

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

S

1

SENATE BILL 1453

Short Title: Displaced Agricultural Workers/Fees. (Public)

Sponsors: Senator Webster.

Referred to: Agriculture/Environment/Natural Resources.

June 18, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE THE USE OF DISPLACED AGRICULTURAL
3 WORKERS IN STATE PURCHASING OF GOODS AND SERVICES AND TO
4 ESTABLISH A FEE FOR REGISTRATION AS A DISPLACED
5 AGRICULTURAL WORKER.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 3 of Chapter 143 is amended by adding the following
8 new section to read:

9 **"§ 143-59.2. Preference given to displaced agricultural workers.**

10 The Secretary of Administration and any State agency authorized to purchase
11 foodstuff or other products, shall, in the purchase of or in the contracting for foods or
12 services, give preference as far as may be practicable to products or services
13 manufactured or produced by displaced agricultural workers. However, in giving
14 preference to displaced agricultural workers, no sacrifice or loss in price or quality shall
15 be permitted. A displaced agricultural worker means a person who is no longer able to
16 financially support himself or herself as a worker in a farm operation due to the lack of
17 farm-related work available. For purposes of this definition, "farm operation" means an
18 operation as defined in G.S. 133-7(4)."

19 **SECTION 2.** Article 3 of Chapter 143 reads as rewritten:

20 "Article 3.

21 "Purchases and Contracts.

22 **"§ 143-48. State policy; cooperation in promoting the use of small contractors,**
23 **minority contractors, physically handicapped contractors, displaced**
24 **agricultural workers, and women contractors; purpose; required annual**
25 **reports.**

26 (a) Policy. – It is the policy of this State to encourage and promote the use of
27 small contractors, minority contractors, physically handicapped contractors, displaced
28 agricultural workers, and women contractors in State purchasing of goods and services.
29 All State agencies, institutions and political subdivisions shall cooperate with the

1 Department of Administration and all other State agencies, institutions and political
2 subdivisions in efforts to encourage the use of small contractors, minority contractors,
3 physically handicapped contractors, displaced agricultural workers, and women
4 contractors in achieving the purpose of this Article, which is to provide for the effective
5 and economical acquisition, management and disposition of goods and services by and
6 through the Department of Administration.

7 (b) Reporting. – Every governmental entity required by statute to use the services
8 of the Department of Administration in the purchase of goods and services and every
9 private, nonprofit corporation other than an institution of higher education or a hospital
10 that receives an appropriation of five hundred thousand dollars (\$500,000) or more
11 during a fiscal year from the General Assembly shall report to the department of
12 Administration annually on what percentage of its contract purchases of goods and
13 services, through term contracts and open-market contracts, were from minority-owned
14 businesses, what percentage from female-owned businesses, what percentage from
15 disabled-owned businesses, what percentage from displaced agricultural worker-owned
16 businesses, what percentage from disabled business enterprises and what percentage
17 from nonprofit work centers for the blind and the severely disabled. The same
18 governmental entities shall include in their reports what percentages of the contract bids
19 for such purchases were from such businesses. The Department of Administration shall
20 provide instructions to the reporting entities concerning the manner of reporting and the
21 definitions of the businesses referred to in this act, provided that, for the purposes of this
22 act:

- 23 (1) Except as provided in subdivision (1a) of this section, a business in
24 one of the categories above means one:
- 25 a. In which at least fifty-one percent (51%) of the business, or of
26 the stock in the case of a corporation, is owned by one or more
27 persons in the category; and
 - 28 b. Of which the management and daily business operations are
29 controlled by one or more persons in the category who own it.
- 30 (1a) A "disabled business enterprise" means a nonprofit entity whose main
31 purpose is to provide ongoing habilitation, rehabilitation, independent
32 living, and competitive employment for persons who are handicapped
33 through supported employment sites or business operated to provide
34 training and employment and competitive wages.
- 35 (1b) A "nonprofit work center for the blind and the severely disabled"
36 means an agency:
- 37 a. Organized under the laws of the United States or this State,
38 operated in the interest of the blind and the severely disabled,
39 the net income of which agency does not inure in whole or in
40 part to the benefit of any shareholder or other individual;
 - 41 b. In compliance with any applicable health and safety standard
42 prescribed by the United States Secretary of Labor; and
 - 43 c. In the production of all commodities or provision of services,
44 employs during the current fiscal year severely handicapped

1 individuals for (i) a minimum of seventy-five percent (75%) of
2 the hours of direct labor required for the production of
3 commodities or provision of services, or (ii) in accordance with
4 the percentage of direct labor required under the terms and
5 conditions of Public Law 92-28 (41 U.S.C. § 46, et seq.) for the
6 production of commodities or provision of services, whichever
7 is less.

8 (2) A female or a disabled person is not a minority, unless the female or
9 disabled person is also a member of one of the minority groups
10 described in G.S. 143-128(2)a through d.

11 (3) A disabled person means a person with a handicapping condition as
12 defined in G.S. 168-1 or G.S. 168A-3.

13 (4) A displaced agricultural worker means a person who is no longer able
14 to financially support himself or herself as a worker in a farm
15 operation due to the lack of farm-related work available. For purposes
16 of this definition, "farm operation" means an operation as defined in
17 G.S. 133-7(4).

18 (c) The Department of Administration shall compile information on small and
19 medium-sized business participation in State contracts subject to this Article and report
20 the information as provided in subsection (d) of this section. The report shall analyze (i)
21 contract awards by business size category, (ii) historical trends in small and
22 medium-sized business participation in these contracts, and (iii) to the extent feasible,
23 participation by small and medium-sized businesses in the State procurement process as
24 dealers, service companies, and other indirect forms of participation. The Department
25 may require reports on contracting by business size in the same manner as reports are
26 required under subsection (b) of this section.

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

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

33 **SECTION 3.** Any individual seeking classification as a displaced agricultural
34 worker under G.S. 143-59.2, as enacted in Section 1 of this act, or under G.S. 143-48
35 shall pay a fee of twenty-five dollars (\$25.00) to the Employment Securities
36 Commission for registration and administrative costs.

37 **SECTION 4.** This act is effective when it becomes law.