



January 7, 2011

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## SENATE BILL No. 210

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DIGEST OF SB 210 (Updated January 5, 2011 8:45 am - DI yl)

**Citations Affected:** IC 4-13.

**Synopsis:** Minority and women's business enterprises. Provides that for purposes of the law concerning participation of minority and women's business enterprises in state projects, contracting for goods and services does not include the value of a contract procuring medical insurance for individuals, or dependents of individuals, employed by a state agency.

**Effective:** July 1, 2011.

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January 5, 2011, read first time and referred to Committee on Rules and Legislative Procedure.

January 6, 2011, amended; reassigned to Committee on Commerce and Economic Development.

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SB 210—LS 6965/DI 13+



January 7, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 210

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

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

- 1 SECTION 1. IC 4-13-16.5-1, AS AMENDED BY P.L.1-2009,  
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 1. (a) The definitions in this section apply  
4 throughout this chapter.  
5 (b) "Commission" refers to the governor's commission on minority  
6 and women's business enterprises established under section 2 of this  
7 chapter.  
8 (c) "Commissioner" refers to the deputy commissioner for minority  
9 and women's business enterprises of the department.  
10 (d) "Contract" means any contract awarded by a state agency for  
11 construction projects or the procurement of goods or services,  
12 including professional services. For purposes of this subsection, "goods  
13 or services" may not include the following when determining the total  
14 value of contracts for state agencies:  
15 (1) Utilities.  
16 (2) Health care services ~~(as defined in IC 27-8-11-1(c))~~: **for any**  
17 **contract awarded by the state that procures medical**

SB 210—LS 6965/DI 13+



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**insurance for:**  
**(A) individuals; or**  
**(B) dependents of individuals;**  
**employed by a state agency.**

(3) Rent paid for real property or payments constituting the price of an interest in real property as a result of a real estate transaction.

(e) "Department" refers to the Indiana department of administration established by IC 4-13-1-2.

(f) "Minority business enterprise" or "minority business" means an individual, partnership, corporation, limited liability company, or joint venture of any kind that is owned and controlled by one (1) or more persons who are:

- (1) United States citizens; and
- (2) members of a minority group or a qualified minority nonprofit corporation.

(g) "Qualified minority or women's nonprofit corporation" means a corporation that:

- (1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;
- (2) is headquartered in Indiana;
- (3) has been in continuous existence for at least five (5) years;
- (4) has a board of directors that has been in compliance with all other requirements of this chapter for at least five (5) years;
- (5) is chartered for the benefit of the minority community or women; and
- (6) provides a service that will not impede competition among minority business enterprises or women's business enterprises at the time a nonprofit applies for certification as a minority business enterprise or a women's business enterprise.

(h) "Owned and controlled" means:

- (1) if the business is a qualified minority nonprofit corporation, a majority of the board of directors are minority;
- (2) if the business is a qualified women's nonprofit corporation, a majority of the members of the board of directors are women; or
- (3) if the business is a business other than a qualified minority or women's nonprofit corporation, having:
  - (A) ownership of at least fifty-one percent (51%) of the enterprise, including corporate stock of a corporation;
  - (B) control over the management and active in the day-to-day operations of the business; and
  - (C) an interest in the capital, assets, and profits and losses of

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1           the business proportionate to the percentage of ownership.  
2       (i) "Minority group" means:  
3           (1) Blacks;  
4           (2) American Indians;  
5           (3) Hispanics; and  
6           (4) Asian Americans.  
7       (j) "Separate body corporate and politic" refers to an entity  
8       established by the general assembly as a body corporate and politic.  
9       (k) "State agency" refers to any authority, board, branch,  
10       commission, committee, department, division, or other instrumentality  
11       of the executive, including the administrative, department of state  
12       government.

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 210, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Commerce and Economic Development.

(Reference is to SB 210 as introduced.)

LONG, Chairperson

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