

STATE OF NEW YORK

10324--A

IN ASSEMBLY

May 17, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Septimo) --
read once and referred to the Committee on Governmental Operations --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

AN ACT to amend the executive law, in relation to reciprocal minority
and women-owned business enterprise certification

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

Section 1. Paragraphs (a) and (b) of subdivision 2-a of section 314 of
the executive law, as amended by chapter 96 of the laws of 2019, subpar-
agraph (i) of paragraph (a) as amended by chapter 669 of the laws of
2022, are amended to read as follows:

(a) The director shall establish a procedure ~~[enabling]~~ requiring the
office to accept New York municipal corporation certification verifica-
tion for minority and women-owned business enterprise applicants in lieu
of requiring the applicant to complete the state certification process
separately. ~~[The]~~ Any municipal corporation that chooses to use such
procedure shall first enter into a memorandum of understanding regarding
acceptance of such municipal corporation certification verification with
the office, and the director shall promulgate rules and regulations to
set forth criteria for the acceptance of municipal corporation certifi-
cation. ~~[All eligible municipal corporation certifications]~~ An appli-
cant certified in lieu of completing the state certification process
separately pursuant to this section shall ~~[require]~~ meet the definition
of a minority-owned business ~~[enterprises seeking certification to meet
the following standards:~~

~~(i) have at least fifty-one percent ownership by a minority]~~ enter-
prise or a women-owned business enterprise ~~[and be owned by United
States citizens or permanent resident noncitizens;~~

~~(ii) be an enterprise in which the minority and/or women ownership
interest is real, substantial and continuing;~~

~~(iii) be an enterprise in which the minority and/or women ownership
has and exercises the authority to control independently the day-to-day
business decisions of the enterprise;~~

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

LBD11217-04-4

~~(iv) be an enterprise authorized to do business in this state;~~
~~(v) be subject to a physical site inspection to verify the fifty one percent ownership requirement;~~
~~(vi) be owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a personal net worth that does not exceed fifteen million dollars and such other amount as the director shall set forth in regulations, as adjusted annually for inflation according to the consumer price index; and~~
~~(vii) be an enterprise that is a small business pursuant to subdivision twenty of]~~ as set forth in section three hundred ten of this article in order to receive state certification.

(b) The director shall work with all municipal corporations that have a municipal minority and women-owned business enterprise program to develop standards to accept state certification to meet the municipal corporation minority and women-owned business enterprise certification standards whenever a municipal corporation requests assistance. Upon entering into a memorandum of understanding pursuant to paragraph (a) of this subdivision, each municipal corporation that has a municipal minority and women-owned business enterprise program shall establish a procedure requiring such municipality to accept state certification verification for minority and women-owned business enterprise applicants in lieu of requiring applicants to apply to each entity separately. The municipal corporation shall develop rules and regulations in order to accept state certification in situations where an applicant who is certified as a minority or women-owned business enterprise pursuant to the law or rule for such municipal corporation's certification program also meets the definition of a minority-owned business enterprise or women-owned business enterprise as set forth in section three hundred ten of this article.

§ 2. This act shall take effect on the two hundred seventieth day after it shall have become a law; provided, however, that the amendments to paragraphs (a) and (b) of subdivision 2-a of 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.