

# STATE OF NEW YORK

---

3253

2023-2024 Regular Sessions

## IN SENATE

January 30, 2023

---

Introduced by Sen. MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the executive law, in relation to clarifying the eligibility of an employment agency for status as a small business for certain programs

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

1 Section 1. Subdivision 20 of section 310 of the executive law, as  
2 added by chapter 175 of the laws of 2010, is amended to read as follows:

3 20. "Small business" as used in this section, unless otherwise indi-  
4 cated, shall mean a business which has a significant business presence  
5 in the state, is independently owned and operated, not dominant in its  
6 field and employs, based on its industry, a certain number of persons as  
7 determined by the director, but not to exceed three hundred, taking into  
8 consideration factors which include, but are not limited to, federal  
9 small business administration standards pursuant to 13 CFR part 121 and  
10 any amendments thereto. Provided however, when determining the eligi-  
11 bility of an employment agency, as defined in section one hundred seven-  
12 ty-one of the general business law, as a small business pursuant to this  
13 subdivision there shall be no restriction on the number of employees of  
14 such employment agency. An employment agency shall be considered a small  
15 business if the annual receipts of such employment agency calculated  
16 pursuant to the provisions of 13 CFR 121.104 and any amendments thereto,  
17 are less than thirty million dollars. The director may issue regulations  
18 on the construction of the terms in this definition.

19 § 2. This act shall take effect on the thirtieth day after it shall  
20 have become a law, provided, however, that the amendments to subdivision  
21 20 of section 310 of the executive law made by section one of this act  
22 shall not affect the repeal of such section and shall be deemed to be  
23 repealed therewith. Effective immediately, the addition, amendment  
24 and/or repeal of any rule or regulation necessary for the implementation  
25 of this act on its effective date are authorized to be made and  
26 completed on or before such effective date.

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

LBD00337-01-3