STATE OF NEW YORK

3253

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sen. MANNION -- 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 clarifying the eligibility of an employment agency for status as a small business for certain programs

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 added by chapter 175 of the laws of 2010, 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, 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. **Provided however, when determining the eligibility of an employment agency, as defined in section one hundred seventy-one of the general business law, as a small business pursuant to this subdivision there shall be no restriction on the number of employees of such employment agency. An employment agency shall be considered a small business if the annual receipts of such employment agency calculated pursuant to the provisions of 13 CFR 121.104 and any amendments thereto, are less than thirty million dollars.** The director may issue regulations on the construction of the terms in this definition.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law, provided, however, 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the executive law made by section one of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

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

LBD00337-01-3