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:

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

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

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

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

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

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

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

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

3. "Minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business at least fifty-one per centum of the stock of which is owned by, citizens or permanent resident noncitizens who are Black, Hispanic, Asian or American Indian, Pacific Islander [~~or~~], Alaskan Native**, or ethno-religious** where such ownership interest is real, substantial and continuing and where such persons have the authority to 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.

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

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

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

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

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

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

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

In the performance of projects pursuant to this article minority and women-owned business enterprises shall be given the opportunity for meaningful participation. The department or the office shall establish measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority and women-owned business enterprises may best bid to actively and affirmatively promote and assist their participation in the projects, so as to facilitate the award of a fair share of contracts to such enterprises; provided, however, that nothing in this article shall be construed to limit the ability of the department or office to assure that qualified minority and women-owned business enterprises may participate in the program. For purposes hereof, minority business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian or American Indian, Pacific Islander [~~or~~]**,** Alaskan natives **or ethno-religious,** and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year; and women-owned business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are women, and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year.

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

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

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

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