STATE OF NEW YORK

1687

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the executive law, in relation to providing a rebuttable presumption relating to certification as a minority and women-owned business enterprise

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

Section 1. Subdivision 5 of section 314 of the executive law, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

5. **(a)** With the exception of provisional MWBE certification, as provided for in subdivision twenty-three of section three hundred ten of this article, all minority and women-owned business enterprise certifications shall be valid for a period of five years.

(b) Upon the expiration of a minority and women-owned business enterprise certification and the submission of a new application for further minority and women-owned business enterprise certification, if there is no change in the ownership of the enterprise and no material change in the nature or management of the enterprise from the time of approval of the previous minority and women-owned business enterprise certification, there shall be a rebuttable presumption that the previous minority-owned business enterprise satisfies the requirements of paragraphs (a), (b) and (c) of subdivision seven of section three hundred ten of this article and that the previous women-owned business enterprise satisfies the requirements of paragraphs (a), (b) and (c) of subdivision fifteen of section three hundred ten of this article.

§ 2. This act shall take effect on the first of July next succeeding the date upon which it shall have become a law and shall apply to applications submitted by a business enterprise for further minority and women-owned business enterprise certification submitted on and after such effective date; provided, however, that the amendments to section 314 of the executive law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

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

LBD05745-01-3