

STATE OF NEW YORK

8529

2025-2026 Regular Sessions

IN ASSEMBLY

May 20, 2025

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

AN ACT to amend the arts and cultural affairs law, the cannabis law, the economic development law, the correction law, the education law, the environmental conservation law, the executive law, the public authorities law, the transportation law, the facilities development corporation act, the New York state medical care facilities finance agency act and the New York state urban development corporation act, in relation to replacing instances of the words or variations of the words American Indian with the words Indigenous peoples or a variation thereof

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

1 Section 1. The opening paragraph of subparagraph (i) of paragraph (c)
2 of subdivision 12 of section 3.07 of the arts and cultural affairs law,
3 as amended by chapter 255 of the laws of 1988, is amended to read as
4 follows:
5 In the performance of projects pursuant to this section, minority and
6 women-owned business enterprises shall be given the opportunity for
7 meaningful participation. For purposes hereof, minority business enter-
8 prise shall mean any business enterprise which is at least fifty-one per
9 centum owned by, or in the case of a publicly owned business, at least
10 fifty-one per centum of the stock or other voting interest is owned by
11 citizens or permanent resident [~~aliens~~] noncitizens who are Black,
12 Hispanic, Asian, [~~American-Indian~~] Indigenous peoples, Pacific Islander,
13 or Alaskan native, and such ownership interest is real, substantial and
14 continuing and has the authority to independently control the day to day
15 business decisions of the entity for at least one year; and women-owned
16 business enterprise shall mean any business enterprise which is at least
17 fifty-one per centum owned by, or in the case of a publicly owned busi-
18 ness, at least fifty-one per centum of the stock to other voting inter-

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

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ests of which is owned by citizens or permanent resident [~~aliens~~
noncitizens who are women, and such ownership interest is real, substan-
tial and continuing and has the authority to independently control the
day to day business decisions of the entity for at least one year.

§ 2. Subparagraph (ii) of paragraph (b) of subdivision 5 of section 87
of the cannabis law is amended to read as follows:

(ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban,
Central or South American of either [~~Indian~~] Indigenous or Hispanic
origin, regardless of race;

§ 3. Subdivision 3 and paragraphs (b) and (d) of subdivision 4 of
section 210 of the economic development law, as amended by chapter 669
of the laws of 2022, are amended to read as follows:

3. "Minority business enterprise" shall mean any business enterprise
which is at least fifty-one per centum owned by, or in the case of a
publicly owned business at least fifty-one per centum of the stock of
which is owned by, citizens or permanent resident noncitizens who are
Black, Hispanic, Asian or [~~American-Indian~~] Indigenous peoples, Pacific
Islander or Alaskan Native where such ownership interest is real,
substantial and continuing and where such persons have the authority to
independently control the day-to-day business decisions of the entity.

(b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban,
Central or South American descent of either [~~Indian~~] Indigenous peoples
or Hispanic origin, regardless of race;

(d) [~~American-Indian~~] Indigenous peoples or Alaskan Native persons
having origins in any of the original peoples of North America.

§ 4. Subdivision 1 of section 29 of the correction law, as amended by
chapter 322 of the laws of 2021, is amended to read as follows:

1. The department shall continue to collect, maintain, and analyze
statistical and other information and data with respect to persons
subject to the jurisdiction of the department, including but not limited
to: (a) the number of such persons: placed in the custody of the depart-
ment, assigned to a specific department program, accorded community
supervision and declared delinquent, recommitted to a state correctional
institution upon revocation of community supervision, or discharged upon
maximum expiration of sentence; (b) the criminal history of such
persons; (c) the social, educational, and vocational circumstances of
any such persons; (d) the institutional and community supervision
programs and the behavior of such persons; and, (e) the military back-
ground and circumstances, if such person served in the United States
armed forces. Provided, however, in the event any statistical informa-
tion on the ethnic background of the incarcerated individual population
of a correctional facility or facilities is collected by the department,
such statistical information shall contain, but not be limited to, the
following ethnic categories: (i) Caucasian; (ii) Asian; (iii) [~~American~~
~~Indian~~] Indigenous peoples; (iv) Afro-American/Black; and (v) Spanish
speaking/Hispanic which category shall include, but not be limited to,
the following subcategories consisting of: (1) Puerto Ricans; (2)
Cubans; (3) Dominicans; and (4) other Hispanic nationalities.

