



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1846

Introduced 2/15/2019, by Sen. Paul Schimpf

SYNOPSIS AS INTRODUCED:

See Index

Amends the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. Modifies the provisions of the Act to apply to veterans and veteran-owned businesses. Modifies a Section concerning the short title. Changes the title of the Act to the Business Enterprise for Minorities, Women, Veterans, and Persons with Disabilities Act, and makes conforming changes throughout various statutes referencing the title of the Act. Amends the Illinois Procurement Code. Removes a provision concerning procurement preferences for veterans and veteran-owned businesses. Applies administrative penalties for falsely certified businesses to minority-owned businesses, women-owned businesses, veteran-owned businesses, and businesses owned by persons with a disability. Defines terms. Makes conforming changes in various statutes concerning minority-owned businesses, women-owned businesses, veteran-owned businesses, and businesses owned by persons with a disability. Effective immediately.

LRB101 11144 RJF 56376 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Attorney General Act is amended by changing
5 Section 9 as follows:

6 (15 ILCS 205/9)

7 Sec. 9. Contract aspirational goals. The Attorney General
8 shall establish aspirational goals for contract awards for all
9 contracts for goods and services, not including contracts for
10 services relating to investigations or litigation. These
11 aspirational goals shall be substantially in accordance with
12 the Business Enterprise for Minorities, Women, Veterans, and
13 Persons with Disabilities Act, unless otherwise governed by
14 other law. The Attorney General shall not be subject to the
15 jurisdiction of the Business Enterprise Council established
16 under the Business Enterprise for Minorities, Women, Veterans,
17 and Persons with Disabilities Act with regard to steps taken to
18 achieve aspirational goals. The Attorney General shall
19 annually post information regarding the Office's utilization
20 of businesses owned by minorities, women, veterans, and persons
21 with disabilities during the preceding fiscal year on the
22 Office's Internet websites.

23 (Source: P.A. 100-801, eff. 8-10-18.)

1 Section 10. The Secretary of State Act is amended by
2 changing Section 19 as follows:

3 (15 ILCS 305/19)

4 Sec. 19. Contract aspirational goals. The Secretary of
5 State shall establish aspirational goals for contract awards
6 substantially in accordance with the Business Enterprise for
7 Minorities, Women, Veterans, and Persons with Disabilities
8 Act, unless otherwise governed by other law. The Secretary of
9 State shall not be subject to the jurisdiction of the Business
10 Enterprise Council established under the Business Enterprise
11 for Minorities, Women, Veterans, and Persons with Disabilities
12 Act with regard to steps taken to achieve aspirational goals.
13 The Secretary of State shall annually post the Office's
14 utilization of businesses owned by minorities, women,
15 veterans, and persons with disabilities during the preceding
16 fiscal year on the Office's Internet websites.

17 (Source: P.A. 100-801, eff. 8-10-18.)

18 Section 15. The State Comptroller Act is amended by
19 changing Sections 23.9 and 23.10 as follows:

20 (15 ILCS 405/23.9)

21 Sec. 23.9. Minority Contractor Opportunity Initiative. The
22 State Comptroller Minority Contractor Opportunity Initiative

1 is created to provide greater opportunities for minority-owned
2 businesses, women-owned businesses, veteran-owned businesses,
3 businesses owned by persons with disabilities, and small
4 businesses with 20 or fewer employees in this State to
5 participate in the State procurement process. The initiative
6 shall be administered by the Comptroller. Under this
7 initiative, the Comptroller is responsible for the following:
8 (i) outreach to minority-owned businesses, women-owned
9 businesses, veteran-owned businesses, businesses owned by
10 persons with disabilities, and small businesses capable of
11 providing services to the State; (ii) education of
12 minority-owned businesses, women-owned businesses,
13 veteran-owned businesses, businesses owned by persons with
14 disabilities, and small businesses concerning State
15 contracting and procurement; (iii) notification of
16 minority-owned businesses, women-owned businesses,
17 veteran-owned businesses, businesses owned by persons with
18 disabilities, and small businesses of State contracting
19 opportunities; and (iv) maintenance of an online database of
20 State contracts that identifies the contracts awarded to
21 minority-owned businesses, women-owned businesses,
22 veteran-owned businesses, businesses owned by persons with
23 disabilities, and small businesses that includes the total
24 amount paid by State agencies to contractors and the percentage
25 paid to minority-owned businesses, women-owned businesses,
26 veteran-owned businesses, businesses owned by persons with

1 disabilities, and small businesses.

2 The Business Enterprise Council created under Section 5 of
3 the Business Enterprise for Minorities, Women, Veterans, and
4 Persons with Disabilities Act shall provide the Comptroller
5 with names, Federal Employer Identification Numbers, and
6 designations of Business Enterprise Program certified vendors
7 to fulfill the Comptroller's responsibilities under this
8 Section, including, but not limited to, identification of
9 minority-owned businesses, women-owned businesses,
10 veteran-owned businesses, and businesses owned by persons with
11 disabilities.

12 The Comptroller shall annually prepare and submit a report
13 to the Governor and the General Assembly concerning the
14 progress of this initiative including the following
15 information for the preceding fiscal year: (i) a statement of
16 the total amounts paid by each executive branch agency to
17 contractors since the previous report; (ii) the percentage of
18 the amounts that were paid to minority-owned businesses,
19 women-owned businesses, veteran-owned businesses, businesses
20 owned by persons with disabilities, and small businesses; (iii)
21 the successes achieved and the challenges faced by the
22 Comptroller in operating outreach programs for minorities,
23 women, veterans, persons with disabilities, and small
24 businesses; (iv) the challenges each executive branch agency
25 may face in hiring qualified minority, woman, veteran, and
26 small business employees and employees with disabilities and

1 contracting with qualified minority-owned businesses,
2 women-owned businesses, veteran-owned businesses, businesses
3 owned by persons with disabilities, and small businesses; and
4 (v) any other information, findings, conclusions, and
5 recommendations for legislative or agency action, as the
6 Comptroller deems appropriate.

7 On and after the effective date of this amendatory Act of
8 the 97th General Assembly, any bidder or offeror awarded a
9 contract of \$1,000 or more under Section 20-10, 20-15, 20-25,
10 or 20-30 of the Illinois Procurement Code is required to pay a
11 fee of \$15 to cover expenses related to the administration of
12 this Section. The Comptroller shall deduct the fee from the
13 first check issued to the vendor under the contract and deposit
14 the fee into the Comptroller's Administrative Fund. Contracts
15 administered for statewide orders placed by agencies (commonly
16 referred to as "statewide master contracts") are exempt from
17 this fee.

18 Each Chief Procurement Officer shall provide the
19 Comptroller with names and Federal Employer Identification
20 Numbers of vendors registered in the Illinois Small Business
21 Set Aside Program to aid the Comptroller in fulfilling his or
22 her responsibilities under this Section.

23 (Source: P.A. 99-143, eff. 7-27-15; 100-391, eff. 8-25-17;
24 100-801, eff. 8-10-18.)

1 Sec. 23.10. Contract aspirational goals. The Comptroller
2 shall establish aspirational goals for contract awards
3 substantially in accordance with the Business Enterprise for
4 Minorities, Women, Veterans, and Persons with Disabilities
5 Act, unless otherwise governed by other law. The Comptroller
6 shall not be subject to the jurisdiction of the Business
7 Enterprise Council established under the Business Enterprise
8 for Minorities, Women, Veterans, and Persons with Disabilities
9 Act with regard to steps taken to achieve aspirational goals.
10 The Comptroller shall annually post the Office's utilization of
11 businesses owned by minorities, women, veterans, and persons
12 with disabilities during the preceding fiscal year on the
13 Office's Internet websites.

