

# HOUSE BILL No. 1312

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-22-14.

**Synopsis:** Veteran business enterprises. Defines "veteran", for the purpose of qualifying as a veteran owned small business by the Indiana department of administration, as an individual who: (1) served on active duty in any branch of the armed forces of the United States or their reserves, or served in the Indiana National Guard; and (2) received an honorable discharge from service. Requires that a business seeking to qualify as a small business owned and operated by veterans have current certification as a veteran owned small business by the Indiana department of administration. Provides that certain information submitted by an applicant for certification as a veteran owned small business is confidential.

**Effective:** July 1, 2016.

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## Gutwein

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January 12, 2016, read first time and referred to Committee on Veterans Affairs and Public Safety.

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Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

# HOUSE BILL No. 1312

A BILL FOR AN ACT to amend the Indiana Code concerning veterans.

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

1 SECTION 1. IC 5-22-14-0.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2016]: **Sec. 0.5. As used in this chapter, "NGB-22" means the**  
4 **National Guard Report of Separation form or its predecessor or**  
5 **successor form.**

6 SECTION 2. IC 5-22-14-2.5 IS ADDED TO THE INDIANA CODE  
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 2016]: **Sec. 2.5. As used in this chapter, "veteran" means an**  
9 **individual who:**

- 10 (1) **served:**  
11 (A) **on active duty in any branch of the armed forces of the**  
12 **United States or their reserves; or**  
13 (B) **in the Indiana National Guard; and**  
14 (2) **received an honorable discharge from service.**

15 SECTION 3. IC 5-22-14-3.5, AS ADDED BY P.L.90-2013,  
16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2016]: **Sec. 3.5. (a) A business qualifies as a small business**



1 for purposes of this chapter if the business is an Indiana small business  
 2 concern owned and controlled by veterans, as defined in  
 3 15 U.S.C. 632(q)(3) as in effect January 1, 2013, **or is an Indiana**  
 4 **small business owned and operated by veterans (as defined in**  
 5 **section 2.5 of this chapter)** and the business:

6 (1) has:

7 (A) a current verification as a veteran owned small business  
 8 concern under 38 CFR 74, et seq., by the Center of Veterans  
 9 Enterprise of the United States Department of Veterans  
 10 Affairs; **or**

11 **(B) current certification as a veteran owned small business**  
 12 **by the Indiana department of administration;**

13 (2) is owned and controlled by one (1) or more veterans who have  
 14 been residents of Indiana for at least one (1) year before making  
 15 an offer or, in the case of a corporation, have at least fifty-one  
 16 percent (51%) of the corporation's stock owned by one (1) or  
 17 more veterans who have been residents of Indiana for at least one  
 18 (1) year before making an offer; and

19 (3) has its principal place of business located in Indiana.

20 (b) The Indiana economic development corporation may assist the  
 21 Indiana department of administration in doing any of the following:

22 (1) Compiling and maintaining a comprehensive list of veteran  
 23 owned small businesses.

24 (2) Assisting veteran owned small businesses in complying with  
 25 the procedures for bidding on state contracts.

26 (3) Examining requests from the Indiana department of  
 27 administration for the purchase of supplies or services to help  
 28 determine which purchases may be consistent with the goal  
 29 described in section 11(a) of this chapter.

30 (4) Simplifying specifications and contract terms to increase the  
 31 opportunities for veteran owned small businesses to participate in  
 32 state contracts.

33 (c) The Indiana economic development corporation, in consultation  
 34 with the Indiana department of administration, may develop programs  
 35 to encourage cities, counties, towns, townships, and private businesses  
 36 to adopt the goal for contracts with veteran owned small businesses  
 37 described in section 11(a) of this chapter.

38 **(d) For purposes of this chapter, information submitted by an**  
 39 **applicant for certification as a veteran owned small business that**  
 40 **contains:**

41 **(1) personal financial information; or**

42 **(2) confidential business information;**



1 **is confidential.**

2 **(e) For purposes of this chapter, the following forms submitted**  
 3 **by an applicant for certification as a veteran owned small business**  
 4 **are confidential:**

5 **(1) DD 214 (as defined in IC 10-17-15-1).**

6 **(2) NGB-22 (as defined in section 0.5 of this chapter).**

7 SECTION 4. IC 5-22-14-11, AS AMENDED BY P.L.53-2014,  
 8 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2016]: Sec. 11. (a) The Indiana department of administration  
 10 shall adopt rules under IC 4-22-2 to do the following:

11 (1) Increase contracting opportunities for Indiana veteran owned  
 12 small businesses described in section 3.5 of this chapter with a  
 13 goal to procure in each state fiscal year at least three percent (3%)  
 14 of state contracts with Indiana veteran owned small businesses.

15 (2) Develop procurement policies and procedures to accomplish  
 16 the goal described in subdivision (1), including guidelines to be  
 17 followed by the Indiana department of administration in  
 18 conducting the department's procurement efforts.

19 **(3) Implement IC 5-22-14-3.5.**

20 These procurement policies do not apply to a procurement of supplies  
 21 and services to address immediate and serious government needs at a  
 22 time of emergency, including a threat to the public health, welfare, or  
 23 safety that may arise by reason of floods, epidemics, riots, acts of  
 24 terrorism, major power failures, a threat proclaimed by the President of  
 25 the United States or the governor, or a threat declared by the  
 26 commissioner of the Indiana department of administration.

27 (b) The Indiana department of administration shall annually  
 28 evaluate its progress in meeting the goal described in this section for  
 29 the previous state fiscal year. Beginning in 2014, after June 30 and  
 30 before November 1 of each year, the Indiana department of  
 31 administration shall submit a report to the governor, the Indiana  
 32 department of veterans' affairs, and the interim study committee on  
 33 public safety and military affairs established by IC 2-5-1.3-4 and the  
 34 legislative council in an electronic format under IC 5-14-6. The report  
 35 must include:

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

38 (2) a summary of why the Indiana department of administration  
 39 failed to meet the goal and what actions are being taken by the  
 40 Indiana department of administration to meet the goal in the  
 41 current state fiscal year.

42 (c) The Indiana department of administration shall post the report



1 described in subsection (b) on the department's Internet web site not  
2 later than thirty (30) days after the report is submitted. The Indiana  
3 department of veterans' affairs shall post the report described in  
4 subsection (b) on the department's Internet web site not later than thirty  
5 (30) days after the report is submitted by the Indiana department of  
6 administration.

