

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 252
HOUSE BILL 946

AN ACT TO ALLOW CERTAIN NONPROFIT BUSINESSES THAT PROVIDE SUPPORTED EMPLOYMENT FOR THE DISABLED TO COME WITHIN THE PURVIEW OF THE STATE POLICY THAT PROMOTES THE USE OF MINORITY, PHYSICALLY HANDICAPPED, AND WOMEN CONTRACTORS FOR STATE CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-48(b) reads as rewritten:

"(b) Every governmental entity required by statute to use the services of the Department of Administration in the purchase of goods and services and every private, nonprofit corporation other than an institution of higher education or a hospital that receives an appropriation of five hundred thousand dollars (\$500,000) or more during a fiscal year from the General Assembly shall report to the department of Administration annually on what percentage of its contract purchases of goods and services, through term contracts and open market contracts, were from minority-owned businesses, what percentage from female-owned businesses, ~~and~~ what percentage from disabled-owned ~~businesses.~~ businesses and what percentage from disabled business enterprises. The same governmental entities shall include in their reports what percentages of the contract bids for such purchases were from such businesses. The Department of Administration shall provide instructions to the reporting entities concerning the manner of reporting and the definitions of the businesses referred to in this act, provided that, for the purposes of this act:

- (1) Except as provided in subdivision (1a) of this section, a ~~A~~-business in one of the categories above means one:
 - a. In which at least fifty-one percent (51%) of the business, or of the stock in the case of a corporation, is owned by one or more persons in the category; and
 - b. Of which the management and daily business operations are controlled by one or more persons in the category who own ~~it~~, and it.
- (1a) A 'disabled business enterprise' means a nonprofit entity whose main purpose is to provide ongoing habilitation, rehabilitation, independent living, and competitive employment for persons who are handicapped through supported employment sites or business operated to provide training and employment and competitive wages.

- (2) A female or a disabled person is not a minority, unless the female or disabled person is also a member of one of the minority groups described in G.S. 143-128(2)a through ~~d~~, and d.
- (3) A disabled person means a 'handicapped person' as defined in G.S. ~~168A-3(4)~~-168A-3.

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

In seeking contracts with the State, a disabled business enterprise must provide assurances to the Secretary of Administration that the payments that would be received from the State under these contracts are directed to the training and employment of and payment of competitive wages to handicapped employees."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 30th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives