50 monitor the contractors' compliance with provisions hereof, provide  
51 assistance in obtaining competing qualified minority, HONORABLY  
52 DISCHARGED VETERAN and women-owned business enterprises to perform  
53 contracts proposed to be awarded, and take other appropriate measures to  
54 improve the access of minority, HONORABLY DISCHARGED VETERAN and women-  
55 owned business enterprises to these contracts.

1 S 17. Subparagraph (i) of paragraph (b), the opening paragraph of  
2 paragraph (c), paragraphs (i) and (j) and subparagraphs (ii) and (iii)  
3 of paragraph (n) of subdivision 3 of section 2879 of the public authori-  
4 ties law, subparagraph (i) of paragraph (b) as amended, paragraphs (i)  
5 and (j) as added, and subparagraphs (ii) and (iii) of paragraph (n) as  
6 relettered by chapter 174 of the laws of 2010 and paragraph (c) as  
7 amended by chapter 564 of the laws of 1988, are amended and a new para-  
8 graph (e-1) is added to read as follows:

9 (i) for the selection of such contractors on a competitive basis, and  
10 provisions relating to the circumstances under which the board may by  
11 resolution waive competition, including, notwithstanding any other  
12 provision of law requiring competition, the purchase of goods or  
13 services from small business concerns or those certified as minority,  
14 HONORABLY DISCHARGED VETERAN or women-owned business enterprises, or  
15 goods or technology that are recycled or remanufactured, in an amount  
16 not to exceed two hundred thousand dollars without a formal competitive  
17 process;

18 An identification of those areas or types of contracts for which  
19 minority, HONORABLY DISCHARGED VETERAN or women-owned business enter-  
20 prises may best bid so as to promote and assist participation by such  
21 enterprises and facilitate a fair share of the awarding of contracts to  
22 such enterprises. For the purposes of this section, a minority business  
23 enterprise means any business enterprise, including a sole proprietor-  
24 ship, partnership or corporation that is:

25 (i) The establishment of appropriate goals for participation by minor-  
26 ity, HONORABLY DISCHARGED VETERAN or women-owned business enterprises in  
27 procurement contracts awarded by the corporation and for the utilization  
28 of minority, HONORABLY DISCHARGED VETERAN and women-owned enterprises as  
29 subcontractors and suppliers by entities having procurement contracts  
30 with the corporation. Statewide numerical participation target goals  
31 shall be established by each authority based on the findings of the two  
32 thousand ten disparity study.

33 (j) Requirements to conduct procurements in a manner that will enable  
34 the corporation to achieve the maximum feasible portion of the goals  
35 established pursuant to paragraph (i) of this subdivision and that elim-  
36 inates barriers to participation by minority, HONORABLY DISCHARGED  
37 VETERAN and women-owned business enterprises in the corporation's  
38 procurements. Such procurement requirements shall include the following:

39 (A) Measures and procedures to ensure that certified businesses shall  
40 be given the opportunity for maximum feasible participation in the  
41 performance of state contracts and to assist in the corporation's iden-  
42 tification of those state contracts for which certified businesses may  
43 best bid to actively and affirmatively promote and assist their partic-  
44 ipation in the performance of state contracts so as to facilitate the  
45 corporation's achievement of the maximum feasible portion of the goals  
46 for state contracts to such businesses;

47 (B) Provisions designating the division of minority, HONORABLY  
48 DISCHARGED VETERAN and women-owned business development to certify and  
49 decertify minority, HONORABLY DISCHARGED VETERAN and women-owned busi-  
50 ness enterprises for all corporations through a single process that  
51 meets applicable state and federal requirements;

52 (C) A requirement that each contract solicitation document accompany-  
53 ing each solicitation set forth the expected degree of minority, HONOR-  
54 ABLY DISCHARGED VETERAN and women-owned business enterprise partic-  
55 ipation based, in part, on:

1 I. the potential subcontract opportunities available in the prime  
2 procurement contract; and

3 II. the availability of certified minority, HONORABLY DISCHARGED  
4 VETERAN and women-owned business enterprises to respond competitively to  
5 the potential subcontract opportunities;

6 (D) A requirement that each corporation provide a current list of  
7 certified minority business enterprises to each prospective contractor;

8 (E) Provisions relating to joint ventures, under which a bidder may  
9 count toward meeting its minority business enterprise participation  
10 goal, the minority, HONORABLY DISCHARGED VETERAN and women-owned busi-  
11 ness enterprise portion of the joint venture;

12 (F) Provisions under which the corporation may waive obligations of  
13 the contractor relating to minority, HONORABLY DISCHARGED VETERAN and  
14 women-owned business enterprise participation after a showing of good  
15 faith efforts to comply with the requirements of this act pursuant to  
16 the waiver provisions contained in subdivision six of section three  
17 hundred thirteen of the executive law;

18 (G) A requirement that the corporation verify that minority, HONORABLY  
19 DISCHARGED VETERAN and women-owned business enterprises listed in a  
20 successful bid are actually participating to the extent listed in the  
21 project for which the bid was submitted;

22 (H) In the implementation of this section, the contracting corporation  
23 shall:

24 I. consider, where practicable, the severability of construction  
25 projects and other bundled contracts;

26 II. implement a program that will enable the corporation to evaluate  
27 each contract to determine the appropriateness of the goal pursuant to  
28 paragraph (i) of this subdivision;

29 III. consider compliance with the requirements of any federal law  
30 concerning opportunities for minority, HONORABLY DISCHARGED VETERAN and  
31 women-owned business enterprises which effectuates the purpose of this  
32 section; and

