STATE OF NEW YORK

8563

IN ASSEMBLY

January 9, 2024

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, relating to the maximum number of employees that a minority and women-owned business enterprise may have during a declared state disaster emergency or other emergency or critical need, in relation to limiting such provisions to declared state disasters

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

Section 1. Subdivision 20 of section 310 of the executive law, as amended by a chapter of the laws of 2023 amending the executive law relating to the maximum number of employees that a minority and women-owned business enterprise may have during a declared state disaster emergency or other emergency or critical need, as proposed in legislative bills numbers S. 1873-A and A. 7295-A, is amended to read as follows:

20. "Small business" as used in this section, unless otherwise indicated, shall mean a business which has a significant business presence in the state, is independently owned and operated, not dominant in its field and employs, based on its industry, a certain number of persons as determined by the director, but not to exceed three hundred, except during a declared state disaster emergency as defined pursuant to section twenty-eight of this chapter, [~~or when engaging in work related to any other emergency, or critical need~~] not to exceed three hundred employees who work thirty or more hours per week over the period of fifty-two weeks for a total of one thousand five hundred sixty hours worked, taking into consideration factors which include, but are not limited to, federal small business administration standards pursuant to 13 CFR part 121 and any amendments thereto. The director may issue regulations on the construction of the terms in this definition. For purposes of this subdivision, an employee may break from employment for up to thirteen weeks without the fifty-two week lookback period resetting.

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

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§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2023 amending the executive law relating to the maximum number of employees that a minority and women-owned business enterprise may have during a declared state disaster emergency or other emergency or critical need, as proposed in legislative bills numbers S. 1873-A and A. 7295-A, takes effect; provided that the amendments to subdivision 20 of section 310 of the executive law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.