

House Bill 1280

By: Representatives Brooks of the 63rd, Mangham of the 94th, Watson of the 91st, Benfield of the 85th, Abdul-Salaam of the 74th, 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 for related matters; to repeal
12 conflicting laws; and for other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

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

17 **"CHAPTER 36**

18 **50-36-1.**

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

20 (b) The Office of Treasury and Fiscal Services shall not use a financial institution as a
21 depository unless the financial institution certifies, in writing, that the financial institution
22 has no direct loans and no foreknowledge of any indirect loans outstanding to a
23 governmental unit or national corporation of the Republic of Sudan.

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

5 50-36-2.

6 As used in this chapter, the term 'doing business with or in the Republic of Sudan' means:

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

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

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

15 The term shall not include completing a limited consulting contract in existence on July 1,
 16 2006, in the Republic of Sudan if such contract was entered into as a result of the company
 17 divesting itself of all business property and operations in the Republic of Sudan.

18 50-36-3.

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

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

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

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

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

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

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

33 (f) A bidder or offeror who willfully violates any provision of this chapter shall be guilty
 34 of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding
 35 \$1,000.00 or imprisonment not exceeding three months."

1 **SECTION 2.**

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

3 **SECTION 3.**

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