§ 5. Paragraph a of subdivision 2 of section 341-a of the education
law, as added by chapter 171 of the laws of 1987, is amended to read as
follows:

a. The test subject's race or ethnicity, including the following
groups: Black, White, [~~American-Indian~~] Indigenous peoples, Asian,
Hispanic or other;

§ 6. The opening paragraph of paragraph a of subdivision 1 of section 52-0113 of the environmental conservation law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

In the performance of projects pursuant to this article minority and women-owned business enterprises shall be given the opportunity for meaningful participation. The department or the office shall establish measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority and women-owned business enterprises may best bid to actively and affirmatively promote and assist their participation in the projects, so as to facilitate the award of a fair share of contracts to such enterprises; provided, however, that nothing in this article shall be construed to limit the ability of the department or office to assure that qualified minority and women-owned business enterprises may participate in the program. For purposes hereof, minority business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian or ~~American Indian~~ Indigenous peoples, Pacific Islander or Alaskan natives and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year; and women-owned business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are women, and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year.

§ 7. Paragraph (b) of subdivision 8 of section 310 of the executive law, as amended by chapter 96 of the laws of 2019, is amended to read as follows:

(b) Hispanic/Latino persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either ~~Indian~~ Indigenous or Hispanic origin, regardless of race;

§ 8. The opening paragraph of subdivision 3 of section 1020-v of the public authorities law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

In the performance of projects pursuant to this title, minority and women-owned business enterprises shall be given the opportunity for meaningful participation. The authority shall establish quantifiable standards and measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority and women-owned business enterprises may best bid to actively and affirmatively promote and assist their participation in projects, so as to facilitate the award of a fair share of contracts to such enterprises; provided, however, that nothing in this title shall be construed to limit the ability of the authority to assure that qualified minority and women-owned business enterprises may participate in the program. For purposes hereof, minority business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock or other voting interest is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian, ~~American Indian~~ Indigenous peoples, Pacific islander, or Alaskan native, and such ownership interest is real, substantial and continuing and has the authority

1 to independently control the day to day business decisions of the entity
2 for at least one year; and women-owned business enterprise shall mean
3 any business enterprise which is at least fifty-one per centum owned by,
4 or in the case of a publicly owned business, at least fifty-one per
5 centum of the stock to other voting interests of which is owned by citi-
6 zens or permanent resident noncitizens who are women, and such ownership
7 interest is real, substantial and continuing and has the authority to
8 independently control the day to day business decisions of the entity
9 for at least one year.

10 § 9. Subdivision 3 of section 1045-x of the public authorities law, as
11 amended by chapter 669 of the laws of 2022, is amended to read as
12 follows:

13 3. Any contracting agency empowered to award contracts for design,
14 construction, services or materials shall seek meaningful participation
15 in the performance of contracts by minority business enterprises and
16 shall establish measures and procedures to identify those contracts and
17 items of work for which minority business enterprises may best bid to
18 actively and affirmatively promote and assist their participation so as
19 to facilitate the award of a fair share of contracts to such enter-
20 prises. For purposes hereof, "minority business enterprise" shall mean
21 any business enterprise which is at least fifty-one per centum owned by,
22 or in the case of a publicly owned business, at least fifty-one per
23 centum of the stock of which is owned by citizens or permanent resident
24 noncitizens who are Black, Hispanic, Asian, [~~American-Indian~~] Indigenous
25 peoples or women, and such ownership interest is real, substantial and
26 continuing. The provisions of this subdivision shall not be construed to
27 limit the ability of any minority business enterprise to bid on any
28 contract.

29 § 10. Subdivision 3 of section 1048-x of the public authorities law,
30 as amended by chapter 669 of the laws of 2022, is amended to read as
31 follows:

32 3. Any contracting agency empowered to award contracts for design,
33 construction, services or materials shall seek meaningful participation
34 in the performance of contracts by minority business enterprises and
35 shall establish measures and procedures to identify those contracts and
36 items of work for which minority business enterprises may best bid to
37 actively and affirmatively promote and assist their participation so as
38 to facilitate the award of a fair share of contracts to such enter-
39 prises. For purposes hereof, "minority business enterprise" shall mean
40 any business enterprise which is at least fifty-one per centum owned by,
41 or in the case of a publicly owned business, at least fifty-one per
42 centum of the stock of which is owned by citizens or permanent resident
43 noncitizens who are Black, Hispanic, Asian, [~~American-Indian~~] Indigenous
44 peoples or women, and such ownership interest is real, substantial and
45 continuing. The provisions of this subdivision shall not be construed to
46 limit the ability of any minority business enterprise to bid on any
47 contract.

