



Reprinted
January 15, 2010

HOUSE BILL No. 1111

DIGEST OF HB 1111 (Updated January 14, 2010 11:03 am - DI 116)

Citations Affected: IC 4-13.6; IC 5-16; IC 5-22; IC 8-23; IC 9-13; IC 9-17; IC 10-17.

Synopsis: Veteran matters. Provides a 3% price preference for businesses owned by veterans for purposes of state public works contracts, state purchasing of goods and services, and state highway contracts. Makes changes to the definition of "armed forces" to include the service of certain merchant marines for matters relating to the bureau of motor vehicles. Authorizes the Indiana department of veterans' affairs to aid and assist certain merchant marines entitled to benefits by the United States, the state, or another state or government. Authorizes the Indiana veterans' home to admit as members: (1) certain individuals who served in the merchant marine; or (2) the spouse or surviving spouse of certain individuals who served in the merchant marine.

Effective: July 1, 2010.

Barnes, Ruppel, Herrell, Reske

January 5, 2010, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 12, 2010, reported — Do Pass.
January 14, 2010, read second time, amended, ordered engrossed.

C
o
p
y



Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

C
O
P
Y

HOUSE BILL No. 1111

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-13.6-6-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. Except as provided
3 in ~~section~~ **sections 2.7 and 2.8** of this chapter or in rules adopted under
4 section 2.5 of this chapter, the division shall award a contract to the
5 lowest responsible and responsive contractor.

6 SECTION 2. IC 4-13.6-6-2.8 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2010]: **Sec. 2.8. (a) As used in this section,**
9 **"business owned by a veteran" means a business owned and**
10 **controlled by a veteran.**

11 **(b) As used in this section, "United States armed forces" means**
12 **the following:**

- 13 (1) **The Army.**
14 (2) **The Navy.**
15 (3) **The Air Force.**
16 (4) **The Marine Corps.**
17 (5) **The Coast Guard.**

HB 1111—LS 7011/DI 116+



1 (c) As used in this section, "veteran" means an individual:
2 (1) who:
3 (A) has served in:
4 (i) any of the United States armed forces or their
5 reserves;
6 (ii) the Indiana Army National Guard; or
7 (iii) the Indiana Air National Guard; and
8 (B) received an honorable discharge from service; or
9 (2) who is serving in:
10 (A) any of the United States armed forces or their reserves;
11 (B) the Indiana Army National Guard; or
12 (C) the Indiana Air National Guard.
13 (d) There is a price preference of three percent (3%) for a
14 contract entered into under this chapter with a business owned by
15 a veteran.
16 (e) The division shall compute a preference under this section in
17 the same manner in which a preference is computed under
18 IC 5-22-15.
19 (f) The department may adopt rules to carry out this section.
20 SECTION 3. IC 5-16-1-1.2 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1.2. (a) **Subject to**
22 **section 7.5 of this chapter**, when a public building or other public
23 work or improvement of any character is to be constructed, erected,
24 altered, or repaired at the expense of the state or a commission created
25 by law (excepting the Indiana department of transportation), and when
26 the estimated ~~costs~~ **cost** of the work or improvement is greater than
27 twenty-five thousand dollars (\$25,000) the board, commission, trustee,
28 officer, or agent acting on behalf of the state or commission created by
29 law (excepting the Indiana department of transportation), shall adopt
30 plans and specifications and shall award a contract for the public work
31 or improvement to the lowest and best bidder who submits a bid for the
32 performance of the work.
33 (b) Notwithstanding subsection (a), whenever the cost of any public
34 work is estimated to be less than twenty-five thousand dollars
35 (\$25,000), the officer or agent acting on behalf of the state or
36 commission having authority to employ workmen and own, rent, or
37 lease equipment may purchase materials in the manner provided by law
38 and perform the work by means of its own workmen and owned or
39 leased equipment without awarding a construction contract for the
40 work.
41 SECTION 4. IC 5-16-1-7.5 IS ADDED TO THE INDIANA CODE
42 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY

C
O
P
Y



1 1, 2010]: **Sec. 7.5. (a) As used in this section, "business owned by a**
 2 **veteran" means a business owned and controlled by a veteran.**
 3 **(b) As used in this section, "United States armed forces" means**
 4 **the following:**
 5 **(1) The Army.**
 6 **(2) The Navy.**
 7 **(3) The Air Force.**
 8 **(4) The Marine Corps.**
 9 **(5) The Coast Guard.**
 10 **(c) As used in this section, "veteran" means an individual:**
 11 **(1) who:**
 12 **(A) has served in:**
 13 **(i) any of the United States armed forces or their**
 14 **reserves;**
 15 **(ii) the Indiana Army National Guard; or**
 16 **(iii) the Indiana Air National Guard; and**
 17 **(B) received an honorable discharge from service; or**
 18 **(2) who is serving in:**
 19 **(A) any of the United States armed forces or their reserves;**
 20 **(B) the Indiana Army National Guard; or**
 21 **(C) the Indiana Air National Guard.**
 22 **(d) A board, commission, trustee, officer, or agent referred to in**
 23 **section 1.2(a) of this chapter shall grant a three percent (3%)**
 24 **preference to a business owned by a veteran. The board,**
 25 **commission, trustee, officer, or agent shall compute a preference**
 26 **under this section in the same manner in which a preference is**
 27 **computed under IC 5-22-15.**
 28 SECTION 5. IC 5-22-15-7 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) An offeror may
 30 claim one (1) of the following types of preference for which the offeror
 31 is eligible:
 32 (1) An Indiana business preference under rules adopted under
 33 section 20 of this chapter or IC 4-13.6-6-2.5.
 34 (2) A preference for supplies as provided by sections 16, 18, 19,
 35 and 24 of this chapter.
 36 (3) An Indiana small business preference as provided by section
 37 23 of this chapter.
 38 **(4) A veterans' preference as provided by section 26 of this**
 39 **chapter.**
 40 (b) An offeror may not claim more than one (1) preference as
 41 provided by sections 16, 18, 19, and 24 of this chapter for a given
 42 supply item.

C
O
P
Y



1 (c) This section does not:
 2 (1) apply to; or
 3 (2) limit;
 4 action of the Indiana department of administration under rules adopted
 5 under section 21 of this chapter.

6 SECTION 6. IC 5-22-15-26 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2010]: **Sec. 26. (a) As used in this section, "business owned by a
 9 veteran" means a business owned and controlled by a veteran.**

10 **(b) As used in this section, "United States armed forces" means
 11 the following:**

- 12 (1) The Army.
- 13 (2) The Navy.
- 14 (3) The Air Force.
- 15 (4) The Marine Corps.
- 16 (5) The Coast Guard.

17 **(c) As used in this section, "veteran" means an individual:**

- 18 (1) who:
 - 19 (A) has served in:
 - 20 (i) any of the United States armed forces or their
 - 21 reserves;
 - 22 (ii) the Indiana Army National Guard; or
 - 23 (iii) the Indiana Air National Guard; and
 - 24 (B) received an honorable discharge from service; or
- 25 (2) who is serving in:
 - 26 (A) any of the United States armed forces or their reserves;
 - 27 (B) the Indiana Army National Guard; or
 - 28 (C) the Indiana Air National Guard.

29 **(d) There is a price preference of three percent (3%) for a
 30 business owned by a veteran that submits an offer for a purchase
 31 under this chapter. The purchasing agent shall compute a
 32 preference under this section in the same manner in which other
 33 price preferences are computed under this chapter.**

34 SECTION 7. IC 8-23-1-14.2 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 2010]: **Sec. 14.2. "Business owned by a veteran" means a
 37 business owned and controlled by a veteran.**

38 SECTION 8. IC 8-23-1-42.8 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2010]: **Sec. 42.8. "United States armed forces" means the
 41 following:**

- 42 (1) The Army.

C
 O
 P
 Y



- 1 (2) The Navy.
- 2 (3) The Air Force.
- 3 (4) The Marine Corps.
- 4 (5) The Coast Guard.

5 SECTION 9. IC 8-23-1-44.7 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2010]: **Sec. 44.7. "Veteran" means an individual:**

- 8 (1) who:
 - 9 (A) has served in:
 - 10 (i) any of the United States armed forces or their
 - 11 reserves;
 - 12 (ii) the Indiana Army National Guard; or
 - 13 (iii) the Indiana Air National Guard; and
 - 14 (B) received an honorable discharge from service; or
- 15 (2) who is serving in:
 - 16 (A) any of the United States armed forces or their reserves;
 - 17 (B) the Indiana Army National Guard; or
 - 18 (C) the Indiana Air National Guard.

