

SENATE BILL No. 574

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-3-27-5; IC 4-13-16.5; IC 4-13.6-2-12; IC 4-30-1-2; IC 4-33-14; IC 4-35-11; IC 5-1; IC 5-1.2-5-8; IC 5-16-6.5; IC 5-22-14; IC 5-30-5-2; IC 5-32-3-3; IC 6-3.1; IC 8-15.5-6-3; IC 8-15.7; IC 8-25-4-7; IC 27-16-3-5; IC 35-43-5-3; IC 36-1-9.5-48; IC 36-7.5-2-8; IC 36-7.6-2-13.

Synopsis: Hoosiers with disabilities business enterprise. Adds "Hoosiers with disabilities business enterprise" to the governor's commission on minority and women's business enterprises. Adds "Hoosiers with disabilities business enterprise" to the list of favored business enterprises for public purchasing and public works purposes. Adds "disability owned small business concern" to the definition of "small business". Provides a credit against state tax liability to an eligible employer that employs an Indiana resident with a disability. Makes technical corrections.

Effective: July 1, 2019.

Ruckelshaus

January 14, 2019, read first time and referred to Committee on Pensions and Labor.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 574

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 4-3-27-5, AS ADDED BY P.L.152-2018,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 5. (a) The membership of the governor's
4 workforce cabinet established under section 3 of this chapter consists
5 of at least ~~twenty-one (21)~~ **twenty-two (22)** members as follows:
6 (1) A chairperson appointed by the governor.
7 (2) The secretary of career connections and talent.
8 (3) The commissioner of the department of workforce
9 development.
10 (4) The president of the Indiana economic development
11 corporation.
12 (5) The commissioner of the Indiana commission for higher
13 education.
14 (6) The superintendent of public instruction.
15 (7) The president of Ivy Tech Community College.
16 (8) The president of Vincennes University.
17 (9) A member appointed by the governor who is an



1 apprenticeship coordinator of a joint labor-management
 2 apprenticeship program approved by the United States
 3 Department of Labor, Employment and Training Administration,
 4 Office of Apprenticeship.

5 (10) A member representing high school career and technical
 6 education directors appointed by the governor in consultation
 7 with the Indiana Association of Career and Technical Education
 8 Districts.

9 (11) A member representing manufacturing appointed by the
 10 governor in consultation with the Indiana Manufacturers
 11 Association.

12 (12) A member representing a minority business enterprise
 13 appointed by the governor.

14 (13) A member representing a women's business enterprise
 15 appointed by the governor.

16 **(14) A member representing a Hoosiers with disabilities
 17 business enterprise appointed by the governor.**

18 ~~(14)~~ **(15)** A member representing a veteran owned business
 19 appointed by the governor.

20 ~~(15)~~ **(16)** A member representing the nonunion and construction
 21 trades appointed by the governor in consultation with the
 22 Associated Builders and Contractors, Inc., and the Indiana
 23 Builders Association.

24 ~~(16)~~ **(17)** A business owner appointed by the governor in
 25 consultation with the Indiana Chamber of Commerce.

26 ~~(17)~~ **(18)** A small business owner appointed by the governor in
 27 consultation with the National Federation of Independent
 28 Businesses.

29 ~~(18)~~ **(19)** A member of a community-based organization
 30 appointed by the governor.

31 ~~(19)~~ **(20)** Three (3) at-large business owners appointed by the
 32 governor, one (1) of whom is a business owner who employs less
 33 than fifty (50) employees.

34 ~~(20)~~ **(21)** Any additional members designated and appointed by
 35 the governor.

36 (b) The members appointed under subsection (a)(11) through
 37 ~~(a)(19)~~ **(a)(20)** must be geographically diverse.

38 SECTION 2. IC 4-13-16.5-1, AS AMENDED BY P.L.114-2010,
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: Sec. 1. (a) The definitions in this section apply
 41 throughout this chapter.

42 (b) "Commission" refers to the governor's commission on minority,



1 **and** women's, **and Hoosiers with disabilities** business enterprises
2 established under section 2 of this chapter.

3 (c) "Commissioner" refers to the deputy commissioner for minority,
4 **and** women's, **and Hoosiers with disabilities** business enterprises of
5 the department.

6 (d) "Contract" means any contract awarded by a state agency or, as
7 set forth in section 2(f)(11) of this chapter, awarded by a recipient of
8 state grant funds, for construction projects or the procurement of goods
9 or services, including professional services. For purposes of this
10 subsection, "goods or services" may not include the following when
11 determining the total value of contracts for state agencies:

12 (1) Utilities.

13 (2) Health care services (as defined in IC 27-8-11-1(c)).

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

17 (e) "Contractor" means a person or entity that:

18 (1) contracts with a state agency; or

19 (2) as set forth in section 2(f)(11) of this chapter:

20 (A) is a recipient of state grant funds; and

21 (B) enters into a contract:

22 (i) with a person or entity other than a state agency; and

23 (ii) that is paid for in whole or in part with the state grant
24 funds.

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

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

31 (1) United States citizens; and

32 (2) members of a minority group or a qualified minority nonprofit
33 corporation.

34 (h) "Qualified minority, ~~or~~ women's, **or Hoosiers with disabilities**
35 nonprofit corporation" means a corporation that:

36 (1) is exempt from federal income taxation under Section
37 501(c)(3) of the Internal Revenue Code;

38 (2) is headquartered in Indiana;

39 (3) has been in continuous existence for at least five (5) years;

40 (4) has a board of directors that has been in compliance with all
41 other requirements of this chapter for at least five (5) years;

42 (5) is chartered for the benefit of the minority community, ~~or~~



1 women, **or individuals with disabilities**; and
 2 (6) provides a service that will not impede competition among
 3 minority business enterprises, ~~or~~ women's business enterprises, **or**
 4 **Hoosiers with disabilities business enterprises** at the time a
 5 nonprofit applies for certification as a minority business
 6 enterprise, ~~or~~ a women's business enterprise, **or a Hoosiers with**
 7 **disabilities business enterprise.**

8 (i) "Owned and controlled" means:

9 (1) if the business is a qualified minority nonprofit corporation, a
 10 majority of the board of directors are minority;

11 (2) if the business is a qualified women's nonprofit corporation,
 12 a majority of the members of the board of directors are women; ~~or~~

13 **(3) if the business is a qualified Hoosiers with disabilities**
 14 **nonprofit corporation, a majority of the members of the**
 15 **board of directors are individuals with disabilities; or**

16 ~~(3)~~ **(4) if the business is a business other than a qualified minority,**
 17 **or women's, or Hoosiers with disabilities** nonprofit corporation,
 18 having:

19 (A) ownership of at least fifty-one percent (51%) of the
 20 enterprise, including corporate stock of a corporation;

21 (B) control over the management and active in the day-to-day
 22 operations of the business; and

23 (C) an interest in the capital, assets, and profits and losses of
 24 the business proportionate to the percentage of ownership.

25 (j) "Minority group" means:

26 (1) Blacks;

27 (2) American Indians;

28 (3) Hispanics; and

29 (4) Asian Americans.

30 (k) "Separate body corporate and politic" refers to an entity
 31 established by the general assembly as a body corporate and politic.

32 (l) "State agency" refers to any authority, board, branch,
 33 commission, committee, department, division, or other instrumentality
 34 of the executive, including the administrative, department of state
 35 government.

36 SECTION 3. IC 4-13-16.5-1.2 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2019]: **Sec. 1.2. (a) As used in this chapter,**
 39 **"Hoosiers with disabilities business enterprise" means a business**
 40 **that is one (1) of the following:**

41 **(1) A sole proprietorship owned and controlled by an**
 42 **individual with a disability.**



1 **(2) A partnership or joint venture owned and controlled by**
 2 **individuals with a disability in which:**

3 **(A) at least fifty-one percent (51%) of the ownership is**
 4 **held by individuals with a disability; and**

5 **(B) the management and daily business operations are**
 6 **controlled by at least one (1) of the individuals with a**
 7 **disability who owns the business.**

8 **(3) A corporation or other entity:**

9 **(A) whose management and daily business operations are**
 10 **controlled by at least one (1) of the individuals with a**
 11 **disability who owns the business; and**

12 **(B) that is at least fifty-one percent (51%) owned by**
 13 **individuals with a disability, or if stock is issued, at least**
 14 **fifty-one percent (51%) of the stock is owned by at least**
 15 **one (1) of the individuals with a disability.**

16 **(4) A qualified Hoosiers with disabilities nonprofit**
 17 **corporation as defined in section 1(h) of this chapter.**

18 **(b) As used in this section, "individual with a disability" means**
 19 **an individual:**

20 **(1) who has a physical or mental impairment that**
 21 **substantially limits one (1) or more major life activities;**

22 **(2) who has a record of an impairment described in**
 23 **subdivision (1); or**

24 **(3) who is regarded as having an impairment described in**
 25 **subdivision (1).**

26 SECTION 4. IC 4-13-16.5-2, AS AMENDED BY P.L.114-2010,
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2019]: Sec. 2. (a) There is established a governor's
 29 commission on minority, ~~and~~ women's, ~~and~~ **Hoosiers with disabilities**
 30 business enterprises. The commission shall consist of the following
 31 members:

32 (1) A governor's designee, who shall serve as chairman of the
 33 commission.