14 (Source: P.A. 100-801, eff. 8-10-18.)

15 Section 20. The State Treasurer Act is amended by changing
16 Section 30 as follows:

17 (15 ILCS 505/30)

18 Sec. 30. Preferences for veterans, minorities, women, and
19 persons with disabilities.

20 (a) As used in this Section, ~~:(1)~~ the terms "minority
21 person", "woman", "veteran", "person with a disability",
22 "minority-owned business", "women-owned business",
23 "veteran-owned businesses", "business owned by a person with a
24 disability", "armed forces of the United States", and "control"

1 have the meanings provided in Section 2 ± of the Business
2 Enterprise for Minorities, Women, Veterans, and Persons with
3 Disabilities Act. ~~;~~ and

4 ~~(2) the terms "veteran", "qualified veteran-owned~~
5 ~~small business", "qualified service disabled veteran-owned~~
6 ~~small business", "qualified service disabled veteran", and~~
7 ~~"armed forces of the United States" have the meanings~~
8 ~~provided in Article 1 of the Illinois Procurement Code.~~

9 (b) It is hereby declared to be the policy of the State
10 Treasurer to promote and encourage the use of businesses owned
11 by or under the control of qualified veterans of the armed
12 forces of the United States, ~~qualified service disabled~~
13 ~~veterans~~, minority persons, women, or persons with a disability
14 in the area of goods and services. Furthermore, the State
15 Treasurer shall utilize such businesses to the greatest extent
16 feasible within the bounds of financial and fiduciary prudence,
17 and take affirmative steps to remove any barriers to the full
18 participation of such firms in the procurement and contracting
19 opportunities afforded.

20 (c) It shall be an aspirational goal of the State Treasurer
21 to use businesses owned by or under the control of qualified
22 veterans of the armed forces of the United States, ~~qualified~~
23 ~~service-disabled veterans~~, minority persons, women, or persons
24 with a disability for not less than 25% of the total dollar
25 amount of funds under management, purchases of investment
26 securities, and other contracts, including, but not limited to,

1 the use of broker-dealers. The State Treasurer is authorized to
2 establish additional aspirational goals.

3 (d) When the State Treasurer procures goods and services,
4 whether through a request for proposal or otherwise, he or she
5 is authorized to incorporate preferences in the scoring process
6 for: (1) a minority-owned business, a women-owned business, a
7 business owned by a person with a disability, or a ~~qualified~~
8 ~~veteran-owned small business, or a qualified service disabled~~
9 ~~veteran-owned small business~~; and (2) businesses having a
10 record of support for increasing diversity and inclusion in
11 board membership, management, employment, philanthropy, and
12 supplier diversity, including investment professionals and
13 investment sourcing.

14 When the State Treasurer utilizes a financial institution
15 or determines the eligibility of a financial institution to
16 participate in a banking contract, investment contract,
17 investment activity, or other financial program of the State
18 Treasurer, he or she shall review the financial institution's
19 Community Reinvestment Act rating, record, and current level of
20 financial commitment to the community prior to making a
21 decision to utilize or determine the eligibility of such
22 financial institution.

23 (e) Beginning with fiscal year 2019, and at least annually
24 thereafter, the State Treasurer shall report on his or her
25 utilization of minority-owned businesses, women-owned
26 businesses, businesses owned by a person with a disability, and

1 ~~qualified~~ veteran-owned ~~small~~ businesses, ~~or~~ ~~qualified~~
2 ~~service-disabled veteran-owned small businesses~~. The report
3 shall be published on the State Treasurer's official website.

4 (f) The provisions of this Section take precedence over any
5 goals established under the Business Enterprise for
6 Minorities, Women, Veterans, and Persons with Disabilities
7 Act.

8 (Source: P.A. 100-969, eff. 8-19-18.)

9 Section 25. The Department of Commerce and Economic
10 Opportunity Law of the Civil Administrative Code of Illinois is
11 amended by changing Section 605-1020 as follows:

12 (20 ILCS 605/605-1020)

13 Sec. 605-1020. Entrepreneur Learner's Permit pilot
14 program.

15 (a) Subject to appropriation, there is hereby established
16 an Entrepreneur Learner's Permit pilot program that shall be
17 administered by the Department beginning on July 1 of the first
18 fiscal year for which an appropriation of State moneys is made
19 for that purpose and continuing for the next 2 immediately
20 succeeding fiscal years; however, the Department is not
21 required to administer the program in any fiscal year for which
22 such an appropriation has not been made. The purpose of the
23 program shall be to encourage and assist beginning
24 entrepreneurs in starting new businesses by providing

1 reimbursements to those entrepreneurs for any State filing,
2 permitting, or licensing fees associated with the formation of
3 such a business in the State.

4 (b) Applicants for participation in the Entrepreneur
5 Learner's Permit pilot program shall apply to the Department,
6 in a form and manner prescribed by the Department, within one
7 year after the formation of the business for which the
8 entrepreneur seeks reimbursement of those fees. The Department
9 shall adopt rules for the review and approval of applications,
10 provided that it (1) shall give priority to applicants who are
11 women, veterans, or minority persons, or persons with a
12 disability ~~or both~~, and (2) shall not approve any application
13 by a person who will not be a beginning entrepreneur.
14 Reimbursements under this Section shall be provided in the
15 manner determined by the Department. In no event shall an
16 applicant apply for participation in the program more than 3
17 times.

18 (c) The aggregate amount of all reimbursements provided by
19 the Department pursuant to this Section shall not exceed
20 \$500,000 in any State fiscal year.

21 (d) On or before February 1 of the last calendar year
22 during which the pilot program is in effect, the Department
23 shall submit a report to the Governor and the General Assembly
24 on the cumulative effectiveness of the Entrepreneur Learner's
25 Permit pilot program. The review shall include, but not be
26 limited to, the number and type of businesses that were formed

1 in connection with the pilot program, the current status of
2 each business formed in connection with the pilot program, the
3 number of employees employed by each such business, the
4 economic impact to the State from the pilot program, the
5 satisfaction of participants in the pilot program, and a
6 recommendation as to whether the program should be continued.
7 The report to the General Assembly shall be filed with the
8 Clerk of the House of Representatives and the Secretary of the
9 Senate in electronic form only, in the manner that the Clerk
10 and the Secretary shall direct.

11 (e) As used in this Section:

12 "Beginning entrepreneur" means an individual who, at
13 the time he or she applies for participation in the
14 program, has less than 5 years of experience as a business
15 owner and is not a current business owner.

16 "Woman", "veteran", ~~and~~ "minority person", and "person
17 with a disability" have the meanings given to those terms
18 in the Business Enterprise for Minorities, Women,
19 Veterans, and Persons with Disabilities Act.

20 (Source: P.A. 100-541, eff. 11-7-17; 100-785, eff. 8-10-18;
21 100-863, eff. 8-14-18; revised 8-31-18.)

