

By: Representative Fleming

To: Ways and Means

HOUSE BILL NO. 340

1 AN ACT TO AMEND SECTION 57-69-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE OFFICE OF MINORITY BUSINESS ENTERPRISES OF THE
3 MISSISSIPPI DEVELOPMENT AUTHORITY SHALL SERVE AS THE OFFICIAL
4 STATE COORDINATING OFFICE FOR ALL STATE AGENCIES THAT RECEIVE
5 FEDERAL MONIES AND FOR ALL STATE PROCUREMENTS AND CONSTRUCTION
6 PROJECTS FOR THE PURPOSE OF ENSURING THAT MINORITY BUSINESS
7 ENTERPRISES ARE PROVIDED AN ADEQUATE OPPORTUNITY TO PARTICIPATE
8 FAIRLY IN THE DISTRIBUTION OF SUCH FEDERAL MONIES AND IN THE
9 AWARDING OF SUCH PROCUREMENT AND CONSTRUCTION CONTRACTS.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 57-69-5, Mississippi Code of 1972, is
12 amended as follows:

13 57-69-5. (1) There is hereby created the Office of Minority
14 Business Enterprises of the Mississippi Development Authority
15 under the Mississippi Development Authority. The Executive
16 Director of the Mississippi Development Authority shall appoint an
17 executive director for the office. The executive director may
18 employ a staff subject to approval of the Executive Director of
19 the Mississippi Development Authority as necessary to carry out
20 the purposes of this office.

21 (2) The office shall perform the following:

22 (a) Develop, plan and implement programs to provide an
23 opportunity for participation by qualified minority owned
24 businesses in public works and the process by which goods and
25 services are procured by state agencies and educational
26 institutions from the private sector;

27 (b) Develop a comprehensive plan encouraging that
28 qualified minority owned businesses are provided an opportunity to
29 participate in public contracts for public works and commodities
30 and services;

31 (c) Identify barriers to equal participation by
32 qualified minority owned businesses in all state agency and
33 educational institution contracts;

34 (d) Develop and maintain a central minority business
35 enterprise certification list for all state agencies and
36 educational institutions;

37 (e) Adopt rules for the implementation of this chapter;

38 (f) Develop and maintain a central minority business
39 enterprise certification program;

40 (g) Submit an annual report to the Governor and the
41 Legislature outlining the progress and economic impact on the
42 public and private sectors of implementing this chapter;

43 (h) Increase efforts to inform minority businesses of
44 state government procurement procedures and policies;

45 (i) Serve as the principal advocate in the state on
46 behalf of minority business enterprises and provide advice in the
47 consideration of administrative requirements and legislation that
48 affect minority business enterprises;

49 (j) Evaluate the effectiveness of efforts of state
50 agencies and other entities to assist minority business
51 enterprises and make appropriate recommendations to assist the
52 development and strengthening of minority business enterprises;

53 (k) Determine the availability of financial and other
54 resources to minority business enterprises and recommend methods
55 for:

56 (i) Increasing the availability of equity capital
57 and other forms of financial assistance to minority business
58 enterprises;

59 (ii) Generating markets for the goods and services
60 of minority business enterprises;

61 (iii) Providing more effective education, training
62 and management and technical assistance to minority business
63 enterprises; and

64 (iv) Providing assistance to minority business
65 enterprises in complying with federal, state and local laws;
66 (1) Serve as a focal point for receiving complaints and
67 suggestions concerning state government policies and activities
68 that affect minority business enterprises;
69 (m) Develop and advocate proposals for changes in state
70 policies and activities that adversely affect minority business
71 enterprises;
72 (n) Provide to legislative committees and state
73 agencies information on the effects of proposed policies or
74 actions that affect minority business enterprises;
75 (o) Enlist the assistance of public and private
76 agencies, businesses and other organizations in disseminating
77 information about state programs and services that benefit
78 minority business enterprises and information regarding means by
79 which minority business enterprises can use those programs and
80 services;
81 (p) Identify sources of financial assistance for
82 minority business enterprises, match minority business enterprises
83 with sources of financial assistance, and assist minority business
84 enterprises with the preparation of applications for loans from
85 governmental or private sources;
86 (q) Sponsor meetings, to the extent practicable in
87 cooperation with public and private educational institutions, to
88 provide training and disseminate information beneficial to
89 minority business enterprises;
90 (r) Assist minority business enterprises in their
91 dealings with federal, state and local governmental agencies and
92 provide information regarding governmental requirements affecting
93 minority business enterprises;
94 (s) Develop and implement programs to encourage
95 governmental agencies, public sector business associations and

96 other organizations to provide useful services to minority
97 business enterprises;

98 (t) Use available resources within the state, such as
99 minority business enterprise development centers, educational
100 institutions and nonprofit associations, to coordinate the
101 provision of management and technical assistance to minority
102 business enterprises in a systematic manner;

103 (u) Publish newsletters, brochures and other documents
104 containing information useful to minority business enterprises;

105 (v) Identify successful minority business enterprise
106 assistance programs provided by other states and determine the
107 feasibility of adapting those programs for implementation in
108 Mississippi;

109 (w) Establish an outreach program to make the existence
110 of the office known to minority business enterprises and potential
111 clients throughout the state; and

112 (x) Identify potential business opportunities for
113 minority business enterprises and develop programs to maximize
114 those opportunities.

115 (3) The Office of Minority Business Enterprises of the
116 Mississippi Development Authority shall serve as the official
117 state coordinating office for all state agencies that receive
118 federal monies and for all state procurements and construction
119 projects for the purpose of ensuring that minority business
120 enterprises are provided an adequate opportunity to participate
121 fairly in the distribution of such federal monies and in the
122 awarding of such procurement and construction contracts.

123 **SECTION 2.** This act shall take effect and be in force from
124 and after July 1, 2005.