33 IV. consult the most recent disparity study pursuant to article  
34 fifteen-A of the executive law.

35 (ii) with the cooperation of the department of economic development  
36 and through cooperative efforts with contractors, providing for the  
37 notification of New York state business enterprises of opportunities to  
38 participate as subcontractors and suppliers on procurement contracts let  
39 by the corporation in an amount estimated to be equal to or greater than  
40 one million dollars and promulgating procedures which will assure  
41 compliance by contractors with such notification. Once awarded the  
42 contract such contractors shall document their efforts to encourage the  
43 participation of New York state business enterprises as suppliers and  
44 subcontractors on procurement contracts equal to or greater than one  
45 million dollars. Documented efforts by a successful contractor shall  
46 consist of and be limited to showing that such contractor has (a) solic-  
47 ited bids, in a timely and adequate manner, from New York state business  
48 enterprises including certified minority, HONORABLY DISCHARGED VETERAN  
49 and women-owned business, or (b) contacted the New York state department  
50 of economic development to obtain listings of New York state business  
51 enterprises, or (c) placed notices for subcontractors and suppliers in  
52 newspapers, journals and other trade publications distributed in New  
53 York state, or (d) participated in bidder outreach conferences. If the  
54 contractor determines that New York state business enterprises are not  
55 available to participate on the contract as subcontractors or suppliers,  
56 the contractor shall provide a statement indicating the method by which



1 such determination was made. If the contractor does not intend to use  
2 subcontractors on the contract, the contractor shall provide a statement  
3 verifying such intent; and

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

15 (E-1) FOR PURPOSES OF THIS SECTION, "HONORABLY DISCHARGED VETERAN  
16 OWNED BUSINESS ENTERPRISE" MEANS THE SAME AS DEFINED IN SUBDIVISION  
17 TWENTY-FOUR OF SECTION THREE HUNDRED TEN OF THE EXECUTIVE LAW.

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

20 (U) "HONORABLY DISCHARGED VETERAN OWNED BUSINESS ENTERPRISE" SHALL  
21 MEAN THE SAME AS DEFINED IN SUBDIVISION TWENTY-FOUR OF SECTION THREE  
22 HUNDRED TEN OF THE EXECUTIVE LAW.

23 S 19. Subdivisions (g) and (t) of section 959 of the general municipal  
24 law, as amended by section 3 of part S-1 of chapter 57 of the laws of  
25 2009, are amended to read as follows:

26 (g) Coordinate, with the local empire zone administrative board and  
27 state agencies and authorities, the provision of business development  
28 programs and services for each empire zone in order to stimulate the  
29 creation and development of new small businesses, including new small  
30 minority-owned, HONORABLY DISCHARGED VETERAN-OWNED and women-owned busi-  
31 ness enterprises, and may request and shall receive from any department,  
32 division, board, bureau, commission, agency or public authority of the  
33 state such assistance as may be necessary;

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

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

51 (x) identify financial commitments the applicant will make to the zone  
52 for activities, including, but not limited to, marketing of the zone for  
53 business development, human resource services for zone residents and  
54 businesses, and services for small [and], minority, HONORABLY DISCHARGED  
55 VETERAN and women-owned businesses;

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

5 (j) a description of activities designed to ensure the meaningful  
6 participation of minority-owned, HONORABLY DISCHARGED VETERAN-OWNED and  
7 women-owned business enterprises in empire zone development activities;

8 S 22. Paragraphs (iii) and (xii) of subdivision (a) of section 963 of  
9 the general municipal law, as amended by chapter 708 of the laws of  
10 1993, as further amended by section 15 of part GG of chapter 63 of the  
11 laws of 2000 and as relettered by section 7 of part S-1 of chapter 57 of  
12 the laws of 2009, are amended to read as follows:

13 (iii) undertake efforts to ensure meaningful participation by minori-  
14 ty-owned, HONORABLY DISCHARGED VETERAN-OWNED and women-owned business  
15 enterprises in empire zone activities;

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

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

46 (c) Each empire zone capital corporation shall, to the maximum extent  
47 feasible, undertake measures and procedures to ensure meaningful partic-  
48 ipation by minority-owned, HONORABLY DISCHARGED VETERAN-OWNED and  
49 women-owned business enterprises in the activities and investments of  
50 such corporation. Each such corporation shall additionally, to the maxi-  
51 mum extent feasible, undertake measures and procedures to ensure mean-  
52 ingful participation by locally owned business enterprises in the activ-  
53 ities and investments of such corporation.

54 S 24. Subparagraph 7 of paragraph f of subdivision 3 of section 970-r  
55 of the general municipal law, as amended by section 1 of part F of chap-  
56 ter 577 of the laws of 2004, is amended to read as follows:

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

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

33. Notwithstanding any other provision of this article to the contrary, to participate in the [minority -] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business development and lending program, as established in section 16-c of section 1 of chapter 174 of the laws of 1968, constituting the urban development corporation act, to the extent that such program allows participation by credit unions.

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

S 9-b. Minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprise program. 1. (a) Minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises shall be given the opportunity for meaningful participation in all contracts executed by the corporation pursuant to the provisions of this act other than contracts the cost of which is borne solely by a municipality or municipalities. The corporation shall establish measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises may best bid to actively and affirmatively promote and assist their participation in the projects, so as to facilitate the award of a fair share of contracts to such enterprises; provided, however, that nothing in this act shall be construed to limit the ability of the corporation to assure that qualified minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises may participate in the program. For purposes hereof, minority business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident aliens who are Black, Hispanic, Asian or American Indian, Pacific Islander or Alaskan natives and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year; HONORABLY DISCHARGED VETERAN BUSINESS ENTERPRISE SHALL MEAN THE SAME AS DEFINED IN SUBDIVISION 24 OF SECTION 310 OF THE EXECUTIVE LAW; and women-owned business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident aliens who are women, and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year.

The provisions of this paragraph shall not be construed to limit the ability of any minority, HONORABLY DISCHARGED VETERAN or women-owned business enterprise to bid on any contract.

