

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 617  
SENATE BILL 672

AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO ADOPT A MINORITY BUSINESS ENTERPRISE PROGRAM THAT ESTABLISHES GOALS OR MINIMUM REQUIREMENTS FOR PARTICIPATION IN PUBLIC PROJECTS BY MINORITY BUSINESS ENTERPRISES AND TO MAKE CERTAIN CHANGES TO CHAPTER 960 OF THE 1981 SESSION LAWS.

The General Assembly of North Carolina enacts:

Section 1. The City Council of the City of Wilmington may adopt a minority business enterprise program that encourages participation in projects financed by public funds for the purpose of providing equal employment opportunities, assisting businesses owned by those who are disadvantaged socially or economically, redressing past discrimination, ensuring that a reasonable share of public contracts be awarded to minority business enterprises, or documenting the level of participation by minority business enterprises. The goals may be included in the specifications for contracts to perform all or part of public projects. Women's business enterprises may be included in the minority business enterprise program.

Sec. 2. The minority business enterprise program authorized by this act may not be adopted until appropriate public hearings before the City Council have been conducted. Notice of each hearing must be given not less than 10 days prior to the date set for the hearing.

Sec. 2.1. Section 1 of Chapter 960 of the General Statutes reads as rewritten:

"Section 1. **Authority to Adopt Ordinances.** The Board of Commissioners of New Hanover County may adopt ordinances to prohibit discrimination in employment and housing based on race, color, national origin, religion, sex, handicap or ~~attained age between 40 and 70 years, inclusive.~~ attained the age of 40 or more. To assist in the enforcement of these ordinances, the Board of Commissioners may authorize or create an agency or commission of the county of New Hanover (hereafter called 'The Agency') to take such actions and to have such powers as might be appropriate and necessary to implement said ordinances including, but not limited to, the power to receive, initiate, investigate, seek to conciliate, hold hearings on and pass upon complaints, to mediate alleged violations of such ordinances, to issue orders against persons it finds, after notice and hearing, to have violated such ordinances and to seek court enforcement of such orders.

~~This legislation is not intended to expand the authority or powers of the local enforcing agency beyond those covering any specific employer by federal laws, rules or regulations in effect at the time in question.~~ The agency may, as part of such order,

require any such person to cease and desist from unlawful practices and to engage in such additional remedial action as may be appropriate including, but not limited to, requiring such person to do the following:

- (a) to hire, reinstate or upgrade aggrieved individuals, with or without back pay;
- (b) to admit aggrieved individuals or to allow such individuals to participate in guidance programs, apprenticeship training programs, on-the-job training programs, or other occupational training or retraining programs, and to utilize objective criteria in the admission of such individuals in such programs;
- (c) to submit to the agency for approval or disapproval, plans to eliminate or reduce imbalance with respect to race, color, national origin, religion, sex, handicap, or age;
- (d) to provide technical assistance to persons subject to this act to further compliance with the act;
- (e) to report as to the manner of compliance;
- (f) to post notices in conspicuous places in the form prescribed by the agency."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 11th day of July, 1989.