22 Section 30. The Illinois Enterprise Zone Act is amended by
23 changing Section 4 as follows:

24 (20 ILCS 655/4) (from Ch. 67 1/2, par. 604)

1 Sec. 4. Qualifications for enterprise zones.

2 (1) An area is qualified to become an enterprise zone
3 which:

4 (a) is a contiguous area, provided that a zone area may
5 exclude wholly surrounded territory within its boundaries;

6 (b) comprises a minimum of one-half square mile and not
7 more than 12 square miles, or 15 square miles if the zone
8 is located within the jurisdiction of 4 or more counties or
9 municipalities, in total area, exclusive of lakes and
10 waterways; however, in such cases where the enterprise zone
11 is a joint effort of three or more units of government, or
12 two or more units of government if situated in a township
13 which is divided by a municipality of 1,000,000 or more
14 inhabitants, and where the certification has been in effect
15 at least one year, the total area shall comprise a minimum
16 of one-half square mile and not more than thirteen square
17 miles in total area exclusive of lakes and waterways;

18 (c) (blank);

19 (d) (blank);

20 (e) is (1) entirely within a municipality or (2)
21 entirely within the unincorporated areas of a county,
22 except where reasonable need is established for such zone
23 to cover portions of more than one municipality or county
24 or (3) both comprises (i) all or part of a municipality and
25 (ii) an unincorporated area of a county; and

26 (f) meets 3 or more of the following criteria:

1 (1) all or part of the local labor market area has
2 had an annual average unemployment rate of at least
3 120% of the State's annual average unemployment rate
4 for the most recent calendar year or the most recent
5 fiscal year as reported by the Department of Employment
6 Security;

7 (2) designation will result in the development of
8 substantial employment opportunities by creating or
9 retaining a minimum aggregate of 1,000 full-time
10 equivalent jobs due to an aggregate investment of
11 \$100,000,000 or more, and will help alleviate the
12 effects of poverty and unemployment within the local
13 labor market area;

14 (3) all or part of the local labor market area has
15 a poverty rate of at least 20% according to the latest
16 federal decennial census, 50% or more of children in
17 the local labor market area participate in the federal
18 free lunch program according to reported statistics
19 from the State Board of Education, or 20% or more
20 households in the local labor market area receive food
21 stamps according to the latest federal decennial
22 census;

23 (4) an abandoned coal mine, a brownfield (as
24 defined in Section 58.2 of the Environmental
25 Protection Act), or an inactive nuclear-powered
26 ~~nuclear-powered~~ electrical generation facility where

1 spent nuclear fuel is stored on-site is located in the
2 proposed zone area, or all or a portion of the proposed
3 zone was declared a federal disaster area in the 3
4 years preceding the date of application;

5 (5) the local labor market area contains a presence
6 of large employers that have downsized over the years,
7 the labor market area has experienced plant closures in
8 the 5 years prior to the date of application affecting
9 more than 50 workers, or the local labor market area
10 has experienced State or federal facility closures in
11 the 5 years prior to the date of application affecting
12 more than 50 workers;

13 (6) based on data from Multiple Listing Service
14 information or other suitable sources, the local labor
15 market area contains a high floor vacancy rate of
16 industrial or commercial properties, vacant or
17 demolished commercial and industrial structures are
18 prevalent in the local labor market area, or industrial
19 structures in the local labor market area are not used
20 because of age, deterioration, relocation of the
21 former occupants, or cessation of operation;

22 (7) the applicant demonstrates a substantial plan
23 for using the designation to improve the State and
24 local government tax base, including income, sales,
25 and property taxes;

26 (8) significant public infrastructure is present

1 in the local labor market area in addition to a plan
2 for infrastructure development and improvement;

3 (9) high schools or community colleges located
4 within the local labor market area are engaged in ACT
5 Work Keys, Manufacturing Skills Standard
6 Certification, or other industry-based credentials
7 that prepare students for careers;

8 (10) the change in equalized assessed valuation of
9 industrial and/or commercial properties in the 5 years
10 prior to the date of application is equal to or less
11 than 50% of the State average change in equalized
12 assessed valuation for industrial and/or commercial
13 properties, as applicable, for the same period of time;
14 or

15 (11) the applicant demonstrates a substantial plan
16 for using the designation to encourage: (i)
17 participation by businesses owned by minorities,
18 women, veterans, and persons with disabilities, as
19 those terms are defined in the Business Enterprise for
20 Minorities, Women, Veterans, and Persons with
21 Disabilities Act; and (ii) the hiring of minorities,
22 women, veterans, and persons with disabilities.

23 As provided in Section 10-5.3 of the River Edge
24 Redevelopment Zone Act, upon the expiration of the term of each
25 River Edge Redevelopment Zone in existence on August 7, 2012
26 (the effective date of Public Act 97-905) ~~this amendatory Act~~

1 ~~of the 97th General Assembly~~, that River Edge Redevelopment
2 Zone will become available for its previous designee or a new
3 applicant to compete for designation as an enterprise zone. No
4 preference for designation will be given to the previous
5 designee of the zone.

6 (2) Any criteria established by the Department or by law
7 which utilize the rate of unemployment for a particular area
8 shall provide that all persons who are not presently employed
9 and have exhausted all unemployment benefits shall be
10 considered unemployed, whether or not such persons are actively
11 seeking employment.

12 (Source: P.A. 100-838, eff. 8-13-18; 100-1149, eff. 12-14-18;
13 revised 1-3-19.)

14 Section 35. The Illinois Lottery Law is amended by changing
15 Section 9.1 as follows:

16 (20 ILCS 1605/9.1)

17 Sec. 9.1. Private manager and management agreement.

18 (a) As used in this Section:

19 "Offeror" means a person or group of persons that responds
20 to a request for qualifications under this Section.

21 "Request for qualifications" means all materials and
22 documents prepared by the Department to solicit the following
23 from offerors:

24 (1) Statements of qualifications.

1 (2) Proposals to enter into a management agreement,
2 including the identity of any prospective vendor or vendors
3 that the offeror intends to initially engage to assist the
4 offeror in performing its obligations under the management
5 agreement.

6 "Final offer" means the last proposal submitted by an
7 offeror in response to the request for qualifications,
8 including the identity of any prospective vendor or vendors
9 that the offeror intends to initially engage to assist the
10 offeror in performing its obligations under the management
11 agreement.

12 "Final offeror" means the offeror ultimately selected by
13 the Governor to be the private manager for the Lottery under
14 subsection (h) of this Section.

15 (b) By September 15, 2010, the Governor shall select a
16 private manager for the total management of the Lottery with
17 integrated functions, such as lottery game design, supply of
18 goods and services, and advertising and as specified in this
19 Section.

20 (c) Pursuant to the terms of this subsection, the
21 Department shall endeavor to expeditiously terminate the
22 existing contracts in support of the Lottery in effect on the
23 effective date of this amendatory Act of the 96th General
24 Assembly in connection with the selection of the private
25 manager. As part of its obligation to terminate these contracts
26 and select the private manager, the Department shall establish

1 a mutually agreeable timetable to transfer the functions of
2 existing contractors to the private manager so that existing
3 Lottery operations are not materially diminished or impaired
4 during the transition. To that end, the Department shall do the
5 following:

6 (1) where such contracts contain a provision
7 authorizing termination upon notice, the Department shall
8 provide notice of termination to occur upon the mutually
9 agreed timetable for transfer of functions;

10 (2) upon the expiration of any initial term or renewal
11 term of the current Lottery contracts, the Department shall
12 not renew such contract for a term extending beyond the
13 mutually agreed timetable for transfer of functions; or

14 (3) in the event any current contract provides for
15 termination of that contract upon the implementation of a
16 contract with the private manager, the Department shall
17 perform all necessary actions to terminate the contract on
18 the date that coincides with the mutually agreed timetable
19 for transfer of functions.

20 If the contracts to support the current operation of the
21 Lottery in effect on the effective date of this amendatory Act
22 of the 96th General Assembly are not subject to termination as
23 provided for in this subsection (c), then the Department may
24 include a provision in the contract with the private manager
25 specifying a mutually agreeable methodology for incorporation.

