STATE OF NEW YORK

502

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to requiring that bidders and all others seeking state contracts disclose their percentage and number of female executives and board members

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

Section 1. Legislative intent. The legislature finds that there is a growing body of evidence that companies perform better when their boards and executive leadership are strongly represented by women and that the state has a vested interest in ensuring that companies receiving public funds and contracts perform efficiently to maintain a high rate of success. Further, the legislature finds that it is in the state's vested interest to encourage equitable and diverse gender representation on corporate boards of companies receiving public funds and contracts. It is the intent of this act to require companies who wish to do business with the state to disclose the current percentage and number of women executive officers employed by the company, percentage and number of women on its corporate board, and the company's goals for the increased participation of women in executive positions and on corporate boards.

§ 2. The state finance law is amended by adding a new section 149 to read as follows:

§ 149. Disclosure of women in executive positions and serving as board members by state contractors. 1. All contract solicitations including but not limited to, invitations for bids, requests for proposals, requests for applications and requests for qualifications for contracts, in excess of one hundred thousand dollars shall require that all offerors seeking state contracts shall disclose:

(a) the current percentage and number of women serving in executive positions and as board members for the offeror;

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

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(b) the offeror's aspirational goals for the inclusion of women serving in executive positions and as board members; and

(c) the intended efforts by the offeror to achieve such aspirational goals.

2. Prior to May thirty-first of each year, each state agency in receipt of the information required pursuant to subdivision one of this section shall be responsible for providing the department of economic development with the compiled diversity data for every offeror seeking a state contract, whether or not such offeror was awarded the contract, for the prior calendar year. Such data shall include, but need not be limited to, data relating to general trends in the number of women serving in executive positions, serving on boards, statistics relating to winning and losing bidders, the method which agencies reflect diversity information in their scoring, and the manner in which such scoring is performed.

3. The department of economic development shall aggregate and analyze the data received by agencies pursuant to subdivisions one and two of this section and present an annual report to the governor, the temporary president of the senate, the speaker of the assembly, the minority leaders of the senate and the assembly, and the chairpersons of the senate finance and assembly ways and means committees.

§ 3. This act shall take effect immediately.