48 § 11. Subdivision 3 of section 1115-x of the public authorities law,
49 as amended by chapter 669 of the laws of 2022, is amended to read as
50 follows:

51 3. Any contracting agency empowered to award contracts for design,
52 construction, services or materials shall seek meaningful participation
53 in the performance of contracts by minority business enterprises and
54 shall establish measures and procedures to identify those contracts and
55 items of work for which minority business enterprises may best bid to
56 actively and affirmatively promote and assist their participation so as

1 to facilitate the award of a fair share of contracts to such enter-
2 prises. For purposes hereof, "minority business enterprise" shall mean
3 any business enterprise which is at least fifty-one per centum owned by,
4 or in the case of a publicly owned business, at least fifty-one per
5 centum of the stock of which is owned by citizens or permanent resident
6 noncitizens who are Black, Hispanic, Asian, [~~American-Indian~~] Indigenous
7 peoples or women, and such ownership interest is real, substantial and
8 continuing. The provisions of this subdivision shall not be construed to
9 limit the ability of any minority business enterprise to bid on any
10 contract.

11 § 12. Subdivision 3 of section 1197-q of the public authorities law,
12 as amended by chapter 669 of the laws of 2022, is amended to read as
13 follows:

14 3. The authority shall seek meaningful participation in the perform-
15 ance of contracts by minority business enterprises and shall establish
16 measures and procedures to identify those contracts and items of work
17 for which minority business enterprises may best bid to actively and
18 affirmatively promote and assist their participation so as to facilitate
19 the award of a fair share of contracts to such enterprises. For purposes
20 hereof, "minority business enterprise" shall mean any business enter-
21 prise which is at least fifty-one per centum owned by, or in the case of
22 a publicly owned business, at least fifty-one per centum of the stock of
23 which is owned by citizens or permanent resident noncitizens who are
24 Black, Hispanic, Asian, [~~American-Indian~~] Indigenous peoples or women,
25 and such ownership interest is real, substantial and continuing. The
26 provisions of this subdivision shall not be construed to limit the abil-
27 ity of any minority business enterprise to bid on any contract.

28 § 13. Subdivision 3 of section 1199-v of the public authorities law,
29 as amended by chapter 669 of the laws of 2022, is amended to read as
30 follows:

31 3. Any contracting agency empowered to award contracts for design,
32 construction, services or materials shall seek meaningful participation
33 in the performance of contracts by minority business enterprises and
34 shall establish measures and procedures to identify those contracts and
35 items of work for which minority business enterprises may best bid to
36 actively and affirmatively promote and assist their participation so as
37 to facilitate the award of a fair share of contracts to such enter-
38 prises. For purposes hereof, "minority business enterprise" shall mean
39 any business enterprise which is at least fifty-one per centum owned by,
40 or in the case of a publicly owned business, at least fifty-one per
41 centum of the stock of which is owned by citizens or permanent resident
42 noncitizens who are Black, Hispanic, Asian, [~~American-Indian~~] Indigenous
43 peoples or women, and such ownership interest is real, substantial and
44 continuing. The provisions of this subdivision shall not be construed to
45 limit the ability of any minority business enterprise to bid on any
46 contract.

47 § 14. Subparagraph (i) of paragraph (a) of subdivision 14 of section
48 1266-c of the public authorities law, as amended by chapter 669 of the
49 laws of 2022, is amended to read as follows:

50 (i) In the performance of projects pursuant to this title minority and
51 women-owned business enterprises shall be given the opportunity for
52 meaningful participation. The authority provided for in this title shall
53 establish measures and procedures to secure meaningful participation and
54 identify those contracts and items of work for which minority and
55 women-owned business enterprises may best bid to actively and affirma-
56 tively promote and assist their participation in the projects, so as to

1 facilitate the award of a fair share of contracts to such enterprises;
2 provided, however, that nothing in this title shall be construed to
3 limit the ability of the authority to assure that qualified minority and
4 women-owned business enterprises may participate in the program. For
5 purposes hereof, minority business enterprise shall mean any business
6 enterprise which is at least fifty-one per centum owned by, or in the
7 case of a publicly owned business, at least fifty-one per centum of the
8 stock of which is owned by citizens or permanent resident noncitizens
9 who are Black, Hispanic, Asian or [~~American-Indian~~] Indigenous peoples,
10 Pacific Islander or Alaskan natives and such ownership interest is real,
11 substantial and continuing and have the authority to independently
12 control the day to day business decisions of the entity for at least one
13 year; and women-owned business enterprise shall mean any business enter-
14 prise which is at least fifty-one per centum owned by, or in the case of
15 a publicly owned business, at least fifty-one per centum of the stock of
16 which is owned by citizens or permanent resident noncitizens who are
17 women, and such ownership interest is real, substantial and continuing
18 and have the authority to independently control the day to day business
19 decisions of the entity for at least one year.