26 (c-5) The Department shall include provisions in the

1 management agreement whereby the private manager shall, for a
2 fee, and pursuant to a contract negotiated with the Department
3 (the "Employee Use Contract"), utilize the services of current
4 Department employees to assist in the administration and
5 operation of the Lottery. The Department shall be the employer
6 of all such bargaining unit employees assigned to perform such
7 work for the private manager, and such employees shall be State
8 employees, as defined by the Personnel Code. Department
9 employees shall operate under the same employment policies,
10 rules, regulations, and procedures, as other employees of the
11 Department. In addition, neither historical representation
12 rights under the Illinois Public Labor Relations Act, nor
13 existing collective bargaining agreements, shall be disturbed
14 by the management agreement with the private manager for the
15 management of the Lottery.

16 (d) The management agreement with the private manager shall
17 include all of the following:

18 (1) A term not to exceed 10 years, including any
19 renewals.

20 (2) A provision specifying that the Department:

21 (A) shall exercise actual control over all
22 significant business decisions;

23 (A-5) has the authority to direct or countermand
24 operating decisions by the private manager at any time;

25 (B) has ready access at any time to information
26 regarding Lottery operations;

1 (C) has the right to demand and receive information
2 from the private manager concerning any aspect of the
3 Lottery operations at any time; and

4 (D) retains ownership of all trade names,
5 trademarks, and intellectual property associated with
6 the Lottery.

7 (3) A provision imposing an affirmative duty on the
8 private manager to provide the Department with material
9 information and with any information the private manager
10 reasonably believes the Department would want to know to
11 enable the Department to conduct the Lottery.

12 (4) A provision requiring the private manager to
13 provide the Department with advance notice of any operating
14 decision that bears significantly on the public interest,
15 including, but not limited to, decisions on the kinds of
16 games to be offered to the public and decisions affecting
17 the relative risk and reward of the games being offered, so
18 the Department has a reasonable opportunity to evaluate and
19 countermand that decision.

20 (5) A provision providing for compensation of the
21 private manager that may consist of, among other things, a
22 fee for services and a performance based bonus as
23 consideration for managing the Lottery, including terms
24 that may provide the private manager with an increase in
25 compensation if Lottery revenues grow by a specified
26 percentage in a given year.

1 (6) (Blank).

2 (7) A provision requiring the deposit of all Lottery
3 proceeds to be deposited into the State Lottery Fund except
4 as otherwise provided in Section 20 of this Act.

5 (8) A provision requiring the private manager to locate
6 its principal office within the State.

7 (8-5) A provision encouraging that at least 20% of the
8 cost of contracts entered into for goods and services by
9 the private manager in connection with its management of
10 the Lottery, other than contracts with sales agents or
11 technical advisors, be awarded to businesses that are a
12 minority-owned business, a women-owned business,
13 veteran-owned business, or a business owned by a person
14 with disability, as those terms are defined in the Business
15 Enterprise for Minorities, Women, Veterans, and Persons
16 with Disabilities Act.

17 (9) A requirement that so long as the private manager
18 complies with all the conditions of the agreement under the
19 oversight of the Department, the private manager shall have
20 the following duties and obligations with respect to the
21 management of the Lottery:

22 (A) The right to use equipment and other assets
23 used in the operation of the Lottery.

24 (B) The rights and obligations under contracts
25 with retailers and vendors.

26 (C) The implementation of a comprehensive security

1 program by the private manager.

2 (D) The implementation of a comprehensive system
3 of internal audits.

4 (E) The implementation of a program by the private
5 manager to curb compulsive gambling by persons playing
6 the Lottery.

7 (F) A system for determining (i) the type of
8 Lottery games, (ii) the method of selecting winning
9 tickets, (iii) the manner of payment of prizes to
10 holders of winning tickets, (iv) the frequency of
11 drawings of winning tickets, (v) the method to be used
12 in selling tickets, (vi) a system for verifying the
13 validity of tickets claimed to be winning tickets,
14 (vii) the basis upon which retailer commissions are
15 established by the manager, and (viii) minimum
16 payouts.

17 (10) A requirement that advertising and promotion must
18 be consistent with Section 7.8a of this Act.

19 (11) A requirement that the private manager market the
20 Lottery to those residents who are new, infrequent, or
21 lapsed players of the Lottery, especially those who are
22 most likely to make regular purchases on the Internet as
23 permitted by law.

24 (12) A code of ethics for the private manager's
25 officers and employees.

26 (13) A requirement that the Department monitor and

1 oversee the private manager's practices and take action
2 that the Department considers appropriate to ensure that
3 the private manager is in compliance with the terms of the
4 management agreement, while allowing the manager, unless
5 specifically prohibited by law or the management
6 agreement, to negotiate and sign its own contracts with
7 vendors.

8 (14) A provision requiring the private manager to
9 periodically file, at least on an annual basis, appropriate
10 financial statements in a form and manner acceptable to the
11 Department.

12 (15) Cash reserves requirements.

13 (16) Procedural requirements for obtaining the prior
14 approval of the Department when a management agreement or
15 an interest in a management agreement is sold, assigned,
16 transferred, or pledged as collateral to secure financing.

17 (17) Grounds for the termination of the management
18 agreement by the Department or the private manager.

19 (18) Procedures for amendment of the agreement.

20 (19) A provision requiring the private manager to
21 engage in an open and competitive bidding process for any
22 procurement having a cost in excess of \$50,000 that is not
23 a part of the private manager's final offer. The process
24 shall favor the selection of a vendor deemed to have
25 submitted a proposal that provides the Lottery with the
26 best overall value. The process shall not be subject to the

1 provisions of the Illinois Procurement Code, unless
2 specifically required by the management agreement.

3 (20) The transition of rights and obligations,
4 including any associated equipment or other assets used in
5 the operation of the Lottery, from the manager to any
6 successor manager of the lottery, including the
7 Department, following the termination of or foreclosure
8 upon the management agreement.

9 (21) Right of use of copyrights, trademarks, and
10 service marks held by the Department in the name of the
11 State. The agreement must provide that any use of them by
12 the manager shall only be for the purpose of fulfilling its
13 obligations under the management agreement during the term
14 of the agreement.

15 (22) The disclosure of any information requested by the
16 Department to enable it to comply with the reporting
17 requirements and information requests provided for under
18 subsection (p) of this Section.

19 (e) Notwithstanding any other law to the contrary, the
20 Department shall select a private manager through a competitive
21 request for qualifications process consistent with Section
22 20-35 of the Illinois Procurement Code, which shall take into
23 account:

24 (1) the offeror's ability to market the Lottery to
25 those residents who are new, infrequent, or lapsed players
26 of the Lottery, especially those who are most likely to

1 make regular purchases on the Internet;

2 (2) the offeror's ability to address the State's
3 concern with the social effects of gambling on those who
4 can least afford to do so;

5 (3) the offeror's ability to provide the most
6 successful management of the Lottery for the benefit of the
7 people of the State based on current and past business
8 practices or plans of the offeror; and

9 (4) the offeror's poor or inadequate past performance
10 in servicing, equipping, operating or managing a lottery on
11 behalf of Illinois, another State or foreign government and
12 attracting persons who are not currently regular players of
13 a lottery.

