

STATE OF NEW YORK

10324--A

IN ASSEMBLY

May 17, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Septimo) --
read once and referred to the Committee on Governmental Operations --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

AN ACT to amend the executive law, in relation to reciprocal minority
and women-owned business enterprise certification

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

1 Section 1. Paragraphs (a) and (b) of subdivision 2-a of section 314 of
2 the executive law, as amended by chapter 96 of the laws of 2019, subpar-
3 agraph (i) of paragraph (a) as amended by chapter 669 of the laws of
4 2022, are amended to read as follows:

5 (a) The director shall establish a procedure [~~enabling~~] requiring the
6 office to accept New York municipal corporation certification verifica-
7 tion for minority and women-owned business enterprise applicants in lieu
8 of requiring the applicant to complete the state certification process
9 separately. [~~The~~] Any municipal corporation that chooses to use such
10 procedure shall first enter into a memorandum of understanding regarding
11 acceptance of such municipal corporation certification verification with
12 the office, and the director shall promulgate rules and regulations to
13 set forth criteria for the acceptance of municipal corporation certifi-
14 cation. [~~All eligible municipal corporation certifications~~] An appli-
15 cant certified in lieu of completing the state certification process
16 separately pursuant to this section shall [~~require~~] meet the definition
17 of a minority-owned business [~~enterprises seeking certification to meet~~
18 ~~the following standards:~~

19 (i) ~~have at least fifty-one percent ownership by a minority~~] enter-
20 prise or a women-owned business enterprise [~~and be owned by United~~
21 ~~States citizens or permanent resident noncitizens,~~

22 (ii) ~~be an enterprise in which the minority and/or women ownership~~
23 ~~interest is real, substantial and continuing,~~

24 (iii) ~~be an enterprise in which the minority and/or women ownership~~
25 ~~has and exercises the authority to control independently the day-to-day~~
26 ~~business decisions of the enterprise,~~

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

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1 ~~(iv) be an enterprise authorized to do business in this state,~~
2 ~~(v) be subject to a physical site inspection to verify the fifty one~~
3 ~~percent ownership requirement,~~
4 ~~(vi) be owned by an individual or individuals, whose ownership,~~
5 ~~control and operation are relied upon for certification, with a personal~~
6 ~~net worth that does not exceed fifteen million dollars and such other~~
7 ~~amount as the director shall set forth in regulations, as adjusted annu-~~
8 ~~ally for inflation according to the consumer price index; and~~
9 ~~(vii) be an enterprise that is a small business pursuant to subdivi-~~
10 ~~sion twenty of] as set forth in~~ section three hundred ten of this arti-
11 cle in order to receive state certification.

12 (b) The director shall work with all municipal corporations that have
13 a municipal minority and women-owned business enterprise program to
14 develop standards to accept state certification to meet the municipal
15 corporation minority and women-owned business enterprise certification
16 standards whenever a municipal corporation requests assistance. Upon
17 entering into a memorandum of understanding pursuant to paragraph (a) of
18 this subdivision, each municipal corporation that has a municipal minor-
19 ity and women-owned business enterprise program shall establish a proce-
20 dure requiring such municipality to accept state certification verifica-
21 tion for minority and women-owned business enterprise applicants in lieu
22 of requiring applicants to apply to each entity separately. The munici-
23 pal corporation shall develop rules and regulations in order to accept
24 state certification in situations where an applicant who is certified as
25 a minority or women-owned business enterprise pursuant to the law or
26 rule for such municipal corporation's certification program also meets
27 the definition of a minority-owned business enterprise or women-owned
28 business enterprise as set forth in section three hundred ten of this
29 article.

30 § 2. This act shall take effect on the two hundred seventieth day
31 after it shall have become a law; provided, however, that the amendments
32 to paragraphs (a) and (b) of subdivision 2-a of section 314 of the exec-
33 utive law made by section one of this act shall not affect the repeal of
34 such section and shall be deemed repealed therewith.