

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2263\*

Short Title: Participation Reports.

(Public)

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Sponsors: Representatives Hardaway; Buchanan, Cunningham, Tallent, H. Hunter, Kennedy, and Bowman.

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Referred to: Government.

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June 1, 1990

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE REPORTING TO THE DEPARTMENT OF  
2 ADMINISTRATION OF PARTICIPATION BY DISADVANTAGED  
3 BUSINESSES IN PUBLIC PROCUREMENT CONTRACTS AND TO REQUIRE  
4 THE DEPARTMENT TO COLLECT, COMPILE, AND REPORT THE DATA.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 143-48 reads as rewritten:

8 "**§ 143-48. State policy; cooperation in promoting the use of small, minority,  
9 physically handicapped and women contractors; purpose. ; required  
10 annual reports.**

11 (a) It is the policy of this State to encourage and promote the use of small,  
12 minority, physically handicapped and women contractors in State purchasing of goods  
13 and services. All State agencies, institutions and political subdivisions shall cooperate  
14 with the Department of Administration and all other State agencies, institutions and  
15 political subdivisions in efforts to encourage the use of small, minority, physically  
16 handicapped and women contractors in achieving the purpose of this Article, which is to  
17 provide for the effective and economical acquisition, management and disposition of  
18 goods and services by and through the Department of Administration.

19 (b) Every governmental entity required by statute to use the services of the  
20 Department of Administration in the purchase of goods and services shall report to the  
21 Department of Administration annually on what percentage of its contract purchases of  
22 goods and services, through term contracts and open-market contracts, were from  
23 minority-owned businesses, what percentage from female-owned businesses, and what

1 percentage from disabled-owned businesses. The same governmental entities shall  
2 include in their reports what percentages of the contract bids for such purchases were  
3 from such businesses. The Department of Administration shall provide instructions to  
4 the reporting entities concerning the manner of reporting and the definitions of the  
5 businesses referred to in this act, provided that, for the purposes of this act:

6 (1) A business in one of the categories above means one:

7 a. In which at least fifty-one percent (51%) of the business, or of  
8 the stock in the case of a corporation, is owned by one or more  
9 persons in the category; and

10 b. Of which the management and daily business operations are  
11 controlled by one or more persons in the category who own it;  
12 and

13 (2) A female or a disabled person is not a minority, unless the female or  
14 disabled person is also a member of one of the minority groups  
15 described in G.S. 143-128(c)(2)a through d; and

16 (3) A disabled person means a 'handicapped person' as defined in G.S.  
17 168A-3(4).

18 The Department of Administration shall collect and compile the data described in this  
19 section and report it annually to the General Assembly.”

20 Sec. 2. The Department of Administration shall include in its report to the  
21 General Assembly in 1991 any data on participation by businesses described in this  
22 section that has been reported to it from governmental entities during previous years but  
23 that the Department has never reported to a standing committee of the General  
24 Assembly.

25 Sec. 3. The Department shall use any moneys available to it that are  
26 necessary to implement this act.

27 Sec. 4. This act shall become effective July 1, 1990.