14 (f) The Department may retain the services of an advisor or
15 advisors with significant experience in financial services or
16 the management, operation, and procurement of goods, services,
17 and equipment for a government-run lottery to assist in the
18 preparation of the terms of the request for qualifications and
19 selection of the private manager. Any prospective advisor
20 seeking to provide services under this subsection (f) shall
21 disclose any material business or financial relationship
22 during the past 3 years with any potential offeror, or with a
23 contractor or subcontractor presently providing goods,
24 services, or equipment to the Department to support the
25 Lottery. The Department shall evaluate the material business or
26 financial relationship of each prospective advisor. The

1 Department shall not select any prospective advisor with a
2 substantial business or financial relationship that the
3 Department deems to impair the objectivity of the services to
4 be provided by the prospective advisor. During the course of
5 the advisor's engagement by the Department, and for a period of
6 one year thereafter, the advisor shall not enter into any
7 business or financial relationship with any offeror or any
8 vendor identified to assist an offeror in performing its
9 obligations under the management agreement. Any advisor
10 retained by the Department shall be disqualified from being an
11 offeror. The Department shall not include terms in the request
12 for qualifications that provide a material advantage whether
13 directly or indirectly to any potential offeror, or any
14 contractor or subcontractor presently providing goods,
15 services, or equipment to the Department to support the
16 Lottery, including terms contained in previous responses to
17 requests for proposals or qualifications submitted to
18 Illinois, another State or foreign government when those terms
19 are uniquely associated with a particular potential offeror,
20 contractor, or subcontractor. The request for proposals
21 offered by the Department on December 22, 2008 as
22 "LOT08GAMESYS" and reference number "22016176" is declared
23 void.

24 (g) The Department shall select at least 2 offerors as
25 finalists to potentially serve as the private manager no later
26 than August 9, 2010. Upon making preliminary selections, the

1 Department shall schedule a public hearing on the finalists'
2 proposals and provide public notice of the hearing at least 7
3 calendar days before the hearing. The notice must include all
4 of the following:

5 (1) The date, time, and place of the hearing.

6 (2) The subject matter of the hearing.

7 (3) A brief description of the management agreement to
8 be awarded.

9 (4) The identity of the offerors that have been
10 selected as finalists to serve as the private manager.

11 (5) The address and telephone number of the Department.

12 (h) At the public hearing, the Department shall (i) provide
13 sufficient time for each finalist to present and explain its
14 proposal to the Department and the Governor or the Governor's
15 designee, including an opportunity to respond to questions
16 posed by the Department, Governor, or designee and (ii) allow
17 the public and non-selected offerors to comment on the
18 presentations. The Governor or a designee shall attend the
19 public hearing. After the public hearing, the Department shall
20 have 14 calendar days to recommend to the Governor whether a
21 management agreement should be entered into with a particular
22 finalist. After reviewing the Department's recommendation, the
23 Governor may accept or reject the Department's recommendation,
24 and shall select a final offeror as the private manager by
25 publication of a notice in the Illinois Procurement Bulletin on
26 or before September 15, 2010. The Governor shall include in the

1 notice a detailed explanation and the reasons why the final
2 offeror is superior to other offerors and will provide
3 management services in a manner that best achieves the
4 objectives of this Section. The Governor shall also sign the
5 management agreement with the private manager.

6 (i) Any action to contest the private manager selected by
7 the Governor under this Section must be brought within 7
8 calendar days after the publication of the notice of the
9 designation of the private manager as provided in subsection
10 (h) of this Section.

11 (j) The Lottery shall remain, for so long as a private
12 manager manages the Lottery in accordance with provisions of
13 this Act, a Lottery conducted by the State, and the State shall
14 not be authorized to sell or transfer the Lottery to a third
15 party.

16 (k) Any tangible personal property used exclusively in
17 connection with the lottery that is owned by the Department and
18 leased to the private manager shall be owned by the Department
19 in the name of the State and shall be considered to be public
20 property devoted to an essential public and governmental
21 function.

22 (l) The Department may exercise any of its powers under
23 this Section or any other law as necessary or desirable for the
24 execution of the Department's powers under this Section.

25 (m) Neither this Section nor any management agreement
26 entered into under this Section prohibits the General Assembly

1 from authorizing forms of gambling that are not in direct
2 competition with the Lottery.

3 (n) The private manager shall be subject to a complete
4 investigation in the third, seventh, and tenth years of the
5 agreement (if the agreement is for a 10-year term) by the
6 Department in cooperation with the Auditor General to determine
7 whether the private manager has complied with this Section and
8 the management agreement. The private manager shall bear the
9 cost of an investigation or reinvestigation of the private
10 manager under this subsection.

11 (o) The powers conferred by this Section are in addition
12 and supplemental to the powers conferred by any other law. If
13 any other law or rule is inconsistent with this Section,
14 including, but not limited to, provisions of the Illinois
15 Procurement Code, then this Section controls as to any
16 management agreement entered into under this Section. This
17 Section and any rules adopted under this Section contain full
18 and complete authority for a management agreement between the
19 Department and a private manager. No law, procedure,
20 proceeding, publication, notice, consent, approval, order, or
21 act by the Department or any other officer, Department, agency,
22 or instrumentality of the State or any political subdivision is
23 required for the Department to enter into a management
24 agreement under this Section. This Section contains full and
25 complete authority for the Department to approve any contracts
26 entered into by a private manager with a vendor providing

1 goods, services, or both goods and services to the private
2 manager under the terms of the management agreement, including
3 subcontractors of such vendors.

4 Upon receipt of a written request from the Chief
5 Procurement Officer, the Department shall provide to the Chief
6 Procurement Officer a complete and un-redacted copy of the
7 management agreement or any contract that is subject to the
8 Department's approval authority under this subsection (o). The
9 Department shall provide a copy of the agreement or contract to
10 the Chief Procurement Officer in the time specified by the
11 Chief Procurement Officer in his or her written request, but no
12 later than 5 business days after the request is received by the
13 Department. The Chief Procurement Officer must retain any
14 portions of the management agreement or of any contract
15 designated by the Department as confidential, proprietary, or
16 trade secret information in complete confidence pursuant to
17 subsection (g) of Section 7 of the Freedom of Information Act.
18 The Department shall also provide the Chief Procurement Officer
19 with reasonable advance written notice of any contract that is
20 pending Department approval.

21 Notwithstanding any other provision of this Section to the
22 contrary, the Chief Procurement Officer shall adopt
23 administrative rules, including emergency rules, to establish
24 a procurement process to select a successor private manager if
25 a private management agreement has been terminated. The
26 selection process shall at a minimum take into account the

1 criteria set forth in items (1) through (4) of subsection (e)
2 of this Section and may include provisions consistent with
3 subsections (f), (g), (h), and (i) of this Section. The Chief
4 Procurement Officer shall also implement and administer the
5 adopted selection process upon the termination of a private
6 management agreement. The Department, after the Chief
7 Procurement Officer certifies that the procurement process has
8 been followed in accordance with the rules adopted under this
9 subsection (o), shall select a final offeror as the private
10 manager and sign the management agreement with the private
11 manager.

12 Except as provided in Sections 21.5, 21.6, 21.7, 21.8,
13 21.9, ~~and~~ 21.10, and 21.11, ~~21.10~~ the Department shall
14 distribute all proceeds of lottery tickets and shares sold in
15 the following priority and manner:

16 (1) The payment of prizes and retailer bonuses.

17 (2) The payment of costs incurred in the operation and
18 administration of the Lottery, including the payment of
19 sums due to the private manager under the management
20 agreement with the Department.

21 (3) On the last day of each month or as soon thereafter
22 as possible, the State Comptroller shall direct and the
23 State Treasurer shall transfer from the State Lottery Fund
24 to the Common School Fund an amount that is equal to the
25 proceeds transferred in the corresponding month of fiscal
26 year 2009, as adjusted for inflation, to the Common School

1 Fund.

2 (4) On or before September 30 of each fiscal year,
3 deposit any estimated remaining proceeds from the prior
4 fiscal year, subject to payments under items (1), (2), and
5 (3), into the Capital Projects Fund. Beginning in fiscal
6 year 2019, the amount deposited shall be increased or
7 decreased each year by the amount the estimated payment
8 differs from the amount determined from each year-end
9 financial audit. Only remaining net deficits from prior
10 fiscal years may reduce the requirement to deposit these
11 funds, as determined by the annual financial audit.

