

House Bill 1162

By: Representatives Seay of the 93rd, Anderson of the 116th, Dean of the 48th, Brooks of the 54th, Hugley of the 133rd and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Administrative Services, so as to change a definition relating to "The Small Business Assistance Act of 1975"; to change provisions relating to qualifications for certification as a minority business enterprise by the Department of Administrative Services; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Administrative Services, is amended by striking Code Section 50-5-121, relating to definitions relative to "The Small Business Assistance Act of 1975," in its entirety and inserting in lieu thereof the following:

"50-5-121.

For the purposes of this part, the term:

(1) 'Department' means the Department of Administrative Services.

(2) 'Small business' means a business which is independently owned and operated. In addition, such business must have either fewer than 100 employees or less than ~~\$1~~ \$10 million in gross receipts per year."

SECTION 2.

Said chapter is further amended by striking Code Section 50-5-132, relating to eligibility and procedures for certification as a minority business enterprise, in its entirety and inserting in lieu thereof the following:

"50-5-132.

(a) Any minority business enterprise that desires to claim such status under any law of this state or any regulation promulgated pursuant thereto shall first apply for certification, in

1 addition to any other certification required by the provisions of 49 C.F.R. 23, to the
2 Department of Administrative Services.

3 (b) The Department of Administrative Services shall certify a business which meets the
4 eligibility requirement of this part to qualify as a minority business enterprise. To qualify
5 as a minority business enterprise, the business shall:

6 (1) Be a minority business enterprise;

7 (2) Submit ~~any~~ documentary evidence required by the Department of Administrative
8 Services to support its status as a minority business enterprise;

9 (3) Sign an affidavit stating that it is a minority business enterprise; and

10 (4) Be qualified to bid pursuant to the provisions of the Department of Administrative
11 Services and other state agencies; ~~and~~

12 ~~(5) Present:~~

13 ~~(A) An application, including the entire business history of the operation;~~

14 ~~(B) Birth certificates for all minority principals;~~

15 ~~(C) If Native American, a tribal registration card or certificate;~~

16 ~~(D) Current resumes on all principals, key managers, and other key personnel;~~

17 ~~(E) A current financial statement;~~

18 ~~(F) Proof of investment by principals;~~

19 ~~(G) Loan agreements;~~

20 ~~(H) Lease or rental agreement for space and equipment;~~

21 ~~(I) Evidence of latest bond;~~

22 ~~(J) If the applicant is a sole proprietor, a copy of a blank signature card;~~

23 ~~(K) If the applicant is a partnership, a copy of the partnership agreement; and~~

24 ~~(L) If the applicant is a corporation, articles of organization, corporation bylaws, copies~~
25 ~~of all stock certificates, minutes of the first corporate organizational meeting, bank~~
26 ~~resolution on all company accounts, and a copy of the latest United States corporate tax~~
27 ~~return.~~

28 (c) The Department of Administrative Services shall prepare and maintain a list of
29 certified minority business enterprises.

30 (d) The Department of Administrative Services may deny certification to any minority
31 business enterprise which does not qualify as such under the provisions of this part. Any
32 person adversely affected by an order of the Department of Administrative Services
33 denying certification as a minority business enterprise may appeal as provided in the
34 regulations of the Department of Administrative Services."

35 SECTION 3.

36 All laws and parts of laws in conflict with this Act are repealed.