

House Bill 964

By: Representatives Brooks of the 63rd, Watson of the 91st, Abdul-Salaam of the 74th, Jordan of the 77th, Beasley-Teague of the 65th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to prohibit the Office of Treasury and Fiscal Services from making certain deposits in
3 certain financial institutions unless the financial institution has certified that it does not have
4 any direct loans or knowledge of any indirect loans to certain entities connected with the
5 Republic of Sudan; to define a certain term; to provide that a state agency may not procure
6 certain supplies that are produced or manufactured in the Republic of Sudan; to require any
7 bidder or offeror for any procurement over a certain amount to certify that such bidder or
8 offeror is not doing business with or in the Republic of Sudan; to require the state to provide
9 notice of certain requirements regarding doing business with or in the Republic of Sudan; to
10 authorize the Department of Administrative Services to waive certain requirements under
11 certain conditions, to impose certain penalties; to provide that certain investment managers
12 selected by the Board of Trustees of the Employees' Retirement System of Georgia may not
13 invest certain funds in public obligations of companies doing business with or in the
14 Republic of Sudan; to provide for related matters; to repeal conflicting laws; and for other
15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 style="text-align:center">**SECTION 1.**

18 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
19 by adding at the end thereof a new Chapter 36 to read as follows:

20 style="text-align:center">"CHAPTER 36

21 50-36-1.

22 (a) This chapter shall not apply to a loan that is outstanding on July 1, 2006.

23 (b) The Office of Treasury and Fiscal Services shall not use a financial institution as a
24 depository unless the financial institution certifies, in writing, that the financial institution

1 has no direct loans and no foreknowledge of any indirect loans outstanding to a
2 governmental unit or national corporation of the Republic of Sudan.

3 (c) If direct or indirect loans described in subsection (b) of this Code section are made by
4 a foreign or out-of-state financial institution without the participation of a subsidiary or
5 affiliated corporation, subsection (b) of this Code section shall not apply to the subsidiary
6 or affiliated corporation.

7 50-36-2.

8 (a) In this chapter, 'doing business with or in the Republic of Sudan' means:

9 (1) Having in the Republic of Sudan any operations or a majority owned subsidiary that
10 employs more than 20 employees;

11 (2) Providing financial services to the government of the Republic of Sudan, including
12 providing direct loans, underwriting government securities, or promoting the sale of gold
13 coins from the Republic of Sudan; or

14 (3) Providing any supplies or services to the government of the Republic of Sudan except
15 for supplies or services provided for an educational, medical, charitable, or religious
16 purpose.

17 (b) In this chapter, 'doing business with or in the Republic of Sudan' shall not include
18 completing a limited consulting contract in existence on July 1, 2006, in the Republic of
19 Sudan if such contract was entered into as a result of the company divesting itself of all
20 business property and operations in the Republic of Sudan.

21 50-36-3.

22 (a) No agency of this state shall knowingly buy finished supplies that are produced in the
23 Republic of Sudan.

24 (b) For a procurement solicited after July 1, 2006, and costing more than \$100,000.00, the
25 bidder or offeror shall certify at the time the procurement contract is awarded that the
26 bidder or offeror is not doing business with or in the Republic of Sudan or knowingly
27 subcontracting with an entity that does so.

28 (c) In any solicitation, each state agency shall provide notice of the requirements of this
29 chapter.

30 (d) The Department of Administrative Services may waive the requirements of subsections
31 (a) and (b) of this Code section, if the department finds that:

32 (1) The procurement is essential or in the best interest of the state; and

33 (2) There is no other known source for the procurement at a reasonable cost.

34 (e) A bidder or offeror shall not misrepresent any information contained in the certification
35 required under this chapter.

1 (f) A bidder or offeror who willfully violates any provision of this chapter shall be guilty
2 of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding
3 \$1,000.00 or imprisonment not exceeding three months.

4 50-36-4.

5 An external investment manager selected by the Board of Trustees of the Employees'
6 Retirement System of Georgia as provided in Chapter 2 of Title 47 shall not invest any
7 funds allocated to the manager in any stock, security, or other obligation of any company
8 doing business with or in the Republic of Sudan."

9 **SECTION 2.**

10 This Act shall become effective on July 1, 2006.

11 **SECTION 3.**

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