20 The provisions of this paragraph shall not be construed to limit the
21 ability of any minority or women-owned business enterprise to bid on any
22 contract.

23 § 15. Section 1974-d of the public authorities law, as amended by
24 chapter 669 of the laws of 2022, is amended to read as follows:

25 § 1974-d. Contracts. In connection with development, construction,
26 operations and maintenance contracts for projects of the authority,
27 minority and women-owned business enterprises and minority group members
28 and women shall be given the opportunity for meaningful participation.
29 The authority shall establish measures and procedures to secure meaning-
30 ful participation by minority and women-owned business enterprises on
31 contracts for projects of the authority. Such measures and procedures
32 shall also promote the employment of minority group members and women on
33 such contracts. For the purposes thereof, "minority business enterprise"
34 shall mean any business enterprise which is at least fifty-one per
35 centum owned by, or in the case of a publicly owned business, at least
36 fifty-one per centum of the stock of which is owned by citizens or
37 permanent resident noncitizens who are Black, Hispanic, Asian or [~~Ameri-~~
38 ~~can-Indian~~] Indigenous peoples, and such ownership interest is real,
39 substantial and continuing and "women-owned business enterprise" shall
40 mean any business enterprise which is at least fifty-one per centum
41 owned by, or in the case of a publicly owned business, at least fifty-
42 one percent of the stock of which is owned by citizens or permanent
43 resident noncitizens who are women and such ownership interest is real,
44 substantial and continuing. The provisions of this section shall not be
45 construed to limit the ability of any minority or women-owned business
46 enterprise to bid on any contract. In order to implement the require-
47 ments and objectives of this section in connection with such projects,
48 the authority shall be responsible for monitoring compliance with the
49 provisions hereof, providing advice on the availability of competitive
50 qualified minority and women-owned business enterprises to perform
51 contracts proposed to be awarded, and making recommendations to improve
52 the access of minority and women-owned business enterprises to these
53 contracts.

54 § 16. Subdivision 3 of section 2050-v of the public authorities law,
55 as amended by chapter 669 of the laws of 2022, is amended to read as
56 follows:

3. The agency in awarding contracts for design, construction, services or materials, shall seek meaningful participation in the performance of contracts by minority business enterprises and shall establish measures and procedures to identify those contracts and items of work for which minority business enterprises may best bid to actively and affirmatively promote and assist their participation so as to facilitate the award of a fair share of contracts to such enterprises. For purposes hereof, "minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian, [~~American-Indian~~] Indigenous peoples or women, and such ownership interest is real, substantial and continuing. The provisions of this subdivision shall not be construed to limit the ability of any minority business enterprise to bid on any contract.

§ 17. Subdivision 4 of section 2799-gggg of the public authorities law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

4. The corporation shall seek meaningful participation by minority business enterprises in the programs of the corporation and shall actively and affirmatively promote and assist their participation in the corporation's programs, so as to facilitate the award of a fair share of contracts to such enterprises. For purposes hereof, "minority business enterprise" shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of publicly owned business, at least fifty-one per centum of the stock of which is owned by, citizens or permanent resident noncitizens who are Black, Hispanic, Asian, [~~American-Indian~~] Indigenous peoples or women, and such ownership interest is real, substantial and continuing.

§ 18. Subparagraph (ii) of paragraph (d) of subdivision 3 of section 2879 of the public authorities law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

(ii) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either [~~Indian~~] Indigenous or Hispanic origin, regardless of race;

§ 19. Paragraph a of subdivision 2 of section 428 of the transportation law, as amended by chapter 669 of the laws of 2022, is amended to read as follows:

a. In the performance of transportation infrastructure renewal projects, minority and women-owned business enterprises shall be given the opportunity for meaningful participation. The governor shall establish measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority and women-owned business enterprises may best bid to actively and affirmatively promote and assist their participation in the department's construction and procurement program for transportation infrastructure renewal projects, so as to facilitate the award of a fair share of contracts to such enterprises; provided, however, that nothing in this article shall be construed to limit the ability of the governor to assure that qualified minority and women-owned business enterprises may participate in the transportation infrastructure renewal program. For purposes hereof, minority business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian or [~~American-Indian~~] Indigenous peoples,

1 and such ownership interest is real, substantial and continuing; and
2 women-owned business enterprise shall mean any business enterprise which
3 is at least fifty-one per centum owned by, or in the case of a publicly
4 owned business, at least fifty-one per centum of the stock of which is
5 owned by citizens or permanent resident noncitizens who are women, and
6 such ownership interest is real, substantial and continuing.

