

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:

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

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

8 (b) Upon the expiration of a minority and women-owned business enter-
9 prise certification and the submission of a new application for minority
10 and women-owned business enterprise recertification, if there is no
11 change in the ownership of the enterprise and no material change in the
12 nature or management of the enterprise from the time of approval of a
13 previous original minority and women-owned business enterprise certif-
14 ication that was approved within the previous ten years, if such appli-
15 cation is compliant with 21 NYCRR 9606 then there shall be a rebuttable
16 presumption that the previous minority-owned business enterprise satis-
17 fies the requirements of paragraphs (a), (b) and (c) of subdivision
18 seven of section three hundred ten of this article and that the previous
19 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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1 (a), (b) and (c) of subdivision fifteen of section three hundred ten of
2 this article.

3 § 2. This act shall take effect on the first of July next succeeding
4 the date upon which it shall have become a law and shall apply to appli-
5 cations submitted by a business enterprise for minority and women-owned
6 business enterprise recertification submitted on and after such effec-
7 tive date; provided, however, that the amendments to section 314 of the
8 executive law made by section one of this act shall not affect the
9 repeal of such section and shall be deemed repealed therewith.