(b) In the implementation of this section, the corporation shall consider compliance by any contractor with the requirements of any federal, state, or local law concerning minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises, which may effectuate the

1 requirements of this section. If the corporation determines that by  
2 virtue of the imposition of the requirements of any such law, in respect  
3 to contracts, the provisions thereof duplicate or conflict with this  
4 section, the corporation may waive the applicability of this section to  
5 the extent of such duplication or conflict.

6 (c) Nothing in this section shall be deemed to require that overall  
7 state and federal requirements for participation of minority, HONORABLY  
8 DISCHARGED VETERAN and women-owned business enterprises in programs  
9 authorized under this act be applied without regard to local circum-  
10 stances to all projects or in all communities.

11 2. In order to implement the requirements and objectives of this  
12 section, the corporation shall establish procedures to monitor the  
13 contractors' compliance with provisions hereof, provide assistance in  
14 obtaining competing qualified minority, HONORABLY DISCHARGED VETERAN and  
15 women-owned business enterprises to perform contracts proposed to be  
16 awarded, and take other appropriate measures to improve the access of  
17 minority, HONORABLY DISCHARGED VETERAN and women-owned business enter-  
18 prises to these contracts.

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

23 S 16-b. Minority, HONORABLY DISCHARGED VETERAN and women-owned busi-  
24 ness enterprise program. 1. a. In the performance of projects pursuant  
25 to this act minority, HONORABLY DISCHARGED VETERAN and women-owned busi-  
26 ness enterprises shall be given the opportunity for meaningful partic-  
27 ipation. The agency shall establish measures and procedures to secure  
28 meaningful participation and identify those contracts and items of work  
29 for which minority, HONORABLY DISCHARGED VETERAN and women-owned busi-  
30 ness enterprises may best bid to actively and affirmatively promote and  
31 assist their participation in the projects, so as to facilitate the  
32 award of a fair share of contracts to such enterprises; provided, howev-  
33 er, that nothing in this act shall be construed to limit the ability of  
34 the agency to assure that qualified minority, HONORABLY DISCHARGED  
35 VETERAN and women-owned business enterprises may participate in the  
36 program. For purposes hereof, minority business enterprise shall mean  
37 any business enterprise which is at least fifty-one per centum owned by,  
38 or in the case of a publicly owned business, at least fifty-one per  
39 centum of the stock of which is owned by citizens or permanent resident  
40 aliens who are Black, Hispanic, Asian or American Indian, Pacific Islan-  
41 der or Alaskan natives and such ownership interest is real, substantial  
42 and continuing and have the authority to independently control the day  
43 to day business decisions of the entity for at least one year; HONORABLY  
44 DISCHARGED VETERAN BUSINESS ENTERPRISE SHALL MEAN THE SAME AS DEFINED IN  
45 SUBDIVISION 24 OF SECTION 310 OF THE EXECUTIVE LAW; and women-owned  
46 business enterprise shall mean any business enterprise which is at least  
47 fifty-one per centum owned by, or in the case of a publicly owned busi-  
48 ness, at least fifty-one per centum of the stock of which is owned by  
49 citizens or permanent resident aliens who are women, and such ownership  
50 interest is real, substantial and continuing and have the authority to  
51 independently control the day to day business decisions of the entity  
52 for at least one year.

53 The provisions of this paragraph shall not be construed to limit the  
54 ability of any minority, HONORABLY DISCHARGED VETERAN or women-owned  
55 business enterprise to bid on any contract.

b. In the implementation of this section, the agency shall consider compliance by any contractor with the requirements of any federal, state, or local law concerning minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises, which may effectuate the requirements of this section. If the department or the office determines that by virtue of the imposition of the requirements of any such law, in respect to contracts, the provisions thereof duplicate or conflict with this act, the agency may waive the applicability of this section to the extent of such duplication or conflict.

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

2. In order to implement the requirements and objectives of this section, the agency shall establish procedures to monitor the contractors' compliance with provisions hereof, provide assistance in obtaining competing qualified minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises to perform contracts proposed to be awarded, and take other appropriate measures to improve the access of minority, HONORABLY DISCHARGED VETERAN and women-owned business enterprises to these contracts.

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

(c) of minority, HONORABLY DISCHARGED VETERAN or women-owned enterprises or enterprises owned by dislocated workers, such workers as defined in the Workforce Investment Act (P.L. 105-220); and

S 29. Section 16-c of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by chapter 169 of the laws of 1994, subdivision 1 as amended by section 1 of part AA of chapter 55 of the laws of 2014, subparagraphs (i) and (ii) of paragraph (a) of subdivision 2 as further amended by section 15 of part GG of chapter 63 of the laws of 2000, is amended to read as follows:

S 16-c. [Minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business development and lending program.

(1) [Minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business development and lending program. (a) There is hereby created a [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business development and lending program for the purpose of providing financial and technical assistance to minority, HONORABLY DISCHARGED VETERAN and women-entrepreneurs.

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

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

(ii) "women-owned business enterprise" or "women-owned business" shall mean the same as "women-owned business enterprise" as defined in subdivision [five] 5 of section [two hundred ten] 210 of the economic development law.

(iii) "HONORABLY DISCHARGED VETERAN BUSINESS ENTERPRISE" SHALL MEAN THE SAME AS DEFINED IN SUBDIVISION 24 OF SECTION 310 OF THE EXECUTIVE LAW.

(IV) "incubator" shall mean a facility providing low-cost space, technical assistance and support services, including, but not limited to, central services shared by tenants of the facility, to [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business enterprises.

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

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

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

(iii) residential construction, renovation or development construction, except for assistance to minority, HONORABLY DISCHARGED VETERAN and women contractors under subdivision four of this section;

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

(v) hospitals or residential health care facilities;

(vi) overnight lodging facilities;

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

(d) The corporation is authorized to:

(i) establish programs in conjunction with locally, and community based entities to decentralize lending for small loans and loans to start up [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned businesses;

(ii) establish a comprehensive program for minority, HONORABLY DISCHARGED VETERAN and women contractors, which may include assistance through loans, bonding assistance and technical assistance;

(iii) establish a program to provide loans to established [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned businesses and for [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned businesses, including loans to such businesses seeking to acquire or expand a franchise;

(iv) provide loan guarantees to financial institutions and make linked deposits into federally and state chartered credit unions for the purpose of encouraging private financial institutions to make loans to [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned businesses;

(v) establish a program to create incubators to assist small and high risk [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned businesses to grow and prosper;

(vi) promote equity investment in [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned businesses;

(vii) establish a comprehensive technical assistance program in cooperation with the department of economic development to assist [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned businesses and potential minority, HONORABLY DISCHARGED VETERAN and women-entrepreneurs; and

(viii) notwithstanding any provision of law to the contrary, establish a [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business investment fund to provide critical financial support to foster the development of new and emerging ideas and products of [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business enterprises as well as to promote the long-term financial performance and success of early stage enterprises that are [minority-] MINORI-

1 TY, HONORABLY DISCHARGED VETERAN and women-owned start-ups. The  
2 selection of an eligible applicant and beneficiary companies for the  
3 [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned busi-  
4 ness investment fund shall be selected by the process established pursu-  
5 ant to subdivisions [two] 2 through [four] 4 of section [sixteen-u] 16-U  
6 of this act. [Minority-] MINORITY, HONORABLY DISCHARGED VETERAN or  
7 women-owned business enterprises who participate in such [minority-]  
8 MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business invest-  
9 ment fund under this subdivision shall not be precluded from qualifying  
10 for any other assistance, grant or loan made available from the state.

11 (2) Minority, HONORABLY DISCHARGED VETERAN and women revolving loan  
12 trust fund. For the purpose of establishing programs in conjunction with  
13 locally and community based entities to decentralize lending for small  
14 loans and loans to start up [minority-] MINORITY, HONORABLY DISCHARGED  
15 VETERAN and women-owned businesses, the corporation shall establish  
16 minority, HONORABLY DISCHARGED VETERAN and women revolving loan trust  
17 fund accounts and related administrative expenses trust fund accounts.

18 (a) Each minority, HONORABLY DISCHARGED VETERAN and women revolving  
19 loan trust fund account shall be administered by one or more of the  
20 following types of entities that provide services to community busi-  
21 nesses and have as one of their primary purposes the provision of  
22 services and assistance to [minority-] MINORITY, HONORABLY DISCHARGED  
23 VETERAN and women-owned businesses:

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

26 (ii) community-based local development corporations or industrial  
27 development agencies that serve a municipality in which an empire zone  
28 has been established pursuant to article [eighteen-B] 18-B of the gener-  
29 al municipal law and have as their primary purpose assistance to [minor-  
30 ity-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned businesses  
31 located or to be located in such empire zone; or

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

35 (b) To be eligible to administer a minority, HONORABLY DISCHARGED  
36 VETERAN and women revolving loan trust fund account, the entity must  
37 also: (i) have staff with sufficient expertise to analyze applications  
38 for financial assistance, to regularly monitor financial assistance to  
39 clients, and to provide management or technical assistance to clients;  
40 and (ii) have established a loan committee composed of six or more  
41 persons experienced in business management, commercial lending or in the  
42 operation of a for-profit business, at least one-half of whom shall be  
43 experienced in commercial lending, at least one-third of whom shall be  
44 minority persons and at least one-third of whom shall be women. Such  
45 loan committee shall review every application, determine the feasibility  
46 of the proposed project and the likelihood of repayment of the requested  
47 financing and shall recommend to the governing body of the entity such  
48 action on the application as the loan committee deems appropriate. The  
49 corporation shall identify entities eligible to administer minority,  
50 HONORABLY DISCHARGED VETERAN and women revolving loan trust fund  
51 accounts through a competitive statewide request for proposal process.

52 (c) Any entity selected to administer a minority, HONORABLY DISCHARGED  
53 VETERAN and women revolving loan trust fund account shall be eligible to  
54 draw funds from the account as needed to provide the following types of  
55 financial assistance to [minority-] MINORITY, HONORABLY DISCHARGED  
56 VETERAN and women-owned businesses upon certification to and acceptance

1 by the corporation that such assistance complies with rules and regu-  
2 lations promulgated by the corporation: (i) working capital loans,  
3 provided that the amount of the loan does not exceed thirty-five thou-  
4 sand dollars and the term of the loan does not exceed five years; and  
5 (ii) loans for the acquisition and/or improvement of real property and  
6 for the acquisition of machinery and equipment provided that the amount  
7 of the loan does not exceed fifty thousand dollars and the term of the  
8 loan does not exceed the useful life of the equipment or property.

9 (d) (i) Notwithstanding any provision of law to the contrary, the  
10 corporation may establish an administrative expenses trust fund account  
11 for the benefit of each entity selected to administer a minority, HONOR-  
12 ABLY DISCHARGED VETERAN and women revolving loan trust fund account. The  
13 initial deposit of funds to an administrative expenses trust fund  
14 account shall be an amount determined by the corporation but shall not  
15 exceed twenty-five thousand dollars.

16 (ii) An entity selected to administer a minority, HONORABLY DISCHARGED  
17 VETERAN and women revolving loan trust fund account may use the funds in  
18 the administrative expenses trust fund account for costs incurred by it  
19 in the start up and administration of the financial assistance program  
20 authorized pursuant to this subdivision.

