STATE OF NEW YORK

1687--A

2023-2024 Regular Sessions

IN SENATE

January 13, 2023

Introduced by Sens. HINCHEY, COONEY, FERNANDEZ, MURRAY, PARKER, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts -- recommitted to the Committee on Procurement and Contracts in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to providing a rebuttable presumption relating to recertification as a minority and women-owned business enterprise

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

Section 1. Subdivision 5 of section 314 of the executive law, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

5. **(a)** With the exception of provisional MWBE certification, as provided for in subdivision twenty-three of section three hundred ten of this article, all minority and women-owned business enterprise certifications shall be valid for a period of five years.

(b) Upon the expiration of a minority and women-owned business enterprise certification and the submission of a new application for minority and women-owned business enterprise recertification, if there is no change in the ownership of the enterprise and no material change in the nature or management of the enterprise from the time of approval of a previous original minority and women-owned business enterprise certification that was approved within the previous ten years, if such application is compliant with 21 NYCRR 9606 then there shall be a rebuttable presumption that the previous minority-owned business enterprise satisfies the requirements of paragraphs (a), (b) and (c) of subdivision seven of section three hundred ten of this article and that the previous women-owned business enterprise satisfies the requirements of paragraphs

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

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(a), (b) and (c) of subdivision fifteen of section three hundred ten of this article.

§ 2. This act shall take effect on the first of July next succeeding the date upon which it shall have become a law and shall apply to applications submitted by a business enterprise for minority and women-owned business enterprise recertification submitted on and after such effective date; provided, however, that the amendments to 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.