7 The provisions of this paragraph shall not be construed to limit the
8 ability of any minority business enterprise to bid on any contract.

9 § 20. Paragraph (a) of subdivision 1 of section 9-b of section 1 of
10 chapter 359 of the laws of 1968, constituting the facilities development
11 corporation act, as amended by chapter 669 of the laws of 2022, is
12 amended to read as follows:

13 (a) Minority and women-owned business enterprises shall be given the
14 opportunity for meaningful participation in all contracts executed by
15 the corporation pursuant to the provisions of this act other than
16 contracts the cost of which is borne solely by a municipality or munici-
17 palities. The corporation shall establish measures and procedures to
18 secure meaningful participation and identify those contracts and items
19 of work for which minority and women-owned business enterprises may best
20 bid to actively and affirmatively promote and assist their participation
21 in the projects, so as to facilitate the award of a fair share of
22 contracts to such enterprises; provided, however, that nothing in this
23 act shall be construed to limit the ability of the corporation to assure
24 that qualified minority and women-owned business enterprises may partic-
25 ipate in the program. For purposes hereof, minority business enterprise
26 shall mean any business enterprise which is at least fifty-one per
27 centum owned by, or in the case of a publicly owned business, at least
28 fifty-one per centum of the stock of which is owned by citizens or
29 permanent resident noncitizens who are Black, Hispanic, Asian or ~~Ameri-~~
30 ~~can-Indian~~ **Indigenous peoples**, Pacific Islander or Alaskan natives and
31 such ownership interest is real, substantial and continuing and have the
32 authority to independently control the day to day business decisions of
33 the entity for at least one year; and women-owned business enterprise
34 shall mean any business enterprise which is at least fifty-one per
35 centum owned by, or in the case of a publicly owned business, at least
36 fifty-one per centum of the stock of which is owned by citizens or
37 permanent resident noncitizens who are women, and such ownership inter-
38 est is real, substantial and continuing and have the authority to inde-
39 pendently control the day to day business decisions of the entity for at
40 least one year.

41 The provisions of this paragraph shall not be construed to limit the
42 ability of any minority or women-owned business enterprise to bid on any
43 contract.

44 § 21. Paragraph a of subdivision 1 of section 16-b of section 1 of
45 chapter 392 of the laws of 1973, constituting the New York state medical
46 care facilities finance agency act, as amended by chapter 669 of the
47 laws of 2022, is amended to read as follows:

48 a. In the performance of projects pursuant to this act minority and
49 women-owned business enterprises shall be given the opportunity for
50 meaningful participation. The agency shall establish measures and proce-
51 dures to secure meaningful participation and identify those contracts
52 and items of work for which minority and women-owned business enter-
53 prises may best bid to actively and affirmatively promote and assist
54 their participation in the projects, so as to facilitate the award of a
55 fair share of contracts to such enterprises; provided, however, that
56 nothing in this act shall be construed to limit the ability of the agen-

cy to assure that qualified minority and women-owned business enterprises may participate in the program. For purposes hereof, minority business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are Black, Hispanic, Asian or ~~American-Indian~~ Indigenous peoples, Pacific Islander or Alaskan natives and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year; and women-owned business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident noncitizens who are women, and such ownership interest is real, substantial and continuing and have the authority to independently control the day to day business decisions of the entity for at least one year.

The provisions of this paragraph shall not be construed to limit the ability of any minority or women-owned business enterprise to bid on any contract.

§ 22. Paragraphs (b) and (d) of subdivision 19 of section 3 of section 1 of chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, as added by chapter 839 of the laws of 1987, are amended to read as follows:

(b) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American descent of either ~~Indian~~ Indigenous or Hispanic origin, regardless of race;

(d) ~~American-Indian~~ Indigenous peoples or Alaskan Native persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

§ 23. This act shall take effect immediately, provided, however, that the amendments to subdivision 8 of section 310 of the executive law made by section seven of this act shall not affect the repeal of such section and shall be deemed repealed therewith.