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:

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

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

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

~~(vii)~~] be an enterprise that is a small business pursuant to subdivision twenty of section three hundred ten of this article.

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

(e) [~~an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a personal net worth that does not exceed three million five hundred thousand dollars, as adjusted annually on the first of January for inflation 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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~~(f)~~] an enterprise that is a small business pursuant to subdivision twenty of this section.

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

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

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

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 Subdivision 19 of section 310 of the executive law is REPEALED.

§ 5. Notwithstanding any rule, regulation or guideline to the contrary, the personal net worth of an individual or individuals, whose ownership, control and operation are relied upon for certification of a business as a certified minority and women-owned business enterprise pursuant to the provisions of article 15-A of the executive law shall not be taken into account in determining certification under such article.

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

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

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