34 (2) The commissioner of the Indiana department of transportation,
 35 or the economic opportunity director of the Indiana department of
 36 transportation if the commissioner of the Indiana department of
 37 transportation so designates.

38 (3) The chairperson of the board of the Indiana economic
 39 development corporation or the chairperson's designee.

40 (4) The commissioner of the department.

41 (5) Nine (9) individuals with demonstrated capabilities in
 42 business and industry, especially minority, ~~and~~ women's, ~~and~~



1 **Hoosiers with disabilities** business enterprises, appointed by the
2 governor from the following geographical areas of the state:

3 (A) Three (3) from the northern one-third (1/3) of the state.

4 (B) Three (3) from the central one-third (1/3) of the state.

5 (C) Three (3) from the southern one-third (1/3) of the state.

6 (6) Two (2) members of the house of representatives, no more
7 than one (1) from the same political party, appointed by the
8 speaker of the house of representatives to serve in a nonvoting
9 advisory capacity.

10 (7) Two (2) members of the senate, no more than one (1) from the
11 same political party, appointed by the president pro tempore of
12 the senate to serve in a nonvoting advisory capacity.

13 Not more than six (6) of the ten (10) members appointed or designated
14 by the governor may be of the same political party. Appointed members
15 of the commission shall serve four (4) year terms. A vacancy occurs if
16 a legislative member leaves office for any reason. Any vacancy on the
17 commission shall be filled in the same manner as the original
18 appointment.

19 (b) Each member of the commission who is not a state employee is
20 entitled to the following:

21 (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

22 (2) Reimbursement for traveling expenses and other expenses
23 actually incurred in connection with the member's duties as
24 provided under IC 4-13-1-4 and in the state travel policies and
25 procedures established by the Indiana department of
26 administration and approved by the budget agency.

27 (c) Each legislative member of the commission is entitled to receive
28 the same per diem, mileage, and travel allowances established by the
29 legislative council and paid to members of the general assembly
30 serving on interim study committees. The allowances specified in this
31 subsection shall be paid by the legislative services agency from the
32 amounts appropriated for that purpose.

33 (d) A member of the commission who is a state employee but who
34 is not a member of the general assembly is not entitled to any of the
35 following:

36 (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

37 (2) Reimbursement for traveling expenses as provided under
38 IC 4-13-1-4.

39 (3) Other expenses actually incurred in connection with the
40 member's duties.

41 (e) The commission shall meet at least four (4) times each year and
42 at other times as the chairman considers necessary.



1 (f) The duties of the commission shall include but not be limited to
2 the following:

3 (1) Identify minority, ~~and~~ women's, **and Hoosiers with**
4 **disabilities** business enterprises in the state.

5 (2) Assess the needs of minority, ~~and~~ women's, **and Hoosiers**
6 **with disabilities** business enterprises.

7 (3) Initiate aggressive programs to assist minority, ~~and~~ women's,
8 **and Hoosiers with disabilities** business enterprises in obtaining
9 state contracts.

10 (4) Give special publicity to procurement, bidding, and qualifying
11 procedures.

12 (5) Include minority, ~~and~~ women's, **and Hoosiers with**
13 **disabilities** business enterprises on solicitation mailing lists.

14 (6) Evaluate the competitive differences between qualified
15 minority, ~~or~~ women's, **or Hoosiers with disabilities** nonprofit
16 corporations and other ~~than~~ qualified minority, ~~or~~ women's, **or**
17 **Hoosiers with disabilities** nonprofit corporations that offer
18 similar services and make recommendation to the department on
19 policy changes necessary to ensure fair competition among
20 minority, ~~and~~ women's, **and Hoosiers with disabilities** business
21 enterprises.

22 (7) Define the duties, goals, and objectives of the deputy
23 commissioner of the department as created under this chapter to
24 assure compliance by all state agencies, separate bodies corporate
25 and politic, and state educational institutions with state and
26 federal legislation and policy concerning the awarding of
27 contracts (including, notwithstanding section 1(d) of this chapter
28 or any other law, contracts of state educational institutions) to
29 minority, ~~and~~ women's, **and Hoosiers with disabilities** business
30 enterprises.

31 (8) Establish annual goals:

32 (A) for the use of minority, ~~and~~ women's, **and Hoosiers with**
33 **disabilities** business enterprises; and

34 (B) derived from a statistical analysis of utilization study of
35 state contracts (including, notwithstanding section 1(d) of this
36 chapter or any other law, contracts of state educational
37 institutions) that are required to be updated every five (5)
38 years.

39 (9) Prepare a review of the commission and the various affected
40 departments of government to be submitted to the governor and
41 the legislative council on March 1 and October 1 of each year,
42 evaluating progress made in the areas defined in this subsection.



- 1 (10) Ensure that the statistical analysis required under this
 2 section:
 3 (A) is based on goals for participation of minority business
 4 enterprises established in *Richmond v. Croson*, 488 U.S. 469
 5 (1989);
 6 (B) includes information on both contracts and subcontracts
 7 (including, notwithstanding section 1(d) of this chapter or any
 8 other law, contracts and subcontracts of state educational
 9 institutions); and
 10 (C) uses data on the combined capacity of minority, ~~and~~
 11 women's, **and Hoosiers with disabilities** businesses
 12 enterprises in Indiana and not just regional data.
 13 (11) Establish annual goals for the use of minority, ~~and~~ women's,
 14 **and Hoosiers with disabilities** business enterprises for any
 15 contract that:
 16 (A) will be paid for in whole or in part with state grant funds;
 17 and
 18 (B) involves the use of real property of a unit (as defined in
 19 IC 4-4-32.2-9).
 20 (g) The department shall direct contractors to demonstrate a good
 21 faith effort to meet the annual participation goals established under
 22 subsection (f)(11). The good faith effort shall be demonstrated by
 23 contractors using the repository of certified firms created under section
 24 3 of this chapter or a similar repository maintained by a unit (as defined
 25 in IC 4-4-32.2-9).
 26 (h) The department shall adopt rules of ethics under IC 4-22-2 for
 27 commission members other than commission members appointed
 28 under subsection (a)(6) or (a)(7).
 29 (i) The department shall furnish administrative support and staff as
 30 is necessary for the effective operation of the commission.
 31 (j) The commission shall advise the department on developing a
 32 statement, to be included in all applications for and agreements
 33 governing grants made with state funds, stating the importance of the
 34 use of minority, ~~and~~ women's, **and Hoosiers with disabilities** business
 35 enterprises in fulfilling the purposes of the grant.
 36 SECTION 5. IC 4-13-16.5-3, AS AMENDED BY P.L.114-2010,
 37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2019]: Sec. 3. (a) There is created in the department a deputy
 39 commissioner for minority, ~~and~~ women's, **and Hoosiers with**
 40 **disabilities** business enterprise development. Upon consultation with
 41 the commission, the commissioner of the department, with the approval
 42 of the governor, shall appoint an individual who possesses



1 demonstrated capability in business or industry, especially in minority,
 2 ~~or~~ women's, **or Hoosiers with disabilities** business enterprises, to
 3 serve as deputy commissioner to work with the commission in the
 4 implementation of this chapter.

5 (b) The deputy commissioner shall do the following:

6 (1) Identify and certify minority, ~~and~~ women's, **and Hoosiers**
 7 **with disabilities** business enterprises for state projects.

8 (2) Establish a central certification file.

9 (3) Periodically update the certification status of each minority, ~~or~~
 10 women's, **or Hoosiers with disabilities** business enterprise.

11 (4) Monitor the progress in achieving the goals established under
 12 section 2(f)(8) and 2(f)(11) of this chapter.

13 (5) Require all state agencies, separate bodies corporate and
 14 politic, and state educational institutions to report on planned and
 15 actual participation of minority, ~~and~~ women's, **and Hoosiers with**
 16 **disabilities** business enterprises in contracts awarded by state
 17 agencies. The commissioner may exclude from the reports
 18 uncertified minority, ~~and~~ women's, **and Hoosiers with**
 19 **disabilities** business enterprises.

20 (6) Determine and define opportunities for minority, ~~and~~
 21 women's, **and Hoosiers with disabilities** business participation
 22 in contracts awarded by all state agencies, separate bodies
 23 corporate and politic, and state educational institutions.

24 (7) Implement programs initiated by the commission under
 25 section 2 of this chapter.

26 (8) Perform other duties as defined by the commission or by the
 27 commissioner of the department.

28 SECTION 6. IC 4-13-16.5-4, AS AMENDED BY P.L.3-2008,
 29 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 4. (a) Before January 1 of even-numbered years,
 31 the department shall determine whether, during the most recently
 32 completed two (2) year period ending the previous July 1, the goals set
 33 under section 2(f)(8) of this chapter have been met.

34 (b) The department shall adopt rules under IC 4-22-2 to ensure that
 35 the goals set under section 2(f)(8) of this chapter are met.

36 (c) ~~Expenditures~~ **An expenditure** with a business ~~enterprises~~ that
 37 **enterprise may qualify as both for more than one (1) of the**
 38 **following:**

39 (1) A minority business enterprise.

