**A** **BILL**

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ELIMINATING THE SOUTH CAROLINA SMALL AND MINORITY BUSINESS ASSISTANCE OFFICE AND TO TRANSFER THE POWERS AND DUTIES TO THE SOUTH CAROLINA COMMISSION FOR MINORITY AFFAIRS ON JULY 1, 2016; TO AMEND CHAPTER 31, TITLE 1 OF THE 1976 CODE TO PROVIDE VARIOUS POWERS AND DUTIES TO THE COMMISSION FOR MINORITY AFFAIRS; TO AMEND SECTION 11-35-5220(6) TO CHANGE REFERENCES FROM THE SMALL AND MINORITY BUSINESS ASSISTANCE OFFICE TO THE COMMISSION FOR MINORITY AFFAIRS; TO AMEND SECTION 11-35-5230 TO CHANGE REFERENCES FROM THE SMALL AND MINORITY BUSINESS ASSISTANCE OFFICE TO THE COMMISSION FOR MINORITY AFFAIRS; TO AMEND SECTION 11-35-5240 TO CHANGE REFERENCES FROM THE SMALL AND MINORITY BUSINESS ASSISTANCE OFFICE TO THE COMMISSION FOR MINORITY AFFAIRS; TO AMEND 11-35-5260 TO CHANGE REFERENCES FROM THE SMALL AND MINORITY BUSINESS ASSISTANCE OFFICE TO THE COMMISSION FOR MINORITY AFFAIRS; TO REPEALS SECTION 11-35-5270 OF THE 1976 CODE, RELATING TO THE SMALL AND MINORITY BUSINESS ASSISTANCE OFFICE; AND TO PROVIDE FOR OTHER TRANSITIONAL PROVISIONS, FOR THE EFFECTIVE DATE OF THE ACT, AND FOR THE MANNER IN WHICH IT SHALL BE IMPLEMENTED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Effective July 1, 2016, the South Carolina Small and Minority Business Assistance Office is eliminated and its functions, powers, duties, responsibilities, and authority are devolved upon the State Commission for Minority Affairs.

SECTION 2. Chapter 31, Title 1 of the 1976 Code is amended by adding:

“Section 1‑31‑60. In addition to the powers and duties contained in Section 1‑31‑40, the Commission shall also:

(1) assist the State’s chief procurement officers and governmental bodies in developing policies and procedures which will facilitate awarding contracts to small and minority firms;

(2) assist the chief procurement officers in aiding small and minority‑owned firms and community‑based business in developing organizations to provide technical assistance to minority firms;

(3) assist with the procurement and management training for small and minority firm owners;

(4) assist in the identification of responsive small and minority firms;

(5) receive and process applications from businesses for certification and registration as a minority firm on such forms as it may prescribe;

(6) revoke the certification of any firm that has been found to have engaged in any of the following:

(a) fraud or deceit in obtaining the certification;

(b) furnishing of substantially inaccurate or incomplete information concerning ownership or financial status;

(c) failure to report changes which affect the requirements for certification;

(d) gross negligence, incompetence, financial irresponsibility, or misconduct in the practice of his business; or

(e) wilful violation of any provision of this article.

(7) After a period of one year, the Commission may reissue a certificate of eligibility provided acceptable evidence has been presented to the commission that the conditions which caused the revocation have been corrected.”

SECTION 3. Section 11‑35‑5220(6) of the 1976 Code is amended to read:

“(6) Fee Waivers. Upon request by a~~n~~ MBE, certified by the ~~Small and Minority Business Assistance Office~~ South Carolina Commission for Minority Affairs, user or subscription fees for services provided by the chief procurement officers may be waived for a~~n~~ MBE.”

SECTION 4. Section 11‑35‑5230(B)(3) of the 1976 Code is amended to read:

“(B)(3) Any firm desiring to be certified as a minority firm shall make application to the ~~Small and Minority Business Assistance Office (SMBAO) as defined by Section 11‑35‑5270~~ South Carolina Commission for Minority Affairs, on such forms as may be prescribed by that office.”

SECTION 5. Section 11‑35‑5240(1)(d),(1)(e),(2) of the 1976 Code are amended to read:

“(d) goals that include expending with Minority Business Enterprises certified by the ~~Office of Small and Minority Business Assistance~~ South Carolina Commission for Minority Affairs an amount equal to ten percent of each governmental body’s total dollar amount of funds expended;”

(e) solicitation of certified minority vendors, a current list of which must be supplied by the ~~Office of Small and Minority Business Assistance~~ South Carolina Commission for Minority Affairs, in each commodity category for which the minority vendor is qualified. The current listing of qualified minority vendors must be made available by the ~~Office of Small and Minority Business Assistance~~ South Carolina Commission for Minority Affairs on a timely basis;”

(2) MBE utilization plans must be submitted to the ~~SMBAO~~ South Carolina Commission for Minority Affairs for approval no later than July thirtieth, annually. Upon petition by the governmental body, ~~SMBAO~~ the South Carolina Commission for Minority Affairs may authorize an MBE utilization plan that establishes a goal of less than ten percent of the governmental body’s total dollar amount of funds expended. Progress reports must be submitted to the ~~SMBAO~~ South Carolina Commission for Minority Affairs no later than thirty days after the end of each fiscal quarter and contain the following information:

(a) number of minority firms solicited;

(b) number of minority bids received;

(c) total dollar amount of funds expended on contracts awarded to minority firms certified pursuant to Section 11‑35‑5230; and

(d) total dollar amount of funds expended.”

SECTION 6. Section 11‑35‑5260 of the 1976 Code is amended to read:

“Section 11‑35‑5260. The ~~Small and Minority Business Assistance Office~~ South Carolina Commission for Minority Affairs shall report annually in writing to the Governor concerning the number and dollar value of contracts awarded for each governmental body to a firm certified as a minority firm pursuant to Section 11‑35‑5230 during the preceding fiscal year. These records must be maintained to evaluate the progress of this program.”

SECTION 7. (A) The Code Commissioner is directed to change or correct all references to the former Small and Minority Business Assistance Office in the 1976 Code to the South Carolina Commission for Minority Affairs, as applicable. References to the names of these offices in the 1976 Code or other provisions of law are considered to be and must be construed to mean appropriate references.

(B) On or before July 1, 2016, the Code Commissioner also shall prepare and deliver a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives concerning appropriate and conforming changes to the 1976 Code of Laws reflecting the provisions of this act.

SECTION 8. Section 11‑35‑5270 of the 1976 Code, relating to the Small and Minority Business Assistance Office, is repealed.

SECTION 9. This act takes effect on July 1, 2016.

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