12 (p) The Department shall be subject to the following
13 reporting and information request requirements:

14 (1) the Department shall submit written quarterly
15 reports to the Governor and the General Assembly on the
16 activities and actions of the private manager selected
17 under this Section;

18 (2) upon request of the Chief Procurement Officer, the
19 Department shall promptly produce information related to
20 the procurement activities of the Department and the
21 private manager requested by the Chief Procurement
22 Officer; the Chief Procurement Officer must retain
23 confidential, proprietary, or trade secret information
24 designated by the Department in complete confidence
25 pursuant to subsection (g) of Section 7 of the Freedom of
26 Information Act; and

1 (3) at least 30 days prior to the beginning of the
2 Department's fiscal year, the Department shall prepare an
3 annual written report on the activities of the private
4 manager selected under this Section and deliver that report
5 to the Governor and General Assembly.

6 (Source: P.A. 99-933, eff. 1-27-17; 100-391, eff. 8-25-17;
7 100-587, eff. 6-4-18; 100-647, eff. 7-30-18; 100-1068, eff.
8 8-24-18; revised 9-20-18.)

9 Section 40. The Department of Transportation Law of the
10 Civil Administrative Code of Illinois is amended by changing
11 Section 2705-585 as follows:

12 (20 ILCS 2705/2705-585)

13 Sec. 2705-585. Diversity goals.

14 (a) To the extent permitted by any applicable federal law
15 or regulation, all State construction projects funded from
16 amounts (i) made available under the Governor's Fiscal Year
17 2009 supplemental budget or the American Recovery and
18 Reinvestment Act of 2009 and (ii) that are appropriated to the
19 Illinois Department of Transportation shall comply with the
20 Business Enterprise for Minorities, Women, Veterans, and
21 Persons with Disabilities Act.

22 (b) The Illinois Department of Transportation shall
23 appoint representatives to professional and artistic services
24 selection committees representative of the State's ethnic,

1 cultural, and geographic diversity, including, but not limited
2 to, at least one person from each of the following: an
3 association representing the interests of African American
4 business owners, an association representing the interests of
5 Latino business owners, and an association representing the
6 interests of women business owners. These committees shall
7 comply with all requirements of the Open Meetings Act.

8 (Source: P.A. 100-391, eff. 8-25-17.)

9 Section 45. The Capital Development Board Act is amended by
10 changing Section 16 as follows:

11 (20 ILCS 3105/16) (from Ch. 127, par. 783b)

12 Sec. 16. (a) In addition to any other power granted in this
13 Act to adopt rules or regulations, the Board may adopt
14 regulations or rules relating to the issuance or renewal of the
15 prequalification of an architect, engineer or contractor or the
16 suspension or modification of the prequalification of any such
17 person or entity including, without limitation, an interim or
18 emergency suspension or modification without a hearing founded
19 on any one or more of the bases set forth in this Section.

20 (b) Among the bases for an interim or emergency suspension
21 or modification of prequalification are:

22 (1) A finding by the Board that the public interest,
23 safety or welfare requires a summary suspension or
24 modification of a prequalification without hearings.

1 (2) The occurrence of an event or series of events
2 which, in the Board's opinion, warrants a summary
3 suspension or modification of a prequalification without a
4 hearing including, without limitation, (i) the indictment
5 of the holder of the prequalification by a State or federal
6 agency or other branch of government for a crime; (ii) the
7 suspension or modification of a license or
8 prequalification by another State agency or federal agency
9 or other branch of government after hearings; (iii) a
10 material breach of a contract made between the Board and an
11 architect, engineer or contractor; and (iv) the failure to
12 comply with State law including, without limitation, the
13 Business Enterprise for Minorities, Women, Veterans, and
14 Persons with Disabilities Act, the prevailing wage
15 requirements, and the Steel Products Procurement Act.

16 (c) If a prequalification is suspended or modified by the
17 Board without hearings for any reason set forth in this Section
18 or in Section 10-65 of the Illinois Administrative Procedure
19 Act, as amended, the Board shall within 30 days of the issuance
20 of an order of suspension or modification of a prequalification
21 initiate proceedings for the suspension or modification of or
22 other action upon the prequalification.

23 (Source: P.A. 100-391, eff. 8-25-17.)

24 Section 50. The Illinois Finance Authority Act is amended
25 by changing Section 835-10 as follows:

1 (20 ILCS 3501/835-10)

2 Sec. 835-10. Definitions. As used or referred to in this
3 Article 835, the following words and terms shall have the
4 following meanings, except where the context clearly requires
5 otherwise:

6 "Fund" means one or more of the Industrial Project
7 Insurance Fund, the Illinois Agricultural Loan Guarantee Fund,
8 or the Illinois Farmer and Agribusiness Loan Guarantee Fund, as
9 applicable.

10 "Illinois Agricultural Loan Guarantee Fund" means the
11 Illinois Agricultural Loan Guarantee Fund created under
12 Section 830-30(c) of this Act.

13 "Illinois Farmer and Agribusiness Loan Guarantee Fund"
14 means the Illinois Farmer and Agribusiness Loan Guarantee Fund
15 created under Section 830-35(c) of this Act.

16 "Industrial Project Insurance Fund" means the Industrial
17 Project Insurance Fund created under Section 805-15 of this
18 Act.

19 "Qualified veteran-owned small business" means a small
20 business (i) that is at least 51% owned by one or more
21 qualified veterans living in Illinois or, in the case of a
22 corporation, at least 51% of the stock of which is owned by one
23 or more qualified veterans living in Illinois; (ii) that has
24 its home office in Illinois; and (iii) for which items (i) and
25 (ii) are factually verified annually by the Department of

1 Central Management Services ~~has the meaning provided in~~
2 ~~subsection (c) of Section 45-57 of the Illinois Procurement~~
3 ~~Code.~~

4 (Source: P.A. 99-509, eff. 6-24-16.)

5 Section 55. The Illinois Health Information Exchange and
6 Technology Act is amended by changing Section 20 as follows:

7 (20 ILCS 3860/20)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 20. Powers and duties of the Illinois Health
10 Information Exchange Authority. The Authority has the
11 following powers, together with all powers incidental or
12 necessary to accomplish the purposes of this Act:

13 (1) The Authority shall create and administer the ILHIE
14 using information systems and processes that are secure,
15 are cost effective, and meet all other relevant privacy and
16 security requirements under State and federal law.

17 (2) The Authority shall establish and adopt standards
18 and requirements for the use of health information and the
19 requirements for participation in the ILHIE by persons or
20 entities including, but not limited to, health care
21 providers, payors, and local health information exchanges.

22 (3) The Authority shall establish minimum standards
23 for accessing the ILHIE to ensure that the appropriate
24 security and privacy protections apply to health

1 information, consistent with applicable federal and State
2 standards and laws. The Authority shall have the power to
3 suspend, limit, or terminate the right to participate in
4 the ILHIE for non-compliance or failure to act, with
5 respect to applicable standards and laws, in the best
6 interests of patients, users of the ILHIE, or the public.
7 The Authority may seek all remedies allowed by law to
8 address any violation of the terms of participation in the
9 ILHIE.

10 (4) The Authority shall identify barriers to the
11 adoption of electronic health records systems, including
12 researching the rates and patterns of dissemination and use
13 of electronic health record systems throughout the State.
14 The Authority shall make the results of the research
15 available on its website.

16 (5) The Authority shall prepare educational materials
17 and educate the general public on the benefits of
18 electronic health records, the ILHIE, and the safeguards
19 available to prevent unauthorized disclosure of health
20 information.