40 (2) ~~and~~ A women's business enterprise.

41 (3) **A Hoosiers with disabilities business enterprise.**

42 **If so, the expenditure may be counted toward the attainment of the**



1 goal for ~~either~~:

2 (1) ~~minority business enterprises; or~~

3 (2) ~~women's business enterprises; only one (1) of the three (3)~~
 4 **business enterprises described in subdivisions (1) through (3)**

5 at the election made by the procurer of goods, services, or goods and
 6 services. ~~but not both.~~

7 SECTION 7. IC 4-13-16.5-6 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) Notwithstanding
 9 any other law, the standards developed under this chapter apply to the
 10 determination and certification of a business as a minority business
 11 enterprise, ~~or a women's business enterprise, or a~~ **Hoosiers with**
 12 **disabilities business enterprise** under any Indiana law.

13 (b) Notwithstanding any other law, a certification of a business as
 14 a minority business enterprise, ~~or a women's business enterprise, or a~~
 15 **Hoosiers with disabilities business enterprise** under this chapter
 16 satisfies any Indiana law providing for or requiring the certification of
 17 a business as a minority business enterprise, ~~or a women's business~~
 18 enterprise, ~~or a~~ **Hoosiers with disabilities business enterprise.**

19 SECTION 8. IC 4-13-16.5-7 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. For purposes of
 21 IC 5-14-3, materials containing:

22 (1) personal financial information; or

23 (2) confidential business information;

24 submitted by an applicant for certification as a minority business
 25 enterprise, ~~or a women's business enterprise, or a~~ **Hoosiers with**
 26 **disabilities business enterprise** are confidential.

27 SECTION 9. IC 4-13-16.5-8, AS ADDED BY P.L.228-2007,
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 8. (a) This section applies to a contractor whose
 30 offer designated minority businesses, ~~or women's business enterprises,~~
 31 **or Hoosiers with disabilities business enterprises** to furnish any
 32 supplies or perform any work under the contract awarded to the
 33 contractor.

34 (b) As used in this section, "contract" refers to any of the following:

35 (1) A contract for the purchase of supplies by a state agency.

36 (2) A contract for the performance of services for a state agency.

37 (3) A public works contract (as defined in IC 4-13.6-1-14).

38 (4) A contract to perform professional services (as defined in
 39 IC 4-13.6-1-11) in connection with a public works contract.

40 (c) As used in this section, "contractor" refers to a person awarded
 41 a contract by a state agency.

42 (d) As used in this section, "offer" means a response to a



1 solicitation. The term includes a bid, proposal, and quote.
 2 (e) As used in this section, "solicitation" means the procedure by
 3 which a state agency invites persons to submit an offer to enter into a
 4 contract with the state agency. The term includes an invitation for bids,
 5 a request for proposals, and a request for quotes.
 6 (f) Before beginning work on a contract, a contractor shall do the
 7 following:
 8 (1) Notify in writing each minority business, ~~and~~ women's
 9 business enterprise, **and Hoosiers with disabilities business**
 10 **enterprise** designated in the contractor's offer that the contractor
 11 has been awarded the contract.
 12 (2) Give copies of each notification to the state agency that
 13 awarded the contract.
 14 (g) If a contractor fails to comply with subsection (f), the awarding
 15 state agency may consider the failure a breach of contract and do any
 16 of the following:
 17 (1) Cancel the contract.
 18 (2) Collect from the contractor all funds paid to the contractor
 19 under the contract.
 20 (3) Exercise any of the state's rights set out in the contract.
 21 (4) Use the failure as a basis for finding the contractor not
 22 responsible when awarding other contracts.
 23 SECTION 10. IC 4-13.6-2-12, AS ADDED BY P.L.133-2007,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2019]: Sec. 12. The department shall offer instruction at least
 26 annually to:
 27 (1) small businesses (as defined in IC 5-22-14-1);
 28 (2) minority business enterprises (as defined in IC 4-13-16.5-1);
 29 **(3) Hoosiers with disabilities business enterprises (as defined**
 30 **in IC 4-13-16.5-1.2); and**
 31 ~~(3)~~ **(4)** women's business enterprises (as defined in
 32 IC 4-13-16.5-1.3);
 33 with regard to bonding requirements and working with the surety
 34 industry to secure bonding for public works projects.
 35 SECTION 11. IC 4-30-1-2 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. In construing this
 37 article, it is the intent of the general assembly that the following
 38 policies be carried out:
 39 (1) That the lottery games be operated by the state lottery
 40 commission, which is created by IC 4-30-3 as a separate body
 41 politic and corporate from state government and should function
 42 as much as possible as an entrepreneurial business enterprise.



- 1 (2) That the general assembly recognizes that the operation of a
 2 lottery is a unique activity for state government and that policies
 3 and procedures appropriate for the performance of other
 4 governmental functions are not necessarily appropriate for the
 5 operation of a lottery.
 6 (3) That the lottery games be operated as a self-supporting
 7 revenue raising operation.
 8 (4) That the commission be accountable to the general assembly
 9 and the people of Indiana through a system of audits and reports
 10 and by complying with financial disclosure, open meetings, and
 11 public record laws.
 12 (5) That the commission ensure the equitable participation of
 13 minorities, **and women, and individuals with disabilities** in all
 14 phases of the lottery, including instant game and on-line retailers
 15 and vendors. The commission shall establish annual goals:
 16 (A) for the use of minority, **and women's, and Hoosiers with**
 17 **disabilities** business enterprises (as defined in IC 4-13-16.5-1,
 18 **IC 4-13-16.5-1.2,** and IC 4-13-16.5-1.3) in construction,
 19 professional services, other services, and supplies; and
 20 (B) derived from a statistical analysis of utilization study of
 21 lottery contracts that are required to be updated every five (5)
 22 years.
 23 The commission shall, in cooperation with the Indiana department
 24 of administration, adopt rules under IC 4-22-2 to ensure that the
 25 goals set under this subdivision are met.
 26 (6) That lottery game advertising and promotion shall be
 27 consistent with the dignity and integrity of the state.
 28 SECTION 12. IC 4-33-14-1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. The general
 30 assembly declares that the opportunity for full minority, **and women's,**
 31 **and Hoosiers with disabilities** business enterprise participation in the
 32 riverboat industry is essential if social and economic parity is to be
 33 obtained by minority and women business persons, **and business**
 34 **persons with disabilities,** and if the economies of the riverboat cities
 35 are to be stimulated as contemplated by this article.
 36 SECTION 13. IC 4-33-14-1.4 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2019]: **Sec. 1.4. As used in this chapter,**
 39 **"Hoosiers with disabilities business enterprise" has the meaning**
 40 **set forth in IC 4-13-16.5-1.2.**
 41 SECTION 14. IC 4-33-14-5 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) As used in this



1 section, "goods and services" does not include the following:

- 2 (1) Utilities and taxes.
 3 (2) Financing costs, mortgages, loans, or other debt.
 4 (3) Medical insurance.
 5 (4) Fees and payments to a parent or an affiliated company of an
 6 operating agent or the person holding an owner's license, other
 7 than fees and payments for goods and services supplied by
 8 nonaffiliated persons through an affiliated company for the use or
 9 benefit of the operating agent or the person holding the owner's
 10 license.
 11 (5) Rents paid for real property or payments constituting the price
 12 of an interest in real property as a result of a real estate
 13 transaction.

14 (b) Notwithstanding any law or rule to the contrary, the commission
 15 shall establish annual goals for an operating agent or a person issued
 16 an owner's license:

- 17 (1) for the use of minority, ~~and~~ women's, **and Hoosiers with**
 18 **disabilities** business enterprises; and
 19 (2) derived from a statistical analysis of utilization study of
 20 licensee and operating agent contracts for goods and services that
 21 are required to be updated every five (5) years.

22 (c) An operating agent or a person holding an owner's license shall
 23 submit annually to the commission a report that includes the following
 24 information:

- 25 (1) The total dollar value of contracts awarded for goods or
 26 services and the percentage awarded to minority, ~~and~~ women's,
 27 **and Hoosiers with disabilities** business enterprises.
 28 (2) The following information relating to each minority business
 29 enterprise, ~~or~~ women's business enterprise, **or Hoosiers with**
 30 **disabilities business enterprise** awarded a contract for goods or
 31 services:
 32 (A) The name.
 33 (B) The address.
 34 (C) The total dollar amount of the contract.

35 A record containing information described in this subsection is not
 36 exempt from the disclosure requirements of IC 5-14-3-3 under
 37 IC 5-14-3-4.

38 (d) An operating agent or a person holding an owner's license shall
 39 make a good faith effort to meet the requirements of this section and
 40 shall annually demonstrate to the commission that an effort was made
 41 to meet the requirements.

42 (e) An operating agent or a person holding an owner's license may



1 fulfill not more than seventy percent (70%) of an obligation under this
 2 chapter by requiring a vendor to set aside a part of a contract for
 3 minority, ~~or~~ women's, **or Hoosiers with disabilities** business
 4 enterprises. Upon request, the licensee or operating agent shall provide
 5 the commission with proof of the amount of the set aside.

