

# STATE OF NEW YORK

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541--B

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. KAPLAN, SANDERS, COMRIE, 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 -- recommitted to the Committee on Procurement and Contracts in accordance with Senate Rule 6, sec. 8 -- 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 during a declared state disaster emergency

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, except  
8 during a declared state disaster emergency as defined pursuant to  
9 section twenty-eight of this chapter, not to exceed three hundred  
10 employees who work thirty or more hours per week over the period of  
11 fifty-two weeks for a total of one thousand five hundred sixty hours  
12 worked, taking into consideration factors which include, but are not  
13 limited to, federal small business administration standards pursuant to  
14 13 CFR part 121 and any amendments thereto. The director may issue regu-  
15 lations on the construction of the terms in this definition. For  
16 purposes of this subdivision, an employee may break from employment for

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

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1 up to thirteen weeks without the fifty-two week lookback period reset-  
2 ting.

3 § 2. This act shall take effect immediately; provided that the amend-  
4 ments to subdivision 20 of section 310 of the executive law made by  
5 section one of this act shall not affect the repeal of such section and  
6 shall be deemed repealed therewith.