

# STATE OF NEW YORK

7121--A

2025-2026 Regular Sessions

## IN ASSEMBLY

March 20, 2025

Introduced by M. of A. BICHOTTE HERMELYN, McDONALD, GIBBS, DAVILA -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to requiring the division of minority and women's business development to prepare and release an annual report on state agency utilization; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The executive law is amended by adding a new section 313-b  
2 to read as follows:

3 § 313-b. Annual minority and women-owned business enterprise utiliza-  
4 tion report. 1. The division of minority and women's business develop-  
5 ment shall prepare and release on its website an annual report concern-  
6 ing state agency utilization of minority and women-owned business  
7 enterprises pursuant to this article. The report shall be based on actu-  
8 al payments or expenditures, to the extent such data is available, and  
9 shall measure each agency's utilization of certified minority and  
10 women-owned business enterprises against applicable participation goals  
11 established pursuant to this article.

12 2. The report required by this section may include aggregate informa-  
13 tion concerning utilization by minority-owned business enterprises,  
14 women-owned business enterprises, and minority and women-owned business  
15 enterprises across major industry categories, provided that such infor-  
16 mation shall be reported in a manner consistent with this article and  
17 any applicable state or federal law.

18 3. For each agency, the report shall state the following:

19 (a) the total dollar amount of the agency's M/WBE-eligible spending;

20 (b) the total amount of the agency's actual M/WBE spending;

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

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- 1 (c) the percentage of eligible spending represented by actual payments
- 2 made to certified minority and women-owned business enterprises;
- 3 (d) whether the agency met, exceeded, or failed to meet its applicable
- 4 minority and women-owned business enterprise participation goals;
- 5 (e) the nature of the majority of the spending, specifying whether the
- 6 spending was for construction services, construction-related services,
- 7 non-construction services, commodities or professional services; and
- 8 (f) Where such data is available, a comparison of the agency's prior
- 9 fiscal year actual spending amount with the amounts spent by the agency
- 10 during the three previous fiscal years, noting the increase or decrease
- 11 from year to year.

12 4. The division may consult with the office of the state comptroller  
13 and any other state agency as necessary to obtain contract, payment, or  
14 expenditure data relevant to the preparation of the report.

15 5. Nothing in this section shall be construed to require the disclo-  
16 sure of confidential, proprietary, or otherwise protected information.

17 § 2. This act shall take effect on the first of April next succeeding  
18 the date upon which it shall have become a law; provided, however, that  
19 the provisions of section 313-b of the executive law as added by  
20 section one of this act shall not affect the expiration and repeal of  
21 article 15-A of the executive law and shall be deemed repealed there-  
22 with.