

STATE OF NEW YORK

10166

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Blumencranz)
-- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the public authorities law, the economic development law, the environmental conservation law and the transportation law, in relation to adding ethno-religious groups as minority group members

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "MWBE Equality Act".

3 § 2. Subdivision 8 of section 310 of the executive law is amended by
4 adding a new paragraph (e) to read as follows:

5 (e) Ethno-religious persons unified by a common religious and ethnic
6 background.

7 § 3. Subdivision 6 of section 821 of the executive law is amended by
8 adding a new paragraph (e) to read as follows:

9 (e) Ethno-religious persons unified by a common religious and ethnic
10 background.

11 § 4. Paragraph (d) of subdivision 3 of section 2879 of the public
12 authorities law is amended by adding a new subparagraph (v) to read as
13 follows:

14 (v) Ethno-religious persons unified by a common religious and ethnic
15 background.

16 § 5. Subdivisions 3 and 4 of section 210 of the economic development
17 law, as amended by chapter 669 of the laws of 2022, are amended to read
18 as follows:

19 3. "Minority business enterprise" shall mean any business enterprise
20 which is at least fifty-one per centum owned by, or in the case of a
21 publicly owned business at least fifty-one per centum of the stock of
22 which is owned by, citizens or permanent resident noncitizens who are
23 Black, Hispanic, Asian or American Indian, Pacific Islander ~~[ex]~~, Alas-
24 kan Native, or ethno-religious where such ownership interest is real,
25 substantial and continuing and where such persons have the authority to
26 independently control the day-to-day business decisions of the entity.

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

LBD15443-01-4

1 4. "Minority group member" shall mean a United States citizen or
2 permanent resident noncitizen who is and can demonstrate membership in
3 one of the following groups:

4 (a) Black persons having origins in any of the Black African racial
5 groups not of Hispanic origin;

6 (b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban,
7 Central or South American descent of either Indian or Hispanic origin,
8 regardless of race;

9 (c) Asian and Pacific Islander persons having origins in the Far East,
10 Southeast Asia, the Indian sub-continent or the Pacific Islands; ~~[or]~~

11 (d) American Indian or Alaskan Native persons having origins in any of
12 the original peoples of North America~~[or]~~; or

13 (e) Ethno-religious persons unified by a common religious and ethnic
14 background.

15 § 6. The opening paragraph of paragraph (a) of subdivision 1 of
16 section 52-0113 of the environmental conservation law, as amended by
17 chapter 669 of the laws of 2022, is amended to read as follows:

18 In the performance of projects pursuant to this article minority and
19 women-owned business enterprises shall be given the opportunity for
20 meaningful participation. The department or the office shall establish
21 measures and procedures to secure meaningful participation and identify
22 those contracts and items of work for which minority and women-owned
23 business enterprises may best bid to actively and affirmatively promote
24 and assist their participation in the projects, so as to facilitate the
25 award of a fair share of contracts to such enterprises; provided, howev-
26 er, that nothing in this article shall be construed to limit the ability
27 of the department or office to assure that qualified minority and
28 women-owned business enterprises may participate in the program. For
29 purposes hereof, minority business enterprise shall mean any business
30 enterprise which is at least fifty-one per centum owned by, or in the
31 case of a publicly owned business, at least fifty-one per centum of the
32 stock of which is owned by citizens or permanent resident noncitizens
33 who are Black, Hispanic, Asian or American Indian, Pacific Islander
34 ~~[or]~~, Alaskan natives or ethno-religious, and such ownership interest is
35 real, substantial and continuing and have the authority to independently
36 control the day to day business decisions of the entity for at least one
37 year; and women-owned business enterprise shall mean any business enter-
38 prise which is at least fifty-one per centum owned by, or in the case of
39 a publicly owned business, at least fifty-one per centum of the stock of
40 which is owned by citizens or permanent resident noncitizens who are
41 women, and such ownership interest is real, substantial and continuing
42 and have the authority to independently control the day to day business
43 decisions of the entity for at least one year.

44 § 7. The opening paragraph of paragraph (a) of subdivision 2 of
45 section 428 of the transportation law, as amended by chapter 669 of the
46 laws of 2022, is amended to read as follows:

47 In the performance of transportation infrastructure renewal projects,
48 minority and women-owned business enterprises shall be given the oppor-
49 tunity for meaningful participation. The governor shall establish meas-
50 ures and procedures to secure meaningful participation and identify
51 those contracts and items of work for which minority and women-owned
52 business enterprises may best bid to actively and affirmatively promote
53 and assist their participation in the department's construction and
54 procurement program for transportation infrastructure renewal projects,
55 so as to facilitate the award of a fair share of contracts to such
56 enterprises; provided, however, that nothing in this article shall be

1 construed to limit the ability of the governor to assure that qualified
2 minority and women-owned business enterprises may participate in the
3 transportation infrastructure renewal program. For purposes hereof,
4 minority business enterprise shall mean any business enterprise which is
5 at least fifty-one per centum owned by, or in the case of a publicly
6 owned business, at least fifty-one per centum of the stock of which is
7 owned by citizens or permanent resident noncitizens who are Black,
8 Hispanic, Asian [~~or~~], American Indian or ethno-religious, and such
9 ownership interest is real, substantial and continuing; and women-owned
10 business enterprise shall mean any business enterprise which is at least
11 fifty-one per centum owned by, or in the case of a publicly owned busi-
12 ness, at least fifty-one per centum of the stock of which is owned by
13 citizens or permanent resident noncitizens who are women, and such
14 ownership interest is real, substantial and continuing.

15 § 8. This act shall take effect immediately; provided that the amend-
16 ments to section 310 of the executive law made by section two of this
17 act and the amendments to section 821 of the executive law made by
18 section three of this act shall not affect the repeal of such sections
19 and shall be deemed repealed therewith.