6 SECTION 15. IC 4-33-14-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. If the commission
 8 determines that the provisions of this chapter relating to expenditures
 9 and assignments to minority, ~~and~~ women's, **and Hoosiers with**
 10 **disabilities** business enterprises have not been met, the commission
 11 may suspend, limit, or revoke the owner's license or operating agent's
 12 gaming operations, or may fine or impose appropriate conditions on the
 13 licensee or operating agent to ensure that the goals for expenditures and
 14 assignments to minority, ~~and~~ women's, **and Hoosiers with disabilities**
 15 business enterprises are met. However, if a determination is made that
 16 a person holding an owner's license or an operating agent has failed to
 17 demonstrate compliance with this chapter, the person has ninety (90)
 18 days from the date of the determination of noncompliance to comply.

19 SECTION 16. IC 4-33-14-7 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. The commission
 21 shall use the certifications made under IC 4-13-16.5 for minority, ~~and~~
 22 women's, **and Hoosiers with disabilities** business enterprises that do
 23 business with riverboat operations on contracts for goods and services
 24 or contracts for business.

25 SECTION 17. IC 4-33-14-8 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. The commission
 27 shall supply persons holding owner's licenses and the operating agent
 28 with a list of the certified minority, ~~and~~ women's, **and Hoosiers with**
 29 **disabilities** business enterprises.

30 SECTION 18. IC 4-35-11-2, AS AMENDED BY P.L.255-2015,
 31 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2019]: Sec. 2. The general assembly declares that it is
 33 essential for minority, ~~and~~ women's, **and Hoosiers with disabilities**
 34 business enterprises to have the opportunity for full participation in the
 35 racetrack industry if minority, ~~and~~ women's, **and Hoosiers with**
 36 **disabilities** business enterprises are to obtain social and economic
 37 parity and if the economies of the cities, towns, and counties in which
 38 gambling games are operated at racetracks are to be stimulated as
 39 contemplated by this article.

40 SECTION 19. IC 4-35-11-2.5 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2019]: **Sec. 2.5. As used in this chapter,**



1 **"Hoosiers with disabilities business enterprise" has the meaning**
 2 **set forth in IC 4-13-16.5-1.2.**

3 SECTION 20. IC 4-35-11-6, AS ADDED BY P.L.233-2007,
 4 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 6. (a) As used in this section, "goods and services"
 6 does not include the following:

- 7 (1) Utilities and taxes.
 8 (2) Financing costs, mortgages, loans, or other debt.
 9 (3) Medical insurance.
 10 (4) Fees and payments to a parent or an affiliated company of a
 11 permit holder or other fees and payments for goods and services
 12 supplied by nonaffiliated persons through an affiliated company
 13 for the use or benefit of the permit holder.
 14 (5) Rents paid for real property or payments constituting the price
 15 of an interest in real property as a result of a real estate
 16 transaction.

17 (b) Notwithstanding any law or rule to the contrary, the commission
 18 shall establish goals for permit holders concerning contracts for goods
 19 and services with minority business enterprises, ~~and~~ women's business
 20 enterprises, **and Hoosiers with disabilities business enterprises**. The
 21 goals under this subsection must be equal to goals set by the
 22 commission under IC 4-33-14-5 for contracts awarded for goods or
 23 services.

24 (c) A permit holder shall submit quarterly reports to the commission
 25 that outline the total dollar value of contracts awarded for goods and
 26 services and the percentage of contracts awarded to minority, ~~and~~
 27 women's, **and Hoosiers with disabilities** business enterprises.

28 (d) A permit holder shall make a good faith effort to meet the
 29 requirements of this section and shall quarterly, unless otherwise
 30 directed by the commission, demonstrate to the commission at a public
 31 meeting that an effort was made to meet the requirements.

32 (e) A permit holder may fulfill not more than seventy percent (70%)
 33 of an obligation under this chapter by requiring a vendor to set aside a
 34 part of a contract for minority, ~~or~~ women's, ~~or~~ **Hoosiers with**
 35 **disabilities** business enterprises. Upon request, the permit holder shall
 36 provide the commission with proof of the amount of the set aside.

37 SECTION 21. IC 4-35-11-7, AS ADDED BY P.L.233-2007,
 38 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2019]: Sec. 7. If the commission determines that the
 40 provisions of this chapter relating to expenditures and assignments to
 41 minority, ~~and~~ women's, **and Hoosiers with disabilities** business
 42 enterprises have not been met, the commission may suspend, limit, or



1 revoke the person's license or permit, or may fine or impose appropriate
 2 conditions on the license or permit to ensure that the goals for
 3 expenditures and assignments to minority, **and** women's, **and Hoosiers**
 4 **with disabilities** business enterprises are met. However, if a
 5 determination is made that a permit holder has failed to demonstrate
 6 compliance with this chapter, the person has ninety (90) days from the
 7 date of the determination of noncompliance to comply.

8 SECTION 22. IC 4-35-11-8, AS AMENDED BY P.L.87-2008,
 9 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 8. The commission shall use the certifications
 11 made under IC 4-13-16.5 for minority, **and** women's, **and Hoosiers**
 12 **with disabilities** business enterprises that do business with horse track
 13 operations on contracts for goods or services or contracts for business.

14 SECTION 23. IC 4-35-11-9, AS AMENDED BY P.L.87-2008,
 15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2019]: Sec. 9. The commission shall supply permit holders
 17 with a list of minority, **and** women's, **and Hoosiers with disabilities**
 18 business enterprises certified under section 8 of this chapter.

19 SECTION 24. IC 5-1-17-11, AS ADDED BY P.L.214-2005,
 20 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: Sec. 11. (a) The authority may also:

- 22 (1) finance, improve, construct, reconstruct, renovate, purchase,
 23 lease, acquire, and equip land and capital improvements;
- 24 (2) lease the land or those capital improvements to a capital
 25 improvement board;
- 26 (3) sue, be sued, plead, and be impleaded;
- 27 (4) condemn, appropriate, lease, rent, purchase, and hold any real
 28 or personal property needed or considered useful in connection
 29 with capital improvements;
- 30 (5) acquire real or personal property by gift, devise, or bequest
 31 and hold, use, or dispose of that property for the purposes
 32 authorized by this chapter;
- 33 (6) after giving notice, enter upon any lots or lands for the
 34 purpose of surveying or examining them to determine the location
 35 of a capital improvement;
- 36 (7) design, order, contract for, and construct, reconstruct, and
 37 renovate any capital improvements or improvements thereto;
- 38 (8) employ managers, superintendents, architects, engineers,
 39 attorneys, auditors, clerks, construction managers, and other
 40 employees;
- 41 (9) make and enter into all contracts and agreements, including
 42 agreements to arbitrate, that are necessary or incidental to the



- 1 performance of its duties and the execution of its powers under
 2 this chapter;
- 3 (10) acquire in the name of the authority by the exercise of the
 4 right of condemnation, in the manner provided in subsection (c),
 5 public or private lands, or rights in lands, rights-of-way, property,
 6 rights, easements, and interests, as it considers necessary for
 7 carrying out this chapter; and
- 8 (11) take any other action necessary to implement its purposes as
 9 set forth in section 10 of this chapter.
- 10 (b) The authority is subject to the provisions of 25 IAC 5 concerning
 11 equal opportunities for minority business enterprises, ~~and~~ women's
 12 business enterprises, **and Hoosiers with disabilities business**
 13 **enterprises** to participate in procurement and contracting processes. In
 14 addition, the authority shall set a goal for participation by minority
 15 business enterprises of fifteen percent (15%), ~~and~~ women's business
 16 enterprises of five percent (5%), **and Hoosiers with disabilities**
 17 **business enterprises of five percent (5%)**, consistent with the goals
 18 of delivering the project on time and within the budgeted amount and,
 19 insofar as possible, using Indiana businesses for employees, goods, and
 20 services. In fulfilling the goal, the authority shall take into account
 21 historical precedents in the same market.
- 22 (c) If the authority is unable to agree with the owners, lessees, or
 23 occupants of any real property selected for the purposes of this chapter,
 24 the authority may proceed to procure the condemnation of the property
 25 under IC 32-24-1. The authority may not institute a proceeding until the
 26 authority has adopted a resolution that:
- 27 (1) describes the real property sought to be acquired and the
 28 purpose for which the real property is to be used;
- 29 (2) declares that the public interest and necessity require the
 30 acquisition by the authority of the property involved; and
- 31 (3) sets out any other facts that the authority considers necessary
 32 or pertinent.
- 33 The resolution is conclusive evidence of the public necessity of the
 34 proposed acquisition and shall be referred to the attorney general for
 35 action, in the name of the authority, in the circuit or superior court of
 36 the county in which the real property is located.
- 37 SECTION 25. IC 5-1-17.5-41, AS ADDED BY P.L.233-2013,
 38 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2019]: Sec. 41. Improvements financed under this chapter are
 40 subject to the provisions of 25 IAC 5 concerning equal opportunities
 41 for minority business enterprises, ~~and~~ women's business enterprises,
 42 **and Hoosiers with disabilities business enterprises** to participate in



1 procurement and contracting processes. The goal for participation by
 2 minority business enterprises shall be fifteen percent (15%), the goal
 3 for participation by women's business enterprises shall be eight percent
 4 (8%), **the goal for participation by Hoosiers with disabilities**
 5 **business enterprises shall be five percent (5%)**, and the goal for
 6 participation by veteran ~~or disabled~~ business enterprises shall be three
 7 percent (3%), consistent with the goals of delivering the project on time
 8 and within the budgeted amount and, insofar as possible, using Indiana
 9 businesses for employees, goods, and services. In fulfilling the goals,
 10 historical precedents in the same market shall be taken into account.

