

# STATE OF NEW YORK

9631

## IN ASSEMBLY

January 26, 2018

Introduced by M. of A. BICHOTTE -- Multi-Sponsored by -- M. of A. BLAKE, HOOPER, HYNDMAN, SEAWRIGHT, SEPULVEDA, SOLAGES, WALKER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to eliminating the requirement that certain minority and women-owned business enterprise owners have a personal net worth of less than three million five hundred thousand dollars in order to obtain certification as a qualifying minority and women-owned business enterprise; clarifying that an individual's net worth is not to be considered in determining eligibility for certification under Article 15-A of the executive law; and to repeal subdivision 19 of section 310 of the executive law relating to the definition of personal net worth

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

1 Section 1. Subparagraphs (v), (vi) and (vii) of paragraph (a) of  
2 subdivision 2-a of section 314 of the executive law, as amended by chap-  
3 ter 175 of the laws of 2010, are amended to read as follows:

4 (v) be subject to a physical site inspection to verify the fifty-one  
5 percent ownership requirement; and

6 (vi) [~~be owned by an individual or individuals, whose ownership,  
7 control and operation are relied upon for certification, with a personal  
8 net worth that does not exceed three million five hundred thousand  
9 dollars, as adjusted annually for inflation according to the consumer  
10 price index; and~~

11 (vii)] be an enterprise that is a small business pursuant to subdivi-  
12 sion twenty of section three hundred ten of this article.

13 § 2. Paragraphs (e) and (f) of subdivision 7 of section 310 of the  
14 executive law, as amended by chapter 22 of the laws of 2014, are amended  
15 to read as follows:

16 (e) [~~an enterprise owned by an individual or individuals, whose owner-  
17 ship, control and operation are relied upon for certification, with a  
18 personal net worth that does not exceed three million five hundred thou-  
19 sand dollars, as adjusted annually on the first of January for inflation  
20 according to the consumer price index of the previous year; and~~

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

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1 ~~(f)~~] an enterprise that is a small business pursuant to subdivision  
2 twenty of this section.

3 § 3. Paragraphs (e) and (f) of subdivision 15 of section 310 of the  
4 executive law, as amended by chapter 22 of the laws of 2014, are amended  
5 to read as follows:

6 (e) [~~an enterprise owned by an individual or individuals, whose owner-  
7 ship, control and operation are relied upon for certification, with a  
8 personal net worth that does not exceed three million five hundred thou-  
9 sand dollars, as adjusted annually on the first of January for inflation  
10 according to the consumer price index of the previous year, and~~

11 ~~(f)~~] an enterprise that is a small business pursuant to subdivision  
12 twenty of this section.

13 § 4. Subdivision 19 of section 310 of the executive law is REPEALED.

14 § 5. Notwithstanding any rule, regulation or guideline to the contra-  
15 ry, the personal net worth of an individual or individuals, whose owner-  
16 ship, control and operation are relied upon for certification of a busi-  
17 ness as a certified minority and women-owned business enterprise  
18 pursuant to the provisions of article 15-A of the executive law shall  
19 not be taken into account in determining certification under such arti-  
20 cle.

21 § 6. This act shall take effect immediately; provided, however, that:

22 (a) the amendments to section 314 of the executive law made by section  
23 one of this act shall not affect the expiration of such section and  
24 shall be deemed expired therewith; and

25 (b) the amendments to section 310 of the executive law made by  
26 sections two, three and four of this act shall not affect the expiration  
27 of such section and shall be deemed expired therewith.