

# COMMITTEE REPORT

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## 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:

- 1 Delete the title and insert the following:  
2 A BILL FOR AN ACT to amend the Indiana Code concerning  
3 state offices and administration.  
4 Delete everything after the enacting clause and insert the  
5 following:  
6 SECTION 1. IC 4-13-16.5-1, AS AMENDED BY P.L.1-2009,  
7 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2011]: Sec. 1. (a) The definitions in this section apply  
9 throughout this chapter.  
10 (b) "Commission" refers to the governor's commission on minority  
11 and women's business enterprises established under section 2 of this  
12 chapter.  
13 (c) "Commissioner" refers to the deputy commissioner for minority  
14 and women's business enterprises of the department.  
15 (d) "Contract" means any contract awarded by a state agency for  
16 construction projects or the procurement of goods or services,  
17 including professional services. For purposes of this subsection, "goods  
18 or services" may not include the following when determining the total  
19 value of contracts for state agencies:  
20 (1) Utilities.  
21 (2) Health care services ~~(as defined in IC 27-8-11-1(c))~~; **for any**  
22 **contract awarded by the state that procures medical**  
23 **insurance for:**  
24 (A) **individuals; or**  
25 (B) **dependents of individuals;**  
26 **employed by a state agency.**

- 1 (3) Rent paid for real property or payments constituting the price  
 2 of an interest in real property as a result of a real estate  
 3 transaction.
- 4 (e) "Department" refers to the Indiana department of  
 5 administration established by IC 4-13-1-2.
- 6 (f) "Minority business enterprise" or "minority business" means an  
 7 individual, partnership, corporation, limited liability company, or joint  
 8 venture of any kind that is owned and controlled by one (1) or more  
 9 persons who are:
- 10 (1) United States citizens; and  
 11 (2) members of a minority group or a qualified minority  
 12 nonprofit corporation.
- 13 (g) "Qualified minority or women's nonprofit corporation" means  
 14 a corporation that:
- 15 (1) is exempt from federal income taxation under Section  
 16 501(c)(3) of the Internal Revenue Code;  
 17 (2) is headquartered in Indiana;  
 18 (3) has been in continuous existence for at least five (5) years;  
 19 (4) has a board of directors that has been in compliance with all  
 20 other requirements of this chapter for at least five (5) years;  
 21 (5) is chartered for the benefit of the minority community or  
 22 women; and  
 23 (6) provides a service that will not impede competition among  
 24 minority business enterprises or women's business enterprises at  
 25 the time a nonprofit applies for certification as a minority  
 26 business enterprise or a women's business enterprise.
- 27 (h) "Owned and controlled" means:
- 28 (1) if the business is a qualified minority nonprofit corporation,  
 29 a majority of the board of directors are minority;  
 30 (2) if the business is a qualified women's nonprofit corporation,  
 31 a majority of the members of the board of directors are women;  
 32 or  
 33 (3) if the business is a business other than a qualified minority or  
 34 women's nonprofit corporation, having:
- 35 (A) ownership of at least fifty-one percent (51%) of the  
 36 enterprise, including corporate stock of a corporation;  
 37 (B) control over the management and active in the  
 38 day-to-day operations of the business; and  
 39 (C) an interest in the capital, assets, and profits and losses  
 40 of the business proportionate to the percentage of  
 41 ownership.
- 42 (i) "Minority group" means:
- 43 (1) Blacks;  
 44 (2) American Indians;  
 45 (3) Hispanics; and  
 46 (4) Asian Americans.
- 47 (j) "Separate body corporate and politic" refers to an entity  
 48 established by the general assembly as a body corporate and politic.
- 49 (k) "State agency" refers to any authority, board, branch,  
 50 commission, committee, department, division, or other instrumentality

1 of the executive, including the administrative, department of state  
2 government.

(Reference is to SB 210 as introduced.)

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

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LONG, Chairperson