19 SECTION 10. IC 8-23-9-3 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. Except as provided
 21 in sections 3.5, 4, and 4.5 of this chapter, the commissioner shall let the
 22 contract for the construction, improvement, or maintenance of the road
 23 to the lowest and best bidder. The determination of the lowest and best
 24 bidder must include any requirement imposed under section 13 of this
 25 chapter. The lowest and best bid may not be for a greater sum than the
 26 estimated cost of the project.

27 SECTION 11. IC 8-23-9-3.5 IS ADDED TO THE INDIANA CODE
 28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2010]: **Sec. 3.5. When awarding a contract under this chapter,
 30 the department shall apply a three percent (3%) preference for a
 31 bid submitted by a business owned by a veteran. The department
 32 shall compute a preference under this section in the same manner
 33 in which a preference is computed under IC 5-22-15.**

34 SECTION 12. IC 9-13-2-101 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 101. "Member of the
 36 armed forces of the United States" means a person who served or
 37 serves on active military or naval service in the land, air, or naval
 38 forces of the United States. The term ~~does not include~~ **includes** service
 39 in the merchant ~~marines~~: **marine.**

40 SECTION 13. IC 9-17-2-102.2 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2010]: **Sec. 102.2. "Merchant marine" means**

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

an individual:

(1) who served as a crew member of a merchant vessel in active oceangoing service from December 7, 1941, to December 31, 1946, and who has received a discharge certificate (DD214) or a successor form adopted by the United States Department of Defense; or

(2) who served as a crew member of a merchant vessel and who is certified as having performed active military service by the:

(A) United States Congress;

(B) President of the United States; or

(C) United States Secretary of Defense,

and receives a discharge certificate (DD214) or a successor form adopted by the United States Department of Defense.

SECTION 14. IC 10-17-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The purpose of this chapter is to create a department with full authority to aid and assist veterans of the armed forces **and merchant marine (as defined in IC 9-17-2-102.2)** of the United States entitled to benefits or advantages provided on or after March 3, 1945, by the United States, the state, or another state or government.

SECTION 15. IC 10-17-9-7, AS AMENDED BY P.L.21-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) The following persons who are legal residents of Indiana for at least three (3) years immediately preceding application for admission and who have a disability or are destitute are eligible for admission to the home:

(1) An honorably discharged member of the armed forces who has served with the United States in any of its wars.

(2) An honorably discharged member of the armed forces who has served in an authorized campaign of the United States and who has a service connected disability, as evidenced by a pension certificate or the award of compensation.

(3) The spouse of an honorably discharged member of the armed forces described in subdivision (1) or (2).

(4) The surviving spouse of an honorably discharged member of the armed forces described in subdivision (1) or (2).

(5) An honorably discharged member of the merchant marine (as defined in IC 9-17-2-102.2).

(6) The spouse or surviving spouse of a member of the merchant marine described in subdivision (5).

(b) The department of veterans' affairs shall adopt rules concerning

C
o
p
y



1 admission to the home.

2 (c) In adopting rules governing the admission, maintenance, and
3 discharge of members of the home, the department of veterans' affairs
4 may establish a fund called the veterans' home comfort and welfare
5 fund. The director shall deposit all money collected from the members
6 for the cost of their care and maintenance in the fund. The director
7 shall expend this money in any manner that adds to the comfort and
8 welfare of the members of the institutions.

9 (d) A part of the veterans' home comfort and welfare fund may be
10 withdrawn and deposited in a special fund called the veterans' home
11 building fund. The veterans' home building fund shall be used for the
12 construction, maintenance, remodeling, or repair of buildings of the
13 Indiana Veterans' Home.

14 (e) Preference under this section may be given to a person who
15 served in an Indiana military organization. Except in cases where the
16 surviving spouse of a veteran marries another veteran, the benefits of
17 this chapter extend only to a surviving spouse and the spouse of a
18 veteran if the contract of marriage was entered into more than five (5)
19 years before the date of death of the veteran. Except as otherwise
20 provided by law, upon the death of a person in the home, money paid
21 to the person or due to the person from a bank, a trust company, a
22 corporation, or an individual becomes an asset of the person's estate
23 and shall be distributed in the manner prescribed by the probate law of
24 the state.

C
O
P
Y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1111, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

TINCHER, Chair

Committee Vote: yeas 12, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1111 be amended to read as follows:

Page 5, between lines 12 and 13, begin a new paragraph and insert:
 "SECTION 4. IC 9-17-2-102.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 102.2. "Merchant marine" means an individual:**

(1) who served as a crew member of a merchant vessel in active oceangoing service from December 7, 1941, to December 31, 1946, and who has received a discharge certificate (DD214) or a successor form adopted by the United States Department of Defense; or

(2) who served as a crew member of a merchant vessel and who is certified as having performed active military service by the:

(A) United States Congress;

(B) President of the United States; or

(C) United States Secretary of Defense,

and receives a discharge certificate (DD214) or a successor form adopted by the United States Department of Defense."

Page 5, line 16, after "marine" insert "**(as defined in IC 9-17-2-102.2)**".

Page 5, line 25, delete "or".

Page 5, line 26, delete "merchant marine".

Page 5, line 28, delete "or".

Page 5, line 29, delete "merchant marine".

Page 5, line 33, delete "or merchant marine".

Page 5, line 35, delete "or merchant marine".

Page 5, between lines 36 and 37, begin a new line block indented

C
O
P
Y



and insert:

"(5) An honorably discharged member of the merchant marine (as defined in IC 9-17-2-102.2).

(6) The spouse or surviving spouse of a member of the merchant marine described in subdivision (5)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1111 as printed January 12, 2010.)

RUPPEL

HOUSE MOTION

Mr. Speaker: I move that House Bill 1111 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-13.6-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. Except as provided in ~~section~~ **sections 2.7 and 2.8** of this chapter or in rules adopted under section 2.5 of this chapter, the division shall award a contract to the lowest responsible and responsive contractor.

SECTION 2. IC 4-13.6-6-2.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 2.8. (a) As used in this section, "business owned by a veteran" means a business owned and controlled by a veteran.**

(b) As used in this section, "United States armed forces" means the following:

- (1) The Army.**
- (2) The Navy.**
- (3) The Air Force.**
- (4) The Marine Corps.**
- (5) The Coast Guard.**

(c) As used in this section, "veteran" means an individual:

- (1) who:**
 - (A) has served in:**
 - (i) any of the United States armed forces or their reserves;**
 - (ii) the Indiana Army National Guard; or**
 - (iii) the Indiana Air National Guard; and**
 - (B) received an honorable discharge from service; or**

C
O
P
Y



(2) who is serving in:

(A) any of the United States armed forces or their reserves;

(B) the Indiana Army National Guard; or

(C) the Indiana Air National Guard.

(d) There is a price preference of three percent (3%) for a contract entered into under this chapter with a business owned by a veteran.

(e) The division shall compute a preference under this section in the same manner in which a preference is computed under IC 5-22-15.

(f) The department may adopt rules to carry out this section."

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 3. IC 5-16-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1.2. (a) **Subject to section 7.5 of this chapter**, when a public building or other public work or improvement of any character is to be constructed, erected, altered, or repaired at the expense of the state or a commission created by law (excepting the Indiana department of transportation), and when the estimated ~~costs~~ **cost** of the work or improvement is greater than twenty-five thousand dollars (\$25,000) the board, commission, trustee, officer, or agent acting on behalf of the state or commission created by law (excepting the Indiana department of transportation), shall adopt plans and specifications and shall award a contract for the public work or improvement to the lowest and best bidder who submits a bid for the performance of the work.

(b) Notwithstanding subsection (a), whenever the cost of any public work is estimated to be less than twenty-five thousand dollars (\$25,000), the officer or agent acting on behalf of the state or commission having authority to employ workmen and own, rent, or lease equipment may purchase materials in the manner provided by law and perform the work by means of its own workmen and owned or leased equipment without awarding a construction contract for the work.

SECTION 4. IC 5-16-1-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 7.5. (a) As used in this section, "business owned by a veteran" means a business owned and controlled by a veteran.**

(b) As used in this section, "United States armed forces" means the following:

(1) The Army.

