

HOUSE BILL No. 1330

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13-16.5-1.

Synopsis: Minority procurement. Restates the exception for certain goods and services to the laws governing minority and women's business enterprises.

Effective: July 1, 2012.

Welch, Ellspermann, Austin

January 11, 2012, read first time and referred to Committee on Government and Regulatory Reform.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1330



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 4-13-16.5-1, AS AMENDED BY P.L.114-2010,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: 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 or, as
11 set forth in section 2(f)(11) of this chapter, awarded by a recipient of
12 state grant funds, for construction projects or the procurement of goods
13 or services, including professional services. For purposes of this
14 subsection, "goods or services" ~~may not include~~ **shall include** the
15 following when determining the total value of contracts for state
16 agencies:

17 (1) Utilities.



- 1 (2) Health care services (as defined in IC 27-8-11-1(c)).
 2 (3) Rent paid for real property or payments constituting the price
 3 of an interest in real property as a result of a real estate
 4 transaction.
- 5 (e) "Contractor" means a person or entity that:
 6 (1) contracts with a state agency; or
 7 (2) as set forth in section 2(f)(11) of this chapter:
 8 (A) is a recipient of state grant funds; and
 9 (B) enters into a contract:
 10 (i) with a person or entity other than a state agency; and
 11 (ii) that is paid for in whole or in part with the state grant
 12 funds.
- 13 (f) "Department" refers to the Indiana department of administration
 14 established by IC 4-13-1-2.
- 15 (g) "Minority business enterprise" or "minority business" means an
 16 individual, partnership, corporation, limited liability company, or joint
 17 venture of any kind that is owned and controlled by one (1) or more
 18 persons who are:
 19 (1) United States citizens; and
 20 (2) members of a minority group or a qualified minority nonprofit
 21 corporation.
- 22 (h) "Qualified minority or women's nonprofit corporation" means a
 23 corporation that:
 24 (1) is exempt from federal income taxation under Section
 25 501(c)(3) of the Internal Revenue Code;
 26 (2) is headquartered in Indiana;
 27 (3) has been in continuous existence for at least five (5) years;
 28 (4) has a board of directors that has been in compliance with all
 29 other requirements of this chapter for at least five (5) years;
 30 (5) is chartered for the benefit of the minority community or
 31 women; and
 32 (6) provides a service that will not impede competition among
 33 minority business enterprises or women's business enterprises at
 34 the time a nonprofit applies for certification as a minority
 35 business enterprise or a women's business enterprise.
- 36 (i) "Owned and controlled" means:
 37 (1) if the business is a qualified minority nonprofit corporation, a
 38 majority of the board of directors are minority;
 39 (2) if the business is a qualified women's nonprofit corporation,
 40 a majority of the members of the board of directors are women; or
 41 (3) if the business is a business other than a qualified minority or
 42 women's nonprofit corporation, having:

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- 1 (A) ownership of at least fifty-one percent (51%) of the
- 2 enterprise, including corporate stock of a corporation;
- 3 (B) control over the management and active in the day-to-day
- 4 operations of the business; and
- 5 (C) an interest in the capital, assets, and profits and losses of
- 6 the business proportionate to the percentage of ownership.
- 7 (j) "Minority group" means:
- 8 (1) Blacks;
- 9 (2) American Indians;
- 10 (3) Hispanics; and
- 11 (4) Asian Americans.
- 12 (k) "Separate body corporate and politic" refers to an entity
- 13 established by the general assembly as a body corporate and politic.
- 14 (l) "State agency" refers to any authority, board, branch,
- 15 commission, committee, department, division, or other instrumentality
- 16 of the executive, including the administrative, department of state
- 17 government.

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