11 SECTION 26. IC 5-1.2-5-8, AS ADDED BY P.L.189-2018,
 12 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 8. (a) The authority shall consider economy of
 14 operation to the extent practicable in preparing and approving plans
 15 and specifications. The authority shall present plans and specifications
 16 for a state facility for approval to the department of administration and:

17 (1) if the state facility is designed to house the supreme court or
 18 court of appeals, the administrator of the supreme court for
 19 approval by the courts; and

20 (2) if the state facility is a correctional facility, the department of
 21 correction.

22 (b) After the plans and specifications have been approved by the
 23 authority under subsection (a), the authority shall advertise for and
 24 receive construction bids and award contracts to the best bidders in the
 25 same manner as required by law for the department of administration.

26 (c) With regard to participation by minority, ~~and~~ women's, ~~and~~
 27 **Hoosiers with disabilities** business enterprises (as defined in
 28 IC 4-13-16.5-1, **IC 4-13-16.5-1.2**, and IC 4-13-16.5-1.3), the authority
 29 shall act in the same manner as required by law for the department of
 30 administration.

31 SECTION 27. IC 5-16-6.5-1.5 IS ADDED TO THE INDIANA
 32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 33 [EFFECTIVE JULY 1, 2019]: **Sec. 1.5. As used in this chapter,**
 34 **"Hoosiers with disabilities business enterprise" has the meaning**
 35 **set forth in IC 4-13-16.5-1.2.**

36 SECTION 28. IC 5-16-6.5-4 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. A contractor who,
 38 knowingly or intentionally, falsely represents to a public agency that
 39 the contractor:

40 (1) is a disadvantaged business enterprise, **a Hoosiers with**
 41 **disabilities business enterprise**, or a women-owned business
 42 enterprise; or



1 (2) will use the services or commodities of a disadvantaged
 2 business enterprise, **a Hoosiers with disabilities business**
 3 **enterprise**, or a women-owned business enterprise;
 4 is in breach of contract.

5 SECTION 29. IC 5-16-6.5-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) If a breach of
 7 contract occurs under section 4 of this chapter, the public agency shall
 8 suspend all payments to the contractor under that contract unless it
 9 determines that the contractor made a good faith effort to avoid the
 10 breach but was unable to do so.

11 (b) If the public agency determines that the contractor did not act to
 12 avoid the breach, it may:

13 (1) rescind the contract and recover all amounts paid under it if
 14 the breach occurs under section 4(1) of this chapter;

15 (2) recover all amounts paid to the contractor under the contract
 16 that were intended for expenditure with a disadvantaged business
 17 enterprise, **a Hoosiers with disabilities business enterprise**, or
 18 a women owned business enterprise if the breach occurred under
 19 section 4(2) of this chapter; or

20 (3) employ any legal or administrative remedies that the agency
 21 prescribes by rule or in the contract.

22 SECTION 30. IC 5-22-14-1, AS AMENDED BY P.L.90-2013,
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 1. As used in this chapter, "small business" means
 25 a business that:

26 (1) is independently owned and operated;

27 (2) is not dominant in its field of operation; and

28 (3) satisfies the criteria:

29 (A) in the rules adopted under section 3 of this chapter;

30 **(B) to be a disability owned small business concern as**
 31 **specified in section 3.3 of this chapter; or**

32 ~~(B)~~ **(C) to be a veteran owned small business concern as**
 33 **specified in section 3.5 of this chapter.**

34 SECTION 31. IC 5-22-14-3.3 IS ADDED TO THE INDIANA
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2019]: **Sec. 3.3. (a) As used in this section,**
 37 **"individual with a disability" means an individual:**

38 **(1) who has a physical or mental impairment that**
 39 **substantially limits one (1) or more major life activities;**

40 **(2) who has a record of an impairment described in**
 41 **subdivision (1); or**

42 **(3) who is regarded as having an impairment described in**



- 1 subdivision (1).
- 2 (b) A business qualifies as an Indiana disability owned small
- 3 business for purposes of this chapter if the business is an Indiana
- 4 small business and the business:
- 5 (1) is owned and controlled by one (1) or more individuals
- 6 with a disability or, in the case of a corporation, has at least
- 7 fifty-one percent (51%) of the corporation's stock owned by
- 8 one (1) or more individuals with a disability; and
- 9 (2) has its principal place of business located in Indiana.
- 10 (c) The Indiana economic development corporation may assist
- 11 the Indiana department of administration in doing any of the
- 12 following:
- 13 (1) Compiling and maintaining a comprehensive list of
- 14 disability owned small businesses.
- 15 (2) Assisting disability owned small businesses in complying
- 16 with the procedures for bidding on state contracts.
- 17 (3) Examining requests from the Indiana department of
- 18 administration for the purchase of supplies or services to help
- 19 determine which purchases may be consistent with the goal
- 20 described in section 12(a) of this chapter.
- 21 (4) Simplifying specifications and contract terms to increase
- 22 the opportunities for disability owned small businesses to
- 23 participate in state contracts.
- 24 (d) The Indiana economic development corporation, in
- 25 consultation with the Indiana department of administration, may
- 26 develop programs to encourage cities, counties, towns, townships,
- 27 and private businesses to adopt the goal for contracts with
- 28 disability owned small businesses described in section 12(a) of this
- 29 chapter.
- 30 (e) For purposes of this chapter, information submitted by an
- 31 applicant for certification as a disability owned small business that
- 32 contains:
- 33 (1) personal financial information; or
- 34 (2) confidential business information;
- 35 is confidential.
- 36 SECTION 32. IC 5-22-14-12 IS ADDED TO THE INDIANA
- 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 38 [EFFECTIVE JULY 1, 2019]: **Sec. 12. (a) The Indiana department**
- 39 **of administration shall adopt rules under IC 4-22-2 to do the**
- 40 **following:**
- 41 (1) **Increase contracting opportunities for Indiana disability**
- 42 **owned small businesses described in section 3.3 of this chapter**



1 with a goal to procure in each state fiscal year at least three
 2 percent (3%) of state contracts with Indiana disability owned
 3 small businesses.

4 (2) Develop procurement policies and procedures to
 5 accomplish the goal described in subdivision (1), including
 6 guidelines to be followed by the Indiana department of
 7 administration in conducting the department's procurement
 8 efforts.

9 (3) Implement section 3.3 of this chapter.

10 These procurement policies do not apply to a procurement of
 11 supplies and services to address immediate and serious government
 12 needs at a time of emergency, including a threat to the public
 13 health, welfare, or safety that may arise by reason of floods,
 14 epidemics, riots, acts of terrorism, major power failures, a threat
 15 proclaimed by the President of the United States or the governor,
 16 or a threat declared by the commissioner of the Indiana
 17 department of administration.

18 (b) The Indiana department of administration shall annually
 19 evaluate its progress in meeting the goal described in this section
 20 for the previous state fiscal year. Beginning in 2020, after June 30
 21 and before November 1 of each year, the Indiana department of
 22 administration shall submit a report to the governor and the
 23 legislative council in an electronic format under IC 5-14-6. The
 24 report must include:

25 (1) the percentage goal obtained by the Indiana department
 26 of administration during the previous state fiscal year; and

27 (2) a summary of why the Indiana department of
 28 administration failed to meet the goal and what actions are
 29 being taken by the Indiana department of administration to
 30 meet the goal in the current state fiscal year.

31 (c) The Indiana department of administration shall post the
 32 report described in subsection (b) on the department's Internet
 33 web site not later than thirty (30) days after the report is
 34 submitted.