C
o
p
y



- (2) The Navy.
 - (3) The Air Force.
 - (4) The Marine Corps.
 - (5) The Coast Guard.
- (c) As used in this section, "veteran" means an individual:

- (1) who:
 - (A) has served in:
 - (i) any of the United States armed forces or their reserves;
 - (ii) the Indiana Army National Guard; or
 - (iii) the Indiana Air National Guard; and
 - (B) received an honorable discharge from service; or
- (2) who is serving in:
 - (A) any of the United States armed forces or their reserves;
 - (B) the Indiana Army National Guard; or
 - (C) the Indiana Air National Guard.

(d) A board, commission, trustee, officer, or agent referred to in section 1.2(a) of this chapter shall grant a three percent (3%) preference to a business owned by a veteran. The board, commission, trustee, officer, or agent shall compute a preference under this section in the same manner in which a preference is computed under IC 5-22-15.

SECTION 5. IC 5-22-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) An offeror may claim one (1) of the following types of preference for which the offeror is eligible:

- (1) An Indiana business preference under rules adopted under section 20 of this chapter or IC 4-13.6-6-2.5.
- (2) A preference for supplies as provided by sections 16, 18, 19, and 24 of this chapter.
- (3) An Indiana small business preference as provided by section 23 of this chapter.
- (4) A veterans' preference as provided by section 26 of this chapter.**

(b) An offeror may not claim more than one (1) preference as provided by sections 16, 18, 19, and 24 of this chapter for a given supply item.

- (c) This section does not:
 - (1) apply to; or
 - (2) limit;

action of the Indiana department of administration under rules adopted under section 21 of this chapter.

C
O
P
Y



SECTION 6. IC 5-22-15-26 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 26. (a) As used in this section, "business owned by a veteran" means a business owned and controlled by a veteran.**

(b) As used in this section, "United States armed forces" means the following:

- (1) The Army.**
- (2) The Navy.**
- (3) The Air Force.**
- (4) The Marine Corps.**
- (5) The Coast Guard.**

(c) As used in this section, "veteran" means an individual:

- (1) who:**
 - (A) has served in:**
 - (i) any of the United States armed forces or their reserves;**
 - (ii) the Indiana Army National Guard; or**
 - (iii) the Indiana Air National Guard; and**
 - (B) received an honorable discharge from service; or**
- (2) who is serving in:**
 - (A) any of the United States armed forces or their reserves;**
 - (B) the Indiana Army National Guard; or**
 - (C) the Indiana Air National Guard.**

(d) There is a price preference of three percent (3%) for a business owned by a veteran that submits an offer for a purchase under this chapter. The purchasing agent shall compute a preference under this section in the same manner in which other price preferences are computed under this chapter.

SECTION 7. IC 8-23-1-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 14.2. "Business owned by a veteran" means a business owned and controlled by a veteran.**

SECTION 8. IC 8-23-1-42.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 42.8. "United States armed forces" means the following:**

- (1) The Army.**
- (2) The Navy.**
- (3) The Air Force.**
- (4) The Marine Corps.**
- (5) The Coast Guard.**

SECTION 9. IC 8-23-1-44.7 IS ADDED TO THE INDIANA CODE

**C
O
P
Y**



AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 44.7. "Veteran" means an individual:**

- (1) who:**
 - (A) has served in:**
 - (i) any of the United States armed forces or their reserves;**
 - (ii) the Indiana Army National Guard; or**
 - (iii) the Indiana Air National Guard; and**
 - (B) received an honorable discharge from service; or**
- (2) who is serving in:**
 - (A) any of the United States armed forces or their reserves;**
 - (B) the Indiana Army National Guard; or**
 - (C) the Indiana Air National Guard.**

SECTION 10. IC 8-23-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 3.** Except as provided in sections 3.5, 4, and 4.5 of this chapter, the commissioner shall let the contract for the construction, improvement, or maintenance of the road to the lowest and best bidder. The determination of the lowest and best bidder must include any requirement imposed under section 13 of this chapter. The lowest and best bid may not be for a greater sum than the estimated cost of the project.

SECTION 11. IC 8-23-9-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 3.5. When awarding a contract under this chapter, the department shall apply a three percent (3%) preference for a bid submitted by a business owned by a veteran. The department shall compute a preference under this section in the same manner in which a preference is computed under IC 5-22-15."**

Page 6, delete lines 20 through 42.
Delete pages 7 through 9.
Re-number all SECTIONS consecutively.

(Reference is to HB 1111 as printed January 12, 2010.)

WOLKINS

C
O
P
Y

