

By Mr. Jordan of Springfield, petition of Raymond A. Jordan, Jr., Sandra Graham, William E. Moriarty and Michael LoPresti, Jr., relative to the clarification of certain definitions, powers and duties of the State Office of Minority Business Assistance. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT RELATIVE TO THE CLARIFICATION OF CERTAIN DEFINITIONS, POWERS AND DUTIES OF THE STATE OFFICE OF MINORITY BUSINESS ASSISTANCE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 37 of Chapter 23A of the General Laws is
2 hereby amended by adding to the definitions contained therein the
3 following: —

4 "Political Subdivisions" means any unit of local government,
5 city, town, county or subdivision thereof, instrumentality of the
6 Commonwealth including any successor, assignee or transferee
7 thereof.

8 "Grantee" means any person, official, agency or political sub-
9 division which submits an application, contract, request, or plan
10 for federal or state financial assistance.

11 "Financial Assistance" includes but is not limited to:

- 12 (1) grants, loans, and advances of state or federal funds;
- 13 (2) the grant or donation of state or federal property and inter-
14 ests in property;
- 15 (3) the detail of state or federal personnel;
- 16 (4) the sale and lease of, and the permission to use state or
17 federal property or any interest in such property without consider-
18 ation, or at a consideration that is reduced for the purpose of
19 assisting the recipient or in the recognition of the public interest to
20 be served by such sale or lease to the recipient;
- 21 (5) any state or federal government agreement, arrangement or

22 other contract which has as one of its purposes the provision of
23 assistance.

24 “Awarding Authority” means any local, state, federal or other
25 governmental unit that accepts an application, contract, request or
26 plan for financial assistance from a grantee.

27 “Plan” means any agreement or arrangement prepared by the
28 grantee with the cooperation and approval of SOMBA and which
29 sets forth the implementation procedures the grantee adopted to
30 achieve the preferential contracting and subcontracting opportuni-
31 ties for minority businesses.

1 SECTION 2. Section 41 of the General Laws is hereby amend-
2 ed by adding to the paragraphs contained therein the following: —

3 10. SOMBA shall, where it has received a commitment as men-
4 tioned in paragraph (3) three of this section or where it has ap-
5 proved a specific plan as mentioned in paragraph (10) ten of this
6 section, have the responsibility of monitoring and approving the
7 implementation of such commitments and plans.

8 11. SOMBA is hereby authorized, when an official, agency or
9 political subdivision of the Commonwealth fails to supply the
10 information and assistance required by paragraph (2) two or fails
11 to make the commitments required by paragraph (3) three, or fails
12 to develop and implement the specific plan required by paragraph
13 (10) ten of this section, to require any awarding authority in the
14 Commonwealth, and request any federal authority to withhold all
15 financial assistance as defined in section (37) thirty-seven of this
16 act, until the grantee has complied, to the satisfaction of SOMBA
17 and the awarding authority, with the requirements of paragraph
18 (2) two, (3) three, and (10) ten of this section.

1 SECTION 3. Paragraph (2) two of Section 41 of Chapter 23A
2 of the General Laws is hereby amended by deleting the existing
3 paragraph and inserting the following paragraph: —

4 SOMBA is hereby authorized, in carrying out its functions and
5 duties, to require that all officials, agencies, and political subdivi-
6 sions of the Commonwealth seek its cooperation and approval in
7 preparing specific plans for the implementation of preferential
8 contracting and subcontracting opportunities for minority busi-
9 nesses.

1 SECTION 4. Paragraph (3) three of Section 41 of Chapter 23A
2 of the General Laws is hereby amended by deleting the existing
3 paragraph and inserting the following paragraphs: —

4 SOMBA shall receive assistance from all officials, agencies, or
5 political subdivisions of the Commonwealth including, where con-
6 sistent with existing law, commitments to do a limited amount of
7 preferential contracting and subcontracting with minority busi-
8 nesses. All officials, agencies or political subdivisions of the Com-
9 monwealth are hereby directed to supply such assistance and com-
10 mitments. SOMBA shall assist minority businesses in making use
11 of any special programs which may be operated by the state or by
12 various departments and agencies of the federal government.