35 SECTION 33. IC 5-30-5-2, AS ADDED BY P.L.74-2005,
 36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2019]: Sec. 2. A notice provided under section 1 of this
 38 chapter must provide the following information:

39 (1) An overview of the project and selection process including the
 40 following:

41 (A) A description of the project, including the:

42 (i) size and function of the facility that is the subject of the



- 1 project;
- 2 (ii) approximate budget; and
- 3 (iii) anticipated schedule.
- 4 (B) A description of the selection process, including:
- 5 (i) the process for communications between the public
- 6 agency and potential design-builders;
- 7 (ii) the schedule for the selection process;
- 8 (iii) the technical review committee procedure; and
- 9 (iv) a description of submission requirements.
- 10 (2) The general qualifications for prospective offerors, including:
- 11 (A) appropriate experience with similar projects;
- 12 (B) team experience with design-build;
- 13 (C) organizational resources and depth;
- 14 (D) licensing requirements;
- 15 (E) financial strength and bonding capacity;
- 16 (F) an offeror's history of contracting with or hiring minority
- 17 business enterprises, **and** women's business enterprises, **and**
- 18 **Hoosiers with disabilities business enterprises;**
- 19 (G) litigation and disputes history; and
- 20 (H) experience in dealing with bonding authorities.
- 21 (3) The project specification qualifications for prospective
- 22 offerors, including:
- 23 (A) team experience with the facility or building type that is
- 24 the subject of the project;
- 25 (B) team performance record, including quality, schedule, and
- 26 cost of each project;
- 27 (C) proposed team composition, including the team's past
- 28 experience in working together;
- 29 (D) current capacity to manage the project;
- 30 (E) proposed key project personnel; and
- 31 (F) client references.
- 32 (4) A description of the qualifications statement evaluation
- 33 process, which must include:
- 34 (A) an established rating system that complies with sections 4
- 35 and 5 of this chapter; and
- 36 (B) a briefing session or a formal question and answer process
- 37 conducted with a potential offeror before submission of a
- 38 proposal in response to a request for proposals.
- 39 SECTION 34. IC 5-32-3-3, AS ADDED BY P.L.128-2014,
- 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 41 JULY 1, 2019]: Sec. 3. (a) A request for proposals must include at least
- 42 the following:



1 (1) A statement of the criteria, process, and procedures, which
2 must include consideration of qualifications and fees, by which:

3 (A) an offeror will be evaluated;

4 (B) a CMc will be selected; and

5 (C) a CMc contract will be awarded.

6 (2) Information about how the GMP may be established as part of
7 the contract.

8 (3) A description of the insurance requirements for the CMc.

9 (b) The statement of the criteria for evaluation of offerors under
10 subsection (a) must include a statement that each offeror's:

11 (1) history of contracting with or hiring minority, women,
12 **Hoosiers with disabilities**, and veteran business enterprises; and

13 (2) good faith efforts to fulfill the state's goals for contracting with
14 or hiring minority, women, **Hoosiers with disabilities**, and
15 veteran business enterprises;

16 will be considered in the evaluation of the offeror's proposal.

17 SECTION 35. IC 6-3.1-29-1, AS ADDED BY P.L.191-2005,
18 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2019]: Sec. 1. The general assembly declares that the
20 opportunity for the participation of underutilized small businesses,
21 especially ~~women, womens', and~~ minority, **and Hoosiers with**
22 **disabilities** business enterprises, in the coal gasification industry is
23 essential if social and economic parity is to be obtained by women and
24 minority business persons **and business persons with disabilities**, and
25 if the economy of Indiana is to be stimulated as contemplated by this
26 chapter. A recipient of a credit under this chapter is encouraged to
27 purchase goods and services from underutilized small businesses,
28 especially ~~women, womens', and~~ minority, **and Hoosiers with**
29 **disabilities** business enterprises.

30 SECTION 36. IC 6-3.1-29-4.8 IS ADDED TO THE INDIANA
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2019]: **Sec. 4.8. As used in this chapter,**
33 **"Hoosiers with disabilities business enterprise" has the meaning**
34 **set forth in IC 4-13-16.5-1.2.**

35 SECTION 37. IC 6-3.1-35.2 IS ADDED TO THE INDIANA CODE
36 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2019]:

38 **Chapter 35.2. Tax Credit for Employing Workers with**
39 **Disabilities**

40 **Sec. 1. The following definitions apply throughout this chapter:**

41 (1) **"Eligible employer" means an individual or business**
42 **organization that is authorized to conduct business in Indiana.**



- 1 (2) "Individual with a disability" means an individual with a
 2 physical, mental, or emotional characteristic, condition, or
 3 illness for which the individual is receiving:
 4 (A) Social Security disability benefits;
 5 (B) disability income or worker's compensation under
 6 Indiana law or a pension plan maintained by the state or a
 7 political subdivision; or
 8 (C) disability income under a policy of insurance.
 9 (3) "Qualified employee" means an employee who:
 10 (A) is domiciled in Indiana; and
 11 (B) is an individual with a disability.
 12 (4) "State tax liability" means the taxpayer's total tax liability
 13 that is incurred under:
 14 (A) IC 6-3-1 through IC 6-3-7 (the adjusted gross income
 15 tax);
 16 (B) IC 6-5.5 (the financial institutions tax); and
 17 (C) IC 27-1-18-2 (the insurance premiums tax);
 18 as computed after the application of the credits that under
 19 IC 6-3.1-1-2 are to be applied before the credit provided
 20 under this chapter.
 21 (5) "Taxpayer" means an individual or entity that has state
 22 tax liability.
- 23 Sec. 2. Each taxable year, an eligible employer is entitled to a
 24 credit against the eligible employer's state tax liability for
 25 employing at least one (1) qualified employee during the taxable
 26 year in an amount equal to ten percent (10%) of the wages paid by
 27 the eligible employer to all qualified employees during the taxable
 28 year.
- 29 Sec. 3. (a) If the credit provided by this chapter exceeds the
 30 taxpayer's state tax liability for the taxable year for which the
 31 credit is first claimed, the excess may be carried forward to
 32 succeeding taxable years and used as a credit against the
 33 taxpayer's state tax liability during those taxable years. Each time
 34 the credit is carried forward to a succeeding taxable year, the
 35 credit is to be reduced by the amount that was used as a credit
 36 during the immediately preceding taxable year. The credit
 37 provided by this chapter may be carried forward and applied to
 38 succeeding taxable years for four (4) consecutive taxable years
 39 following the unused credit year.
 40 (b) A taxpayer is not entitled to any carryback or refund of any
 41 unused credit.
- 42 Sec. 4. If a pass through entity is entitled to a credit under



1 section 2 of this chapter but does not have state tax liability against
 2 which the tax credit may be applied, a shareholder, partner, or
 3 member of the pass through entity is entitled to a tax credit equal
 4 to the tax credit determined for the pass through entity for the
 5 taxable year, multiplied by the percentage of the pass through
 6 entity's distributive income to which the shareholder, partner, or
 7 member is entitled.

8 **Sec. 5. To receive the credit provided by this chapter, a taxpayer**
 9 **must claim the credit on the taxpayer's state tax return or returns**
 10 **in the manner prescribed by the department.**

11 SECTION 38. IC 8-15.5-6-3, AS AMENDED BY P.L.205-2013,
 12 SECTION 158, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2019]: Sec. 3. The operator or any contractor
 14 or subcontractor of the operator engaged in the construction of a project
 15 is subject to:

- 16 (1) the provisions of 25 IAC 5 concerning equal opportunities for
 17 minority business enterprises, ~~and~~ women's business enterprises,
 18 **and Hoosiers with disabilities business enterprises** to
 19 participate in procurement and contracting processes; and
 20 (2) the provisions that may be established by the authority in a
 21 public-private agreement with respect to awarding contracts to
 22 Indiana businesses (as defined in IC 5-22-15-20.5).

23 SECTION 39. IC 8-15.7-3-5, AS ADDED BY P.L.47-2006,
 24 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2019]: Sec. 5. The department shall establish a program to
 26 facilitate participation in qualifying projects by:

- 27 (1) small businesses that qualify for a small business set-aside
 28 under IC 4-13.6-2-11;
 29 (2) businesses certified under IC 4-13-16.5 as a minority business
 30 enterprise;
 31 (3) businesses certified under IC 4-13-16.5 as a women's business
 32 enterprise;
 33 **(4) businesses certified under IC 4-13-16.5 as a Hoosiers with**
 34 **disabilities business enterprise;**
 35 ~~(4)~~ **(5)** businesses treated as disadvantaged business enterprises
 36 under federal or state law; and
 37 ~~(5)~~ **(6)** businesses defined under IC 5-22-15-20.5 as Indiana
 38 businesses, to the extent permitted by applicable federal and state
 39 law and regulations.

40 SECTION 40. IC 8-15.7-4-2, AS AMENDED BY P.L.163-2011,
 41 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 2. (a) This section establishes the competitive



1 proposal procedure that the department shall use to enter into a
2 public-private agreement with an operator under this article.

3 (b) The department may pursue a competitive proposal procedure
4 using a request for qualifications and a request for proposals process or
5 proceed directly to a request for proposals.

6 (c) If the department elects to use a request for qualifications phase,
7 it must provide a public notice of the request for qualifications, for the
8 period considered appropriate by the department, before the date set for
9 receipt of submittals in response to the solicitation. The department
10 shall provide the notice by posting in a designated public area and
11 publication in a newspaper of general circulation, in the manner
12 provided by IC 5-3-1. In addition, submittals in response to the
13 solicitation may be solicited directly from potential offerors.

14 (d) The department shall evaluate qualification submittals based on
15 the requirements and evaluation criteria set forth in the request for
16 qualifications.

17 (e) If the department has undertaken a request for qualifications
18 phase resulting in one (1) or more prequalified or shortlisted offerors,
19 the request for proposals shall be limited to those offerors that have
20 been prequalified or shortlisted.

21 (f) If the department has not issued a request for qualifications and
22 intends to use only a one (1) phase request for proposals procurement,
23 the department must provide a public notice of the request for
24 proposals for the period considered appropriate by the department,
25 before the date set for receipt of proposals. The department shall
26 provide the notice by posting in a designated public area and
27 publication in a newspaper of general circulation, in the manner
28 provided by IC 5-3-1. In addition, proposals may be solicited directly
29 from potential offerors.

30 (g) The department shall submit a draft of the request for proposals
31 to the budget committee for its review before the issuance by the
32 department of the request for proposals to potential offerors. The
33 request for proposals must:

- 34 (1) indicate in general terms the scope of work, goods, and
35 services sought to be procured;
36 (2) contain or incorporate by reference the specifications and
37 contractual terms and conditions applicable to the procurement
38 and the qualifying project;
39 (3) specify the factors, criteria, and other information that will be
40 used in evaluating the proposals;
41 (4) specify any requirements or goals for use of:
42 (A) minority business enterprises, ~~and~~ women's business



- 1 enterprises, **and Hoosiers with disabilities business**
 2 **enterprises** certified under IC 4-13-16.5;
 3 (B) disadvantaged business enterprises under federal or state
 4 law;
 5 (C) businesses defined under IC 5-22-15-20.5 as Indiana
 6 businesses, to the extent permitted by applicable federal and
 7 state law and regulations; and
 8 (D) businesses that qualify for a small business set-aside under
 9 IC 4-13.6-2-11;
- 10 (5) if all or part of the project will consist of a tollway, require any
 11 offeror to submit a proposal based upon that part of the project
 12 that will consist of a tollway, as set forth in the request for
 13 proposals, and permit any offeror to submit one (1) or more
 14 alternative proposals based upon the assumption that a different
 15 part or none of the project will consist of a tollway;
- 16 (6) contain or incorporate by reference the other applicable
 17 contractual terms and conditions; and
- 18 (7) contain or incorporate by reference any other provisions,
 19 materials, or documents that the department considers
 20 appropriate.
- 21 If the draft of the request for proposals submitted for review provides
 22 for any tolls, the budget committee shall hold a meeting and conduct a
 23 review of the draft of the request for proposals not later than ninety
 24 (90) days after the date the draft request for proposals is submitted for
 25 review.
- 26 (h) The department shall determine the evaluation criteria that are
 27 appropriate for each project and shall set those criteria forth in the
 28 request for proposals. The department may use a selection process that
 29 results in selection of the proposal offering the best value to the public,
 30 a selection process that results in selection of the proposal offering the
 31 lowest price or cost or the highest payment to, or revenue sharing with,
 32 the department, or any other selection process that the department
 33 determines is in the best interests of the state and the public.
- 34 (i) The department shall evaluate proposals based on the
 35 requirements and evaluation criteria set forth in the request for
 36 proposals.
- 37 (j) The department may select one (1) or more offerors for
 38 negotiations based on the evaluation criteria set forth in the request for
 39 proposals. If the department believes that negotiations with the selected
 40 offeror or offerors are not likely to result in a public-private agreement,
 41 or, in the case of a best value selection process, no longer reflect the
 42 best value to the state and the public, the department may commence



1 negotiations with other responsive offerors, if any, and may suspend,
 2 terminate, or continue negotiations with the original offeror or offerors.
 3 If negotiations are unsuccessful, the department shall terminate the
 4 procurement, may not award the public-private agreement, and may
 5 commence a new procurement for a public-private agreement. If the
 6 department determines that negotiations with an offeror have been
 7 successfully completed, the department shall, subject to the other
 8 requirements of this article, award the public-private agreement to the
 9 offeror.

10 (k) Before awarding a public-private agreement to an operator, the
 11 department shall schedule a public hearing on the preliminary selection
 12 of the operator and the terms of the proposed public-private agreement.
 13 The hearing shall be conducted in the county seat of the county that
 14 would be an affected jurisdiction for purposes of the proposed project.
 15 The department shall do the following:

16 (1) At least ten (10) days before the public hearing, post on the
 17 department's Internet web site:

18 (A) the proposal submitted by the offeror that has been
 19 preliminarily selected as the operator for the project, except for
 20 those parts of the proposal that are confidential under this
 21 article; and

22 (B) the proposed public-private agreement for the project.

23 (2) At least ten (10) days before the public hearing:

24 (A) post notice of the public hearing on the department's
 25 Internet web site; and

26 (B) publish notice of the hearing one (1) time in accordance
 27 with IC 5-3-1 in two (2) newspapers of general circulation in
 28 the county that would be an affected jurisdiction for purposes
 29 of the proposed project.

30 (3) Include the following in the notices required by subdivision
 31 (2):

32 (A) The date, time, and place of the hearing.

33 (B) The subject matter of the hearing.

34 (C) A description of the agreement to be awarded.

35 (D) The recommendation that has been made to award the
 36 agreement to an identified offeror or offerors.

37 (E) The address and telephone number of the department.

38 (F) A statement indicating that, subject to section 6 of this
 39 chapter, and except for those portions that are confidential
 40 under IC 5-14-3, the following are available on the
 41 department's Internet web site and are also available for public
 42 inspection and copying at the principal office of the



1 department during regular business hours:

2 (i) The selected offer.

3 (ii) An explanation of the basis upon which the preliminary
4 selection was made.

5 (iii) The proposed public-private agreement for the project.

6 (l) At the hearing, the department shall allow the public to be heard
7 on the preliminary selection of the operator and the terms of the
8 proposed public-private agreement.

9 (m) When the terms and conditions of multiple awards are specified
10 in the request for proposals, awards may be made to more than one (1)
11 offeror.

12 SECTION 41. IC 8-25-4-7, AS ADDED BY P.L.153-2014,
13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2019]: Sec. 7. **(a) As used in this section, "Hoosiers with
15 disabilities business enterprise" has the meaning set forth in
16 IC 4-13-16.5-1.2.**

17 ~~(a)~~ **(b)** As used in this section, "minority business enterprise" has the
18 meaning set forth in IC 4-13-16.5-1.

19 ~~(b)~~ **(c)** As used in this section, "veteran business enterprise" means
20 a business enterprise that has a current verification as a veteran owned
21 small business concern under 38 CFR 74 et seq. by the Center of
22 Veterans Enterprise of the United States Department of Veterans
23 Affairs.

24 ~~(c)~~ **(d)** As used in this section, "women's business enterprise" has
25 the meaning set forth in IC 4-13-16.5-1.3.

26 ~~(d)~~ **(e)** Except where 49 CFR 26 applies, the fiscal body of an
27 eligible county or another person authorized to carry out a public
28 transportation project under this chapter shall set a goal for
29 participation by minority business enterprises, veteran business
30 enterprises, **Hoosiers with disabilities business enterprises**, and
31 women's business enterprises in conformity with the goals established
32 by the department of minority and women's business development of
33 a consolidated city and the goals of the department of administration
34 established under IC 5-22-14-11 for veteran business enterprises. The
35 goals must be consistent with the goals of delivering the project on
36 time and within the budgeted amount and, insofar as possible, using
37 Indiana businesses for employees, goods, and services.

38 SECTION 42. IC 27-16-3-5, AS ADDED BY P.L.245-2005,
39 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2019]: Sec. 5. With respect to a bid, a contract, a purchase
41 order, or an agreement entered into with the state or a political
42 subdivision of the state, a client's status or certification as a:



1 (1) small, minority owned, disadvantaged, **Hoosiers with**
 2 **disabilities**, or woman owned business enterprise; or
 3 (2) historically underutilized business;
 4 is not affected because the client has entered into the professional
 5 employment agreement.

6 SECTION 43. IC 35-43-5-3, AS AMENDED BY P.L.85-2017,
 7 SECTION 112, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) A person who:

9 (1) being an officer, manager, or other person participating in the
 10 direction of a credit institution, knowingly or intentionally
 11 receives or permits the receipt of a deposit or other investment,
 12 knowing that the institution is insolvent;

13 (2) knowingly or intentionally makes a false or misleading written
 14 statement with intent to obtain property, employment, or an
 15 educational opportunity;

16 (3) misapplies entrusted property, property of a governmental
 17 entity, or property of a credit institution in a manner that the
 18 person knows is unlawful or that the person knows involves
 19 substantial risk of loss or detriment to either the owner of the
 20 property or to a person for whose benefit the property was
 21 entrusted;

22 (4) knowingly or intentionally, in the regular course of business,
 23 either:

24 (A) uses or possesses for use a false weight or measure or
 25 other device for falsely determining or recording the quality or
 26 quantity of any commodity; or

27 (B) sells, offers, or displays for sale or delivers less than the
 28 represented quality or quantity of any commodity;

29 (5) with intent to defraud another person furnishing electricity,
 30 gas, water, telecommunication, or any other utility service, avoids
 31 a lawful charge for that service by scheme or device or by
 32 tampering with facilities or equipment of the person furnishing
 33 the service;

34 (6) with intent to defraud, misrepresents the identity of the person
 35 or another person or the identity or quality of property;

36 (7) with intent to defraud an owner of a coin machine, deposits a
 37 slug in that machine;

38 (8) with intent to enable the person or another person to deposit
 39 a slug in a coin machine, makes, possesses, or disposes of a slug;

40 (9) disseminates to the public an advertisement that the person
 41 knows is false, misleading, or deceptive, with intent to promote
 42 the purchase or sale of property or the acceptance of employment;



- 1 (10) with intent to defraud, misrepresents a person as being a
 2 physician licensed under IC 25-22.5;
- 3 (11) knowingly and intentionally defrauds another person
 4 furnishing cable TV service by avoiding paying compensation for
 5 that service by any scheme or device or by tampering with
 6 facilities or equipment of the person furnishing the service; or
- 7 (12) knowingly or intentionally provides false information to a
 8 governmental entity to obtain a contract from the governmental
 9 entity;
- 10 commits deception, a Class A misdemeanor. However, an offense
 11 under subdivision (12) is a Level 6 felony if the provision of false
 12 information results in financial loss to the governmental entity.
- 13 (b) In determining whether an advertisement is false, misleading, or
 14 deceptive under subsection (a)(9), there shall be considered, among
 15 other things, not only representations contained or suggested in the
 16 advertisement, by whatever means, including device or sound, but also
 17 the extent to which the advertisement fails to reveal material facts in
 18 the light of the representations.
- 19 (c) A person who knowingly or intentionally falsely represents:
 20 (1) any entity as:
 21 (A) a disadvantaged business enterprise (as defined in
 22 IC 5-16-6.5-1);
 23 **(B) a Hoosiers with disabilities business enterprise (as**
 24 **defined in IC 5-16-6.5-1.5);** or
 25 ~~(B)~~ (C) a women-owned business enterprise (as defined in
 26 IC 5-16-6.5-3);
 27 in order to qualify for certification as such an enterprise under a
 28 program conducted by a public agency (as defined in
 29 IC 5-16-6.5-2) designed to assist disadvantaged business
 30 enterprises, **Hoosiers with disabilities business enterprises**, or
 31 women-owned business enterprises in obtaining contracts with
 32 public agencies for the provision of goods and services; or
- 33 (2) an entity with which the person will subcontract all or part of
 34 a contract with a public agency (as defined in IC 5-16-6.5-2) as:
 35 (A) a disadvantaged business enterprise (as defined in
 36 IC 5-16-6.5-1);
 37 **(B) a Hoosiers with disabilities business enterprise (as**
 38 **defined in IC 5-16-6.5-1.5);** or
 39 ~~(B)~~ (C) a women-owned business enterprise (as defined in
 40 IC 5-16-6.5-3);
 41 in order to qualify for certification as an eligible bidder under a
 42 program that is conducted by a public agency designed to assist



1 disadvantaged business enterprises, **Hoosiers with disabilities**
 2 **business enterprises**, or women-owned business enterprises in
 3 obtaining contracts with public agencies for the provision of
 4 goods and services;
 5 commits a Level 6 felony.

6 SECTION 44. IC 36-1-9.5-48 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 48. (a) An entity may
 8 revoke a certificate of qualification only if the entity determines that
 9 the contractor or subcontractor has done at least one (1) of the
 10 following:

11 (1) Fails to timely pay or satisfactorily settle any bills due for
 12 labor and material on former or existing contracts.

13 (2) Violates:

14 (A) a state or federal statute; or

15 (B) a rule or regulation of a state or federal department, board,
 16 bureau, agency, or commission.

17 (3) Defaults on a contract.

18 (4) Fails to enter into a contract with the entity.

19 (5) Falsifies any document required by the entity, the state board
 20 of accounts, or any other agency.

21 (6) Is convicted of a bidding crime in any jurisdiction.

22 (7) Enters a plea of guilty or nolo contendere to a bidding crime
 23 in any state.

24 (8) Does any of the following:

25 (A) Makes a public admission concerning a bidding crime in
 26 any state.

27 (B) Makes a presentation as an unindicted co-conspirator in a
 28 bidding crime in any state.

29 (C) Gives testimony that is protected by a grant of immunity
 30 in a trial for a bidding crime in any jurisdiction.

31 (9) Fails to perform any part of an existing or previous contract.

32 (10) Fails to submit in a timely manner information, documented
 33 explanations, or evidence required in the contract documents or
 34 proposal.

35 (11) Has been debarred by a federal agency.

36 (12) Failed to comply with any proposal requirements established
 37 by the entity concerning disadvantaged business enterprise goals,
 38 **Hoosiers with disabilities business enterprise goals**, or ~~women~~
 39 **women's** business enterprise goals.

40 (b) An entity shall provide notification of a pending action for
 41 revocation in writing, setting forth the grounds for the proposed
 42 certificate revocation. The revocation becomes effective on the date



1 determined by the entity.

2 (c) A period of disqualification under this chapter may not exceed
3 two (2) years.

4 SECTION 45. IC 36-7.5-2-8, AS AMENDED BY THE
5 TECHNICAL CORRECTIONS BILL OF THE 2019 GENERAL
6 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2019]: Sec. 8. (a) Except as provided in subsection (c), the
8 development authority must comply with IC 5-22 (public purchasing),
9 IC 36-1-12 (public work projects), and any applicable federal bidding
10 statutes and regulations. An eligible political subdivision that receives
11 a loan, a grant, or other financial assistance from the development
12 authority or enters into a lease with the development authority must
13 comply with applicable federal, state, and local public purchasing and
14 bidding law and regulations. However, a purchasing agency (as defined
15 in IC 5-22-2-25) of an eligible political subdivision may:

16 (1) assign or sell a lease for property to the development
17 authority; or

18 (2) enter into a lease for property with the development authority;
19 at any price and under any other terms and conditions as may be
20 determined by the eligible political subdivision and the development
21 authority. However, before making an assignment or sale of a lease or
22 entering into a lease under this section that would otherwise be subject
23 to IC 5-22, the eligible political subdivision or its purchasing agent
24 must obtain or cause to be obtained a purchase price for the property
25 to be subject to the lease from the lowest responsible and responsive
26 bidder in accordance with the requirements for the purchase of supplies
27 under IC 5-22.

28 (b) In addition to the provisions of subsection (a), with respect to
29 projects undertaken by the authority, the authority shall set a goal for
30 participation by minority business enterprises of fifteen percent (15%),
31 **Hoosiers with disabilities business enterprises of five percent (5%),**
32 and women's business enterprises of five percent (5%), consistent with
33 the goals of delivering the project on time and within the budgeted
34 amount and, insofar as possible, using Indiana businesses for
35 employees, goods, and services. In fulfilling the goal, the authority
36 shall take into account historical precedents in the same market.

37 (c) As an alternative to IC 36-1-12, the development authority may
38 utilize and may comply with:

39 (1) IC 5-16;

40 (2) IC 5-23;

41 (3) IC 5-30;

42 (4) IC 5-32; or



1 (5) any combination of the articles listed in subdivisions (1)
 2 through (4) as determined by the ~~NWIRDA~~ **development**
 3 **authority** as appropriate;
 4 when acquiring, financing, and constructing a public work that is a
 5 development project (as defined in IC 36-7.5-4.5-5).

6 (d) The development authority may:

- 7 (1) contract with;
 8 (2) assign to; or
 9 (3) delegate to;

10 a commuter transportation district ~~or the NICTD~~ to perform any duties
 11 and exercise any powers of the development authority under this
 12 chapter.

13 SECTION 46. IC 36-7.6-2-13, AS AMENDED BY P.L.252-2015,
 14 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 13. (a) A development authority shall comply with
 16 IC 5-22 (public purchasing), IC 36-1-12 (public work projects), and
 17 any applicable federal bidding statutes and regulations. An eligible
 18 political subdivision that receives a loan, a grant, or other financial
 19 assistance from a development authority or enters into a lease with a
 20 development authority must comply with applicable federal, state, and
 21 local public purchasing and bidding laws and regulations. However, a
 22 purchasing agency (as defined in IC 5-22-2-25) of an eligible political
 23 subdivision may:

- 24 (1) assign or sell a lease for property to a development authority;
 25 or

26 (2) enter into a lease for property with a development authority;
 27 at any price and under any other terms and conditions as may be
 28 determined by the eligible political subdivision and the development
 29 authority. However, before making an assignment or a sale of a lease
 30 or entering into a lease under this section that would otherwise be
 31 subject to IC 5-22, the eligible political subdivision or its purchasing
 32 agent must obtain or cause to be obtained a purchase price for the
 33 property to be subject to the lease from the lowest responsible and
 34 responsive bidder in accordance with the requirements for the purchase
 35 of supplies under IC 5-22.

36 (b) In addition to the provisions of subsection (a), with respect to
 37 projects undertaken by a development authority, the development
 38 authority shall set a goal for participation by minority business
 39 enterprises, **and** women's business enterprises, **and Hoosiers with**
 40 **disabilities business enterprises**. The goals must be consistent with:

- 41 (1) the participation goals established by the counties and
 42 municipalities that are members of the development authority;



1 and
2 (2) the goals of delivering the project on time and within the
3 budgeted amount and, insofar as possible, using Indiana
4 businesses for employees, goods, and services.
5 SECTION 47. [EFFECTIVE JULY 1, 2019] (a) **IC 6-3.1-35.2, as**
6 **added by this act, applies only to taxable years beginning after**
7 **December 31, 2019.**
8 **(b) This SECTION expires January 1, 2021.**

