

House Bill 1162 (COMMITTEE SUBSTITUTE)

By: Representatives Seay of the 93<sup>rd</sup>, Anderson of the 116<sup>th</sup>, Dean of the 48<sup>th</sup>, Brooks of the 54<sup>th</sup>, Hugley of the 133<sup>rd</sup> 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 averaged over the three most recently completed fiscal years of operation; if the business has been in operation for less than three complete fiscal years, the business must average less than \$10 million in gross receipts for the completed fiscal years during which the business has been in operation."

**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:

1 "50-5-132.

2 (a) Any minority business enterprise that desires to claim such status under any law of this  
3 state or any regulation promulgated pursuant thereto shall first apply for certification, ~~in~~  
4 ~~addition to any other certification required by the provisions of 49 C.F.R. 23, to the~~  
5 Department of Administrative Services. The certification procedures used by the  
6 Department of Administrative Services for a minority business enterprise, as defined in  
7 Code Section 50-5-131, shall be consistent with the Code of Federal Regulations outlining  
8 federal Department of Transportation certification procedures for minority business  
9 enterprises, disadvantaged business enterprises, and women business enterprises as defined  
10 in federal law.

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

14 (1) Be a minority business enterprise;

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

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

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

20 ~~(5) Present:~~

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

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

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

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

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

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

27 ~~(G) Loan agreements;~~

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

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

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

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

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

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

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

6 **SECTION 3.**

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