

2021 -- H 5401

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- MINORITY BUSINESS
ENTERPRISE

Introduced By: Representatives Williams, and Diaz

Date Introduced: February 05, 2021

Referred To: House Labor

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 "Minority
2 Business Enterprise" is hereby amended to read as follows:

3 **37-14.1-3. Definitions.**

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

7 (b) "Compliance" means the condition existing when a contractor has met and implemented
8 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 for
11 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 United
15 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 East,
4 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 § 8(a) of the Small Business Act, as
9 amended, 15 U.S.C. § 637(a).

10 (f) "Minority business enterprise" or "MBE" means a small business concern, as defined
11 pursuant to § 3 of the federal Small Business Act, 15 U.S.C. § 632, and implementing regulations,
12 which is owned and controlled by one or more minorities or women. For the purposes of this
13 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 failed
22 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

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1 This act would delete Portuguese (a person of Portuguese, Brazilian, or other Portuguese
2 culture or origin, regardless of race), from those eligible to be considered as minorities for purposes
3 of awarding public works projects.

4 This act would take effect upon passage.

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