

2013 -- H 5544

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LC01294  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- MINORITY BUSINESS  
ENTERPRISE

Introduced By: Representatives Almeida, Diaz, Hull, Williams, and Lombardi

Date Introduced: February 14, 2013

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 37-14.1-3 of the General Laws in Chapter 37-14.1 entitled  
2 "Minority Business Enterprise" is hereby amended to read as follows:

3 **37-14.1-3. Definitions.** -- (a) "Affirmative action" means taking specific steps to  
4 eliminate discrimination and its effects, to ensure nondiscriminatory results and practices in the  
5 future, and to involve minority business enterprises fully in contracts and programs funded by the  
6 state.

7 (b) "Compliance" means the condition existing when a contractor has met and  
8 implemented the requirements of this chapter.

9 (c) "Contract" means a mutually binding legal relationship or any modification thereof  
10 obligating the seller to furnish supplies or services, including construction, and the buyer to pay  
11 for them. For purposes of this chapter, a lease is a contract.

12 (d) "Contractor" means one who participates, through a contract or subcontract, in any  
13 procurement or program covered by this chapter and includes lessees and material suppliers.

14 (e) "Minority" means a person who is a citizen or lawful permanent resident of the  
15 United States and who is:

16 (1) Black (a person having origins in any of the black racial groups of Africa);

17 (2) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American, or  
18 other Spanish culture or origin, regardless of race);

1           ~~(3) Portuguese (a person of Portuguese, Brazilian, or other Portuguese culture or origin,~~  
2 ~~regardless of race);~~

3           (4) Asian American (a person having origins in any of the original peoples of the Far  
4 East, Southeast Asia, the Indian subcontinent, or the Pacific Islands);

5           (5) American Indian and Alaskan Native (a person having origins in any of the original  
6 peoples of North America); or

7           (6) Members of other groups or other individuals found to be economically and socially  
8 disadvantaged by the Small Business Administration under section 8(a) of the Small Business  
9 Act, as amended, 15 U.S.C. section 637(a).

10          (f) "Minority business enterprise" or "MBE" means a small business concern, as defined  
11 pursuant to section 3 of the federal Small Business Act, 15 U.S.C. section 632, and implementing  
12 regulations, which is owned and controlled by one or more minorities or women. For the  
13 purposes of this chapter, owned and controlled means a business:

14           (1) Which is at least fifty-one percent (51%) owned by one or more minorities or women  
15 or, in the case of a publicly owned business, at least fifty-one percent (51%) of the stock of which  
16 is owned by one or more minorities or women; and

17           (2) Whose management and daily business operations are controlled by one or more such  
18 individuals.

19          (g) "MBE coordinator" means the official designated to have overall responsibility for  
20 promotion of minority business enterprise in his or her departmental element.

21          (h) "Noncompliance" means the condition existing when a recipient or contractor has  
22 failed to implement the requirements of this chapter.

23          SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

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- 1           This act would delete persons of Portuguese descent from the definition section
- 2           pertaining to minority business enterprise.
- 3           This act would take effect upon passage.

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