

# STATE OF NEW YORK

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541--A

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. KAPLAN, SANDERS, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged and said bill committed to the Committee on Procurement and Contracts -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to changing the maximum number of employees that a minority and women-owned business enterprise may have from three hundred employees to three hundred employees who work thirty or more hours per week over a fifty-two week period

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

1 Section 1. Subdivision 20 of section 310 of the executive law, as  
2 added by chapter 175 of the laws of 2010, is amended to read as follows:  
3 20. "Small business" as used in this section, unless otherwise indi-  
4 cated, shall mean a business which has a significant business presence  
5 in the state, is independently owned and operated, not dominant in its  
6 field and employs, based on its industry, a certain number of persons as  
7 determined by the director, but not to exceed three hundred employees  
8 who work thirty or more hours per week over the period of fifty-two  
9 weeks for a total of one thousand five hundred sixty hours worked,  
10 taking into consideration factors which include, but are not limited to,  
11 federal small business administration standards pursuant to 13 CFR part  
12 121 and any amendments thereto. The director may issue regulations on  
13 the construction of the terms in this definition. For purposes of this  
14 subdivision, an employee may break from employment for up to thirteen  
15 weeks without the fifty-two week lookback period resetting.  
16 § 2. This act shall take effect immediately; provided that the amend-  
17 ments to subdivision 20 of section 310 of the executive law made by  
18 section one of this act shall not affect the repeal of such section and  
19 shall be deemed repealed therewith.

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

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