

May 11, 2004

**H 1359. DOT MINORITY/WOMEN BUSINESSES PROGRAM. TO REAFFIRM AND CLARIFY STATE POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY AND WOMEN BUSINESSES IN HIGHWAY CONSTRUCTION.** Rewrites GS 136-28.4(b) so it requires, at least every five years, Dep't of Transportation to conduct study on availability and utilization of minority-owned and women-owned business enterprises and evidence of race-based and gender-based discrimination against such business enterprises in contracts for design, construction, alteration, or maintenance of state highways, roads, streets, or bridges and for the procurement of materials for these projects. Provides that if study shows continued effects of discrimination, Dep't must, in conformity with state and federal law, adopt by rule and contract provisions a specific program of good-faith goals for participation in contracting opportunities by minority businesses and women businesses. Does not authorize use of set-asides, quotas, sheltered markets, or bid preferences. Dep't to report annually to Joint Transportation Oversight Committee as specified in bill. Act expires Aug. 31, 2009.

**Intro. by K. Williams.**

Ref. to Rules

GS 136

June 30, 2004

**H 1359. DOT MINORITY/WOMEN BUSINESSES PROGRAM.** Intro. 5/11/04. House committee substitute makes the following changes to 1st edition. Reinstates the GS 136-28.4(c) definition of "disadvantaged business" and provides that it has same meaning as in 49 C.F.R. 26.5. Makes technical changes.

July 15, 2004

**H 1359. DOT MINORITY/WOMEN BUSINESSES PROGRAM.** Intro. 5/11/04. House committee substitute makes the following changes to 2nd edition. Clarifies that the amendments to GS 136-28.4 apply only to businesses that are owned by women and qualified disadvantaged minorities. Defines qualified "minorities" as those racial or ethnicity classifications, identified through a disparity study, which (1) have been subjected to discrimination in the relevant marketplace, and (2) have been adversely affected in their ability to obtain contracts with the Dep't of Transportation. Expands the types of contracts covered to include planning and preconstruction activities in state projects. Requires the Dep't to implement a comprehensive antidiscrimination enforcement policy based on the findings of its Second Generation Disparity Study completed in 2004. Also requires the Dep't to establish: "aspirational," but not mandatory, goals consistent with the availability of disadvantaged minority-owned and women-owned businesses in each category in which the Study reflects significant underutilization. Requires the Dep't to report semiannually (prior version required annual reporting) to the Joint Legislative Transportation Oversight Committee. Makes other technical amendments.