21 (iii) The corporation shall deposit into each administrative expenses  
22 trust fund account:

23 (A) all income earned from the moneys on deposit in the corresponding  
24 minority, HONORABLY DISCHARGED VETERAN and women revolving loan trust  
25 fund account during the first year of the entity's administration of  
26 said account; and

27 (B) beginning with its second year in administering a minority, HONOR-  
28 ABLY DISCHARGED VETERAN and women revolving loan trust fund account,  
29 said amounts may be used for costs incurred by the entity in administer-  
30 ing the minority, HONORABLY DISCHARGED VETERAN and women revolving loan  
31 trust fund account; and

32 (C) repayments of interest on loans made from the corresponding minor-  
33 ity, HONORABLY DISCHARGED VETERAN and women revolving loan trust fund  
34 account.

35 (iv) Funds from the administrative expenses trust fund account may be  
36 used for costs incurred at any time by an administering entity in its  
37 administration of a minority, HONORABLY DISCHARGED VETERAN and women  
38 revolving loan trust fund account pursuant to this section.

39 (v) Funds deposited in an administrative expenses trust fund account  
40 shall be disbursed by the corporation to the entity that administers the  
41 corresponding minority, HONORABLY DISCHARGED VETERAN and women revolving  
42 loan trust fund account on a periodic basis and shall be expended by the  
43 entity in accordance with an annual budget and any updates of same,  
44 approved by the corporation.

45 (e) Any entity selected to administer a minority, HONORABLY DISCHARGED  
46 VETERAN and women revolving loan trust fund account shall pay to the  
47 corporation for deposit any repayments received in connection with  
48 financial assistance provided from its account. Payments consisting of  
49 the repayment of the principal amount of a loan shall be deposited by  
50 the corporation into the minority, HONORABLY DISCHARGED VETERAN and  
51 women revolving loan trust fund account from which the loan was made.  
52 The interest earned by the corporation from the investment of moneys in  
53 each minority, HONORABLY DISCHARGED VETERAN and women revolving loan  
54 trust fund account during and after the second year of a selected enti-  
55 ty's administration of said account shall be deposited by the corpo-  
56 ration into the corresponding minority, HONORABLY DISCHARGED VETERAN and



1 women revolving loan trust fund account and used to provide the finan-  
2 cial assistance to [minority-] MINORITY, HONORABLY DISCHARGED VETERAN  
3 and women-owned businesses as authorized pursuant to this section.

4 (f) The provisions of subdivisions eight, nine, and fourteen through  
5 nineteen of section sixteen-a of this act pertaining to the regional  
6 revolving loan trust fund shall also be applicable to the minority,  
7 HONORABLY DISCHARGED VETERAN and women revolving loan trust fund,  
8 provided that: where the term "regional corporation" appears therein it  
9 shall be interpreted to mean an entity selected to administer a  
10 minority, HONORABLY DISCHARGED VETERAN and women revolving loan trust  
11 fund account, and "regional revolving [loans] LOAN trust fund" shall  
12 mean a minority, HONORABLY DISCHARGED VETERAN and women revolving loan  
13 trust fund, and where the term "this section" appears therein it shall  
14 mean this section sixteen-c.

15 (g) The corporation may provide funds from an appropriation for the  
16 [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned busi-  
17 ness development and lending program to any entity selected to adminis-  
18 ter a minority, HONORABLY DISCHARGED VETERAN and women revolving loan  
19 trust fund for the purposes of recapitalizing such account and the enti-  
20 ty's corresponding administrative expenses trust fund account following  
21 an evaluation by the corporation of the entity's administration and use  
22 of such accounts.

23 (h) Notwithstanding any provision of law to the contrary, the corpo-  
24 ration shall establish a minority, HONORABLY DISCHARGED VETERAN and  
25 women revolving loan trust fund to pay into such fund any moneys made  
26 available to the corporation for such fund from any source, including  
27 moneys appropriated by the state and any income earned by, or increment  
28 to, the account due to the investment thereof, or any repayment of  
29 moneys advanced from the fund. The corporation shall not commingle the  
30 moneys of such fund with any moneys held in trust by the corporation,  
31 except for investment purposes.

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

35 (b) The corporation shall, pursuant to requests for proposals, enter  
36 into agreements for other types of locally, community or regionally  
37 administered loan programs than those set forth in subdivision two of  
38 this section, including micro-loan programs to be administered by local  
39 development corporations, local industrial development organizations,  
40 municipalities and not-for-profit organizations, to provide micro-loans  
41 to small and high risk [minority-] MINORITY, HONORABLY DISCHARGED VETER-  
42 AN and women-owned businesses located within their respective service  
43 areas, provided that loan review committees are established by such  
44 administering entity, including women, HONORABLY DISCHARGED VETERAN and  
45 minority persons experienced in business management, business develop-  
46 ment, commercial lending, entrepreneurship, or in the operation of a  
47 for-profit business.

48 (c) Agreements entered into pursuant to paragraph (b) of this subdivi-  
49 sion shall be governed by paragraphs (d) through (h) of subdivision two  
50 of this section, and minority, HONORABLY DISCHARGED VETERAN and women  
51 revolving loan trust fund accounts and administrative expenses trust  
52 fund accounts shall be established in a similar fashion for entities  
53 selected to administer micro-loan funds pursuant to this subdivision.

54 (4) Minority, HONORABLY DISCHARGED VETERAN and women contracting  
55 program. For the purpose of establishing a comprehensive program to  
56 assist minority, HONORABLY DISCHARGED VETERAN and women contractors, the

1 corporation may provide loans, loan guarantees, technical assistance and  
2 bonding assistance, the corporation may enter into cooperative agree-  
3 ments with cities, counties, municipalities, authorities, agencies,  
4 federally and state chartered credit unions in New York state and feder-  
5 ally insured banking organizations and financial institutions for such  
6 purposes.

7 (a) To be eligible for a contractor loan, the borrower must have  
8 either (i) a construction contract with, or a contract to provide goods  
9 or services to, a governmental entity or authority, (ii) a subcontract  
10 on a government-sponsored construction contract, (iii) a contract or  
11 subcontract on a [government sponsored] GOVERNMENT-SPONSORED residential  
12 project, or (iv) a contract or subcontract on a construction project  
13 previously approved by the corporation pursuant to section ten of this  
14 act.

15 (b) The corporation shall provide technical assistance specifically  
16 oriented to minority, HONORABLY DISCHARGED VETERAN and women-owned  
17 government contractors as part of its comprehensive technical assistance  
18 program.

19 (c) The corporation is authorized to provide assistance through the  
20 creation of, or assistance to, a minority, HONORABLY DISCHARGED VETERAN  
21 and women bonding guarantee program to enable minority, HONORABLY  
22 DISCHARGED VETERAN and women contractors and subcontractors to meet  
23 payment or performance bonding requirements.

24 (i) Through such program, assistance in the form of working capital  
25 loans and loan guarantees pursuant to subdivision six of this section  
26 may also be provided to minority, HONORABLY DISCHARGED VETERAN and women  
27 contractors and subcontractors who have secured contracts by participat-  
28 ing in the program.

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

34 (5) Direct financial assistance for [minority-] MINORITY, HONORABLY  
35 DISCHARGED VETERAN and women-owned businesses. For the purpose of estab-  
36 lishing a program to provide direct financial assistance to [minority-]  
37 MINORITY, HONORABLY DISCHARGED VETERAN and women-owned businesses, the  
38 corporation is authorized to provide assistance in the form of:

39 (a) Business development loans and loan guarantees pursuant to subdi-  
40 vision six of this section to eligible enterprises for the acquisition  
41 or improvement of real property, machinery, equipment or working capi-  
42 tal, provided that to be eligible for a business development loan, the  
43 borrowers must have been in business for at least three years and  
44 provided that the loans must be in an amount equal to or in excess of  
45 fifty thousand dollars;

46 (b) Franchise loans to eligible enterprises seeking to acquire or  
47 expand franchises of nationally recognized corporations, provided that  
48 disbursements by the corporation of such loans shall be conditioned on  
49 obtaining such franchises;

50 (c) Equity assistance for eligible minority, HONORABLY DISCHARGED  
51 VETERAN and women-owned enterprises to match equity contributions to  
52 such enterprises by financial institutions and community development  
53 equity capital funds, provided, however, that such assistance shall be  
54 targeted to start-up and early stage enterprises in the manufacturing,  
55 retail and service sectors located in economically distressed areas.

1 (6) Deposits and loan guarantees. For the purpose of encouraging  
2 private financial institutions to make loans to eligible enterprises  
3 pursuant to this section for any of the eligible projects pursuant to  
4 subdivisions four and five of this section, the corporation is author-  
5 ized to:

6 (a) Make linked deposits of funds into federally and state chartered  
7 credit unions in New York state, in order to encourage such organiza-  
8 tions to make small loans to minority, HONORABLY DISCHARGED VETERAN and  
9 women-owned businesses; and

10 (b) Provide loan guarantees to private financial institutions for  
11 loans made to eligible [minority-] MINORITY, HONORABLY DISCHARGED VETER-  
12 AN and women-owned businesses pursuant to this subdivision for eligible  
13 projects, provided that the guarantee shall be at least fifty percent  
14 backed by funds of the corporation. Any such loan guaranteed by the  
15 corporation shall be made to borrowers that are approved by the corpo-  
16 ration and substantially meet the underwriting criteria the credit union  
17 or financial institution customarily applies to similar borrowers for  
18 similar loans supported by similar guarantees, and no guaranteed loan  
19 funds shall be disbursed until the corporation has received, reviewed  
20 and concurred, in writing, with the recommendation of the credit union  
21 or banking or financial institution to make a loan.

22 (7) Minority, HONORABLY DISCHARGED VETERAN and women small business  
23 incubator program.

24 (a) The corporation shall establish a minority and women small busi-  
25 ness incubator program for the purpose of providing financial support  
26 for the creation of incubators to nurture minority, HONORABLY DISCHARGED  
27 VETERAN and women-owned business enterprises with growth potential.

28 (b) Under this subdivision the corporation is authorized to provide  
29 low-interest loans and grants for construction financing and permanent  
30 financing of up to seventy-five percent of project costs up to a maximum  
31 of six hundred fifty thousand dollars per project, provided that the  
32 total amount of grant assistance provided pursuant to this paragraph  
33 shall not exceed twenty percent of an appropriation provided for the  
34 purposes of this section.

35 (c) Incubator projects eligible for such assistance shall involve the  
36 renovation or reconstruction of existing facilities or the acquisition  
37 of equipment, except that construction shall be allowable in cases in  
38 which an applicant can demonstrate to the satisfaction of the corpo-  
39 ration that an existing facility is unavailable in the area to be served  
40 by the new incubator facility.

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

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

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

55 (ii) significant community support for the project;

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

(iv) demand for such incubator space, which may include evidence of the unavailability of suitable space for prospective tenants at appropriate rental or lease costs in the community in which such prospective tenants are located; and

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

(f) The corporation shall establish criteria for eligibility for funding for incubator projects, including but not limited to the following:

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

(ii) the project sponsors must provide a management plan and a business plan for operating the incubator satisfactory to the corporation; and

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

(8) [Minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business technical assistance program. (a) The corporation shall establish a comprehensive technical assistance program within the minority, HONORABLY DISCHARGED VETERAN and women business development office, in cooperation with the department of economic development's division of [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-business development established pursuant to article [four-A] 4-A of the economic development law, to provide technical assistance to [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business enterprises and to prospective [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-business entrepreneurs through third party service providers, which assistance shall include, but not be limited to:

(i) technical assistance in development and execution of business plans, including the formation of, acquisition of, management of, or diversification of a [minority-] MINORITY, HONORABLY DISCHARGED VETERAN or women-owned business enterprise;

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

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

(iv) referrals to other providers of technical assistance to [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned businesses and minority, HONORABLY DISCHARGED VETERAN and women entrepreneurs, where appropriate, including the entrepreneurial assistance program established pursuant to article [nine] 9 of the economic development law; and

(v) technical assistance through education programs directed primarily at women, HONORABLY DISCHARGED VETERAN and minority entrepreneurs.

(b) Technical assistance may be provided through direct corporate support, through grants to or contracts with service providers or governmental entities, and [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business enterprises and individuals.

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

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

4 (11) Rules and regulations. The corporation shall, assisted by the  
5 commissioner of economic development and in consultation with the  
6 department of economic development, promulgate rules and regulations in  
7 accordance with the state administrative procedure act. Such rules and  
8 regulations shall be consistent with the program plan required by subdivi-  
9 sion [nineteen] 19 of section [one hundred] 100 of the economic devel-  
10 opment law. No funds shall be disbursed under this program until such  
11 rules and regulations have been reviewed and approved by the corpo-  
12 ration. All assistance and projects funded under this program shall be  
13 funded in accordance with the rules and regulations in effect on the  
14 date the completed application for such assistance shall be received by  
15 the corporation.

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

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

52 (14) Approval cycle. The corporation shall approve eligible loans or  
53 grants on at least a four-month cycle and shall give priority consider-  
54 ation to the comparative degree of economic distress within the areas in  
55 which the project is located. Other factors to be considered by the  
56 corporation shall include the impact of the project on the employment

1 and economic condition of the community and the financial feasibility of  
2 the project.

3 (15) Repayment. Notwithstanding the provisions of section [forty-a]  
4 40-A of the state finance law and any other general or special law, no  
5 written agreement under this program shall require repayment at any time  
6 or on any terms inconsistent with the provisions of this act or the New  
7 York state project finance agency act; except, however, that the corpo-  
8 ration may make grants to projects using funds appropriated for this  
9 purpose and that the repayment provision may not apply to such grants.

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

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

25 (viii) export, marketing, procurement and subcontracting assistance to  
26 small and medium-sized industrial firms, including [minority-] MINORITY,  
27 HONORABLY DISCHARGED VETERAN and women-owned businesses, and to flexible  
28 manufacturing networks, and programs to assist regional and multi-county  
29 business marketing and procurement programs;

30 (x) business planning, management assistance and counseling, and  
31 financial packaging assistance to small and medium-sized industrial  
32 firms, including [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and  
33 women-owned businesses, flexible manufacturing networks, and new enter-  
34 prises and small businesses, including the establishment of neighbor-  
35 hood-based business service centers designed to deliver comprehensive  
36 technical assistance to new and small businesses in specific communities  
37 and neighborhoods;

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

44 (B) community based local development corporations, industrial devel-  
45 opment agencies, or other not-for-profit entities which serve a munici-  
46 pality in which an empire zone has been established and which, as one of  
47 their primary purposes, provide services and assistance to business  
48 enterprises located or to be located in such empire zone, including  
49 [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned busi-  
50 nesses;

51 S 32. Subparagraph (vi) of paragraph (c) of subdivision 10 of section  
52 16-e of section 1 of chapter 174 of the laws of 1968, constituting the  
53 New York state urban development corporation act, as added by chapter  
54 169 of the laws of 1994, is amended to read as follows:

1 (vi) management and procurement assistance to small business, includ-  
2 ing [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned  
3 businesses;

4 S 33. Paragraph (d) of subdivision 18 of section 16-e of section 1 of  
5 chapter 174 of the laws of 1968, constituting the New York state urban  
6 development corporation act, as added by chapter 169 of the laws of  
7 1994, is amended to read as follows:

8 (d) The participation of [minority-] MINORITY, HONORABLY DISCHARGED  
9 VETERAN and women-owned businesses;

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

15 There is hereby created a state bonding guarantee assistance program  
16 to enable small businesses, [and] minority-owned, HONORABLY DISCHARGED  
17 VETERAN-OWNED and women-owned business enterprises, certified as a  
18 minority-owned, HONORABLY DISCHARGED VETERAN-OWNED or women-owned busi-  
19 ness enterprise pursuant to article [fifteen-A] 15-A of the executive  
20 law, to meet payment and/or performance bonding requirements by provid-  
21 ing additional financial backing needed to induce a surety company to  
22 issue a bond for construction projects, including but not limited to,  
23 government sponsored, transportation related construction projects. For  
24 purposes of this section, the term small business shall have the same  
25 meaning as defined in section [one hundred thirty-one] 131 of the  
26 economic development law. Such program shall give preference to minori-  
27 ty-owned, HONORABLY DISCHARGED VETERAN-OWNED and women-owned business  
28 enterprises and shall:

29 (a) Make available funds to surety companies providing bonds to small  
30 businesses [and minority- owned], MINORITY-OWNED, HONORABLY DISCHARGED  
31 VETERAN-OWNED or women-owned business enterprises in an amount equal to  
32 a percentage not to exceed fifty percent of the face value of bonds  
33 issued by the surety.

34 Provide technical assistance in completing bonding applications for  
35 small businesses [and], minority-owned, HONORABLY DISCHARGED  
36 VETERAN-OWNED or women-owned business enterprises seeking to become  
37 eligible for bonding in preparation for bidding on construction  
38 projects, including transportation related projects. The corporation  
39 shall provide and may refer such businesses to the department of econom-  
40 ic development for technical assistance as such businesses may need,  
41 including but not limited to:

42 (iv) assistance from the regional offices of the department of econom-  
43 ic development, pursuant to article [eleven] 11 of the economic develop-  
44 ment law, and the entrepreneurial assistance program, pursuant to arti-  
45 cle [nine] 9 of such law, and any other such program receiving state  
46 funds from this act or the department of economic development or any  
47 other state agency that is intended to provide technical assistance to  
48 small businesses [and], minority-owned, HONORABLY DISCHARGED  
49 VETERAN-OWNED and women-owned small business enterprises.

50 S 35. Paragraph (g) of subdivision 1 of section 16-i of section 1 of  
51 chapter 174 of the laws of 1968, constituting the New York state urban  
52 development corporation act, as amended by chapter 471 of the laws of  
53 2001, is amended to read as follows:

54 (g) Assistance to local or regional organizations to facilitate  
55 financing for small- and medium-sized business, including [minority-]  
56 MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business enter-

prises through flexible financing programs, including, but not limited to, loan loss reserve and revolving loan programs, working capital loans, working capital loan guarantees, or other flexible financing programs that leverage traditional financing;

S 36. Subparagraph (i) of paragraph (c) of subdivision 2 of section 16-k of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by chapter 103 of the laws of 2011, is amended to read as follows:

(i) provide a plan to the corporation or its agent for the marketing of the capital access program to small businesses, including those in highly distressed areas and to [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned businesses, with appropriate lending objectives identified by the financial institution for such areas and businesses;

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

(g) Assistance to local or regional organizations to facilitate financing for small- and medium-sized business, including [minority-] MINORITY, HONORABLY DISCHARGED VETERAN and women-owned business enterprises through flexible financing programs, including, but not limited to, loan loss reserve and revolving loan programs, working capital loans, working capital loan guarantees, or other flexible financing programs that leverage traditional financing;

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

(1) In addition to any other requirements imposed by the act or otherwise regarding evaluations of programs administered by the corporation, each evaluation shall include an analysis of the job creation effect of such program, the number of small businesses that received assistance, the number of minority, HONORABLY DISCHARGED VETERAN and women-owned firms that received assistance, the number of projects undertaken in distressed and highly distressed communities, and, if applicable, the repayment experience of borrowers of funds from the corporation.

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

(2) require projects to be financed out of the empire state economic development fund be approved generally in amounts which are proportional to amounts appropriated for the urban and community development program, and the minority, HONORABLY DISCHARGED VETERAN and women-owned business development and lending program;

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

Small business [and], minority-owned, HONORABLY DISCHARGED VETERAN-OWNED and women-owned business enterprises transportation capital assistance and guaranteed loan program.



1 To provide financial assistance to small business [and], minority-  
2 owned, HONORABLY DISCHARGED VETERAN-OWNED and women-owned business  
3 enterprises engaged in government sponsored, transportation related  
4 construction projects, the corporation shall establish a small business  
5 [and], minority-owned, HONORABLY DISCHARGED VETERAN-OWNED and women-  
6 owned business enterprise transportation capital assistance revolving  
7 loan fund which shall provide loans or loan guarantees to small business  
8 [and], minority-owned, HONORABLY DISCHARGED VETERAN-OWNED and women-  
9 owned business enterprises. For purposes of this section:

10 Such loans, or loan guarantees for loans made by federally and state  
11 chartered credit institutions, financial institutions, and federally  
12 insured banking organizations to small business [and], minority-owned,  
13 HONORABLY DISCHARGED VETERAN-OWNED and women-owned business enterprises,  
14 shall be used to:

15 (a) To be eligible for such loans or loan guarantees (i) a minority-  
16 owned, HONORABLY DISCHARGED VETERAN-OWNED or women-owned business enter-  
17 prise must be certified as a minority-owned, HONORABLY DISCHARGED VETER-  
18 AN-OWNED or women-owned business enterprise pursuant to article 15-A of  
19 the executive law; and (ii) a small business or a minority-owned, HONOR-  
20 ABLY DISCHARGED VETERAN-OWNED or women-owned business enterprise shall  
21 have a contract or sub-contract to provide goods or services related to  
22 a government sponsored, transportation related construction project.

23 4. The corporation shall give preference to minority-owned, HONORABLY  
24 DISCHARGED VETERAN-OWNED and women-owned business enterprises in making  
25 such loans and loan guarantees and shall establish such other criteria  
26 as it may deem necessary for this program and for any required amount  
27 that shall be held in reserve for any guarantees made under this  
28 program.

29 5. Notwithstanding any inconsistent provision of law, general, special  
30 or local, including pursuant to capital projects budget appropriations  
31 or reappropriations, where applicable, the corporation is hereby author-  
32 ized to enter into such agreements as may be necessary for the operation  
33 and administration of a small business [and], minority-owned, HONORABLY  
34 DISCHARGED VETERAN-OWNED and women-owned business enterprises transpor-  
35 tation capital assistance and guaranteed loan program.

36 S 41. This act shall take effect immediately; provided, however, that  
37 the amendments to article 15-A of the executive law made by sections two  
38 through six of this act shall not affect the expiration of such article  
39 and shall be deemed to expire therewith; and provided, further that the  
40 amendments to section 136-b of the state finance law made by section  
41 seven of this act shall not affect the expiration of such section and  
42 shall be deemed to expire therewith; and provided further that the  
43 amendments to sections 16-i and 16-m of section 1 of chapter 174 of the  
44 laws of 1968, constituting the New York state urban development corpo-  
45 ration act, made by sections thirty-five and thirty-seven, respectively,  
46 of this act shall not affect the expirations of such sections and shall  
47 be deemed to expire therewith.