21 (6) The Authority may appoint or designate an
22 institutional review board in accordance with federal and
23 State law to review and approve requests for research in
24 order to ensure compliance with standards and patient
25 privacy and security protections as specified in paragraph
26 (3) of this Section.

1 (7) The Authority may enter into all contracts and
2 agreements necessary or incidental to the performance of
3 its powers under this Act. The Authority's expenditures of
4 private funds are exempt from the Illinois Procurement
5 Code, pursuant to Section 1-10 of that Act. Notwithstanding
6 this exception, the Authority shall comply with the
7 Business Enterprise for Minorities, Women, Veterans, and
8 Persons with Disabilities Act.

9 (8) The Authority may solicit and accept grants, loans,
10 contributions, or appropriations from any public or
11 private source and may expend those moneys, through
12 contracts, grants, loans, or agreements, on activities it
13 considers suitable to the performance of its duties under
14 this Act.

15 (9) The Authority may determine, charge, and collect
16 any fees, charges, costs, and expenses from any healthcare
17 provider or entity in connection with its duties under this
18 Act. Moneys collected under this paragraph (9) shall be
19 deposited into the Health Information Exchange Fund.

20 (10) The Authority may, under the direction of the
21 Executive Director, employ and discharge staff, including
22 administrative, technical, expert, professional, and legal
23 staff, as is necessary or convenient to carry out the
24 purposes of this Act. The Authority may establish and
25 administer standards of classification regarding
26 compensation, benefits, duties, performance, and tenure

1 for that staff and may enter into contracts of employment
2 with members of that staff for such periods and on such
3 terms as the Authority deems desirable. All employees of
4 the Authority are exempt from the Personnel Code as
5 provided by Section 4 of the Personnel Code.

6 (11) The Authority shall consult and coordinate with
7 the Department of Public Health to further the Authority's
8 collection of health information from health care
9 providers for public health purposes. The collection of
10 public health information shall include identifiable
11 information for use by the Authority or other State
12 agencies to comply with State and federal laws. Any
13 identifiable information so collected shall be privileged
14 and confidential in accordance with Sections 8-2101,
15 8-2102, 8-2103, 8-2104, and 8-2105 of the Code of Civil
16 Procedure.

17 (12) All identified or deidentified health information
18 in the form of health data or medical records contained in,
19 stored in, submitted to, transferred by, or released from
20 the Illinois Health Information Exchange, and identified
21 or deidentified health information in the form of health
22 data and medical records of the Illinois Health Information
23 Exchange in the possession of the Illinois Health
24 Information Exchange Authority due to its administration
25 of the Illinois Health Information Exchange, shall be
26 exempt from inspection and copying under the Freedom of

1 Information Act. The terms "identified" and "deidentified"
2 shall be given the same meaning as in the Health Insurance
3 Portability and Accountability Act of 1996, Public Law
4 104-191, or any subsequent amendments thereto, and any
5 regulations promulgated thereunder.

6 (13) To address gaps in the adoption of, workforce
7 preparation for, and exchange of electronic health records
8 that result in regional and socioeconomic disparities in
9 the delivery of care, the Authority may evaluate such gaps
10 and provide resources as available, giving priority to
11 healthcare providers serving a significant percentage of
12 Medicaid or uninsured patients and in medically
13 underserved or rural areas.

14 (Source: P.A. 99-642, eff. 7-28-16; 100-391, eff. 8-25-17.)

15 Section 60. The Illinois Global Partnership Act is amended
16 by changing Section 20 as follows:

17 (20 ILCS 3948/20)

18 Sec. 20. Board of directors. IGP shall be governed by a
19 board of directors. The IGP board of directors shall consist of
20 14 members. Five of the members shall be voting members
21 appointed by the Governor with the advice and consent of the
22 Senate. The Speaker and Minority Leader of the House of
23 Representatives, the President and Minority Leader of the
24 Senate, the Lieutenant Governor, the Director of Agriculture,

1 the Director of Commerce and Economic Opportunity, the
2 Chairperson of the Illinois Arts Council, and the Director of
3 the Illinois Finance Authority, or the designee of each, shall
4 be non-voting ex officio members.

5 Of the members appointed by the Governor, one member must
6 have a background in agriculture, one member must have a
7 background in manufacturing, and one member must have a
8 background in international business relations.

9 Of the initial members appointed by the Governor, 3 members
10 shall serve 4-year terms and 2 members shall serve 2-year terms
11 as designated by the Governor. Thereafter, members appointed by
12 the Governor shall serve 4-year terms. A vacancy among members
13 appointed by the Governor shall be filled by appointment by the
14 Governor for the remainder of the vacated term.

15 Members of the board shall receive no compensation but
16 shall be reimbursed for expenses incurred in the performance of
17 their duties.

18 The Governor shall designate the chairman of the board
19 until a successor is designated. The board shall meet at the
20 call of the chair.

21 No less than 90 days after a majority of the members of the
22 board of directors of the IGP is appointed by the Governor, the
23 board shall develop a policy adopted by resolution of the board
24 stating the board's plan for the use of services provided by
25 businesses owned by minorities, women, veterans, and persons
26 with disabilities, as defined under the Business Enterprise for

1 Minorities, Women, Veterans, and Persons with Disabilities
2 Act. The board shall provide a copy of this resolution to the
3 Governor and the General Assembly upon its adoption.

4 On December 31 of each year, the board shall report to the
5 General Assembly and the Governor regarding the use of services
6 provided by businesses owned by minorities, women, veterans,
7 and persons with disabilities, as defined under the Business
8 Enterprise for Minorities, Women, Veterans, and Persons with
9 Disabilities Act.

10 (Source: P.A. 100-391, eff. 8-25-17.)

11 Section 65. The Illinois State Auditing Act is amended by
12 changing Section 2-16 as follows:

13 (30 ILCS 5/2-16)

14 Sec. 2-16. Contract aspirational goals. The Auditor
15 General shall establish aspirational goals for contract awards
16 substantially in accordance with the Business Enterprise for
17 Minorities, Women, Veterans, and Persons with Disabilities
18 Act, unless otherwise governed by other law. The Auditor
19 General shall not be subject to the jurisdiction of the
20 Business Enterprise Council established under the Business
21 Enterprise for Minorities, Women, Veterans, and Persons with
22 Disabilities Act with regard to steps taken to achieve
23 aspirational goals. The Auditor General shall annually post the
24 Office's utilization of businesses owned by minorities, women,

1 veterans, and persons with disabilities during the preceding
2 fiscal year on the Office's Internet websites.

3 (Source: P.A. 100-801, eff. 8-10-18; revised 9-27-18.)

4 Section 70. The State Finance Act is amended by changing
5 Sections 8.32 and 45 as follows:

6 (30 ILCS 105/8.32) (from Ch. 127, par. 144.32)

7 Sec. 8.32. All moneys received by the Minority and Women
8 Business Enterprise Council, or by the Department of Central
9 Management Services on behalf of the Council or the
10 Department's Business Enterprise for Minorities, Women,
11 Veterans, and Persons with Disabilities Division, from grants,
12 donations, seminar registration fees, and the sale of
13 directories, lists and other such information, shall be
14 deposited into the Minority and Female Business Enterprise Fund
15 in the State treasury. Expenses of the Council or the
16 Department's Business Enterprise for Minorities, Women,
17 Veterans, and Persons with Disabilities Division may be paid
18 from this Fund.

19 (Source: P.A. 100-391, eff. 8-25-17.)

20 (30 ILCS 105/45)

21 Sec. 45. Award of capital funds. Each award by grant or
22 loan of State funds of \$250,000 or more for capital
23 construction costs or professional services is conditioned

1 upon the recipient's written certification that the recipient
2 shall comply with the business enterprise program practices for
3 minority-owned businesses, women-owned businesses,
4 veteran-owned businesses, and businesses owned by persons with
5 disabilities of the Business Enterprise for Minorities, Women,
6 Veterans, and Persons with Disabilities Act (30 ILCS 575/) and
7 the equal employment practices of Section 2-105 of the Illinois
8 Human Rights Act (775 ILCS 5/2-105). This Section, however,
9 does not apply to any grant or loan (i) for which a grant or
10 loan agreement was executed before the effective date of this
11 amendatory Act of the 96th General Assembly, (ii) for which
12 prior-incurred costs are being reimbursed, or (iii) for a
13 federally funded program under which the requirement of this
14 Section would contravene federal law. Each recipient shall
15 submit the written certification and business enterprise
16 program plan for minority-owned businesses, women-owned
17 businesses, veteran-owned businesses, and businesses owned by
18 persons with disabilities before signing the relevant grant or
19 loan agreement. Each grant or loan agreement shall include a
20 provision that the grant or loan recipient agrees to comply
21 with the provisions of the Business Enterprise for Minorities,
22 Women, Veterans, and Persons with Disabilities Act (30 ILCS
23 575/) and the equal employment practices of Section 2-105 of
24 the Illinois Human Rights Act (775 ILCS 5/2-105).

25 Each business enterprise program plan shall apply only to
26 the State-funded portion of the relevant capital project and

1 must be in compliance with all certification and other
2 requirements of the Business Enterprise for Minorities, Women,
3 Veterans, and Persons with Disabilities Act.
4 (Source: P.A. 100-391, eff. 8-25-17.)

5 Section 75. The General Obligation Bond Act is amended by
6 changing Sections 8 and 15.5 as follows:

7 (30 ILCS 330/8) (from Ch. 127, par. 658)

8 Sec. 8. Bond sale expenses.

9 (a) An amount not to exceed 0.5 percent of the principal
10 amount of the proceeds of sale of each bond sale is authorized
11 to be used to pay the reasonable costs of issuance and sale,
12 including, without limitation, underwriter's discounts and
13 fees, but excluding bond insurance, of State of Illinois
14 general obligation bonds authorized and sold pursuant to this
15 Act, provided that no salaries of State employees or other
16 State office operating expenses shall be paid out of
17 non-appropriated proceeds, provided further that the percent
18 shall be 1.0% for each sale of "Build America Bonds" or
19 "Qualified School Construction Bonds" as defined in
20 subsections (d) and (e) of Section 9, respectively. The
21 Governor's Office of Management and Budget shall compile a
22 summary of all costs of issuance on each sale (including both
23 costs paid out of proceeds and those paid out of appropriated
24 funds) and post that summary on its web site within 20 business

1 days after the issuance of the Bonds. The summary shall
2 include, as applicable, the respective percentages of
3 participation and compensation of each underwriter that is a
4 member of the underwriting syndicate, legal counsel, financial
5 advisors, and other professionals for the bond issue and an
6 identification of all costs of issuance paid to minority-owned
7 businesses, women-owned businesses, veteran-owned businesses,
8 and businesses owned by persons with disabilities. The terms
9 "minority-owned businesses", "women-owned businesses",
10 "veteran-owned businesses", and "business owned by a person
11 with a disability" have the meanings given to those terms in
12 the Business Enterprise for Minorities, Women, Veterans, and
13 Persons with Disabilities Act. That posting shall be maintained
14 on the web site for a period of at least 30 days. In addition,
15 the Governor's Office of Management and Budget shall provide a
16 written copy of each summary of costs to the Speaker and
17 Minority Leader of the House of Representatives, the President
18 and Minority Leader of the Senate, and the Commission on
19 Government Forecasting and Accountability within 20 business
20 days after each issuance of the Bonds. In addition, the
21 Governor's Office of Management and Budget shall provide copies
22 of all contracts under which any costs of issuance are paid or
23 to be paid to the Commission on Government Forecasting and
24 Accountability within 20 business days after the issuance of
25 Bonds for which those costs are paid or to be paid. Instead of
26 filing a second or subsequent copy of the same contract, the

1 Governor's Office of Management and Budget may file a statement
2 that specified costs are paid under specified contracts filed
3 earlier with the Commission.

4 (b) The Director of the Governor's Office of Management and
5 Budget shall not, in connection with the issuance of Bonds,
6 contract with any underwriter, financial advisor, or attorney
7 unless that underwriter, financial advisor, or attorney
8 certifies that the underwriter, financial advisor, or attorney
9 has not and will not pay a contingent fee, whether directly or
10 indirectly, to a third party for having promoted the selection
11 of the underwriter, financial advisor, or attorney for that
12 contract. In the event that the Governor's Office of Management
13 and Budget determines that an underwriter, financial advisor,
14 or attorney has filed a false certification with respect to the
15 payment of contingent fees, the Governor's Office of Management
16 and Budget shall not contract with that underwriter, financial
17 advisor, or attorney, or with any firm employing any person who
18 signed false certifications, for a period of 2 calendar years,
19 beginning with the date the determination is made. The validity
20 of Bonds issued under such circumstances of violation pursuant
21 to this Section shall not be affected.

22 (Source: P.A. 100-391, eff. 8-25-17.)

23 (30 ILCS 330/15.5)

24 Sec. 15.5. Compliance with the Business Enterprise for
25 Minorities, Women, Veterans, and Persons with Disabilities

1 Act. Notwithstanding any other provision of law, the Governor's
2 Office of Management and Budget shall comply with the Business
3 Enterprise for Minorities, Women, Veterans, and Persons with
4 Disabilities Act.

5 (Source: P.A. 100-391, eff. 8-25-17.)

6 Section 80. The Build Illinois Bond Act is amended by
7 changing Sections 5 and 8.3 as follows:

8 (30 ILCS 425/5) (from Ch. 127, par. 2805)

9 Sec. 5. Bond sale expenses.

10 (a) An amount not to exceed 0.5% of the principal amount of
11 the proceeds of the sale of each bond sale is authorized to be
12 used to pay reasonable costs of each issuance and sale of Bonds
13 authorized and sold pursuant to this Act, including, without
14 limitation, underwriter's discounts and fees, but excluding
15 bond insurance, advertising, printing, bond rating, travel of
16 outside vendors, security, delivery, legal and financial
17 advisory services, initial fees of trustees, registrars,
18 paying agents and other fiduciaries, initial costs of credit or
19 liquidity enhancement arrangements, initial fees of indexing
20 and remarketing agents, and initial costs of interest rate
21 swaps, guarantees or arrangements to limit interest rate risk,
22 as determined in the related Bond Sale Order, from the proceeds
23 of each Bond sale, provided that no salaries of State employees
24 or other State office operating expenses shall be paid out of

1 non-appropriated proceeds, and provided further that the
2 percent shall be 1.0% for each sale of "Build America Bonds" as
3 defined in subsection (c) of Section 6. The Governor's Office
4 of Management and Budget shall compile a summary of all costs
5 of issuance on each sale (including both costs paid out of
6 proceeds and those paid out of appropriated funds) and post
7 that summary on its web site within 20 business days after the
8 issuance of the bonds. That posting shall be maintained on the
9 web site for a period of at least 30 days. In addition, the
10 Governor's Office of Management and Budget shall provide a
11 written copy of each summary of costs to the Speaker and
12 Minority Leader of the House of Representatives, the President
13 and Minority Leader of the Senate, and the Commission on
14 Government Forecasting and Accountability within 20 business
15 days after each issuance of the bonds. This summary shall
16 include, as applicable, the respective percentage of
17 participation and compