

House Bill 102

By: Representative Kendrick of the 93rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
2 income taxes, so as to require an annual review to be conducted by the state revenue
3 commissioner regarding equitable participation of minority business enterprises in claiming
4 income tax credits offered by this state; to provide for definitions; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes,
9 is amended by adding a new Code section to read as follows:

10 "48-7-7.

11 (a) As used in this Code section, the term:

12 (1) 'Minority' means an individual who is a member of a race which comprises less than
13 50 percent of the total population of this state.

14 (2) 'Minority business enterprise' means a small business concern which is owned and
15 controlled by one or more minorities and is authorized to do and is doing business under
16 the laws of this state, paying all taxes duly assessed, and domiciled within this state.

- 17 (3) 'Owned and controlled' means a business:
18 (A) Which is at least 51 percent owned by one or more minorities or, in the case of a
19 publicly owned business, has at least 51 percent of all classes or types of its stock
20 owned by one or more minorities; and
21 (B) Whose management and daily business operations are controlled by one or more
22 minorities.
- 23 (b) On or before October 1 of each year, the commissioner shall conduct a review, based
24 upon the prior year's tax returns, to determine whether there is equitable participation of
25 minority business enterprises among all taxpayers that claimed an income tax credit
26 pursuant to this chapter.
- 27 (c) The commissioner shall determine the total number and value of such income tax
28 credits claimed by all minority business enterprises in this state and present this data in
29 relation to the total number and value of such income tax credits allowed to all taxpayers
30 in this state.
- 31 (d)(1) The initial and subsequent reviews conducted pursuant to subsection (b) of this
32 Code section shall identify any minority business enterprises that were disproportionately
33 unable to claim such income tax credits.
- 34 (2) The commissioner shall make recommendations in each review regarding methods
35 or manners to achieve equitable participation of minority business enterprises among all
36 taxpayers that claimed an income tax credit pursuant to this chapter."

37 **SECTION 2.**

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