STATE OF NEW YORK

5687

2025-2026 Regular Sessions

IN ASSEMBLY

February 20, 2025

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

AN ACT to amend the executive law, in relation to the definition of small business for minority group members and women with respect to state contracts

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

Section 1. Subdivision 20 of section 310 of the executive law, as amended by chapter 44 of the laws of 2024, is amended to read as follows:

20. "Small business" as used in this section, unless otherwise indicated, shall mean a business which has a significant business presence in the state, is independently owned and operated, not dominant in its field and employs, based on its industry, a certain number of persons as determined by the director, but not to exceed [~~three~~] five hundred, except during a declared state disaster emergency as defined pursuant to section twenty-eight of this chapter, not to exceed [~~three~~] five hundred employees who work thirty or more hours per week over the period of fifty-two weeks for a total of one thousand five hundred sixty hours worked, taking into consideration factors which include, but are not limited to, federal small business administration standards pursuant to 13 CFR part 121 and any amendments thereto. The director may issue regulations on the construction of the terms in this definition. For purposes of this subdivision, an employee may break from employment for up to thirteen weeks without the fifty-two week lookback period resetting.

§ 2. This act shall take effect immediately; provided however, the amendments to article 15-A of the executive law made by section one of this act shall not affect the repeal of such article and shall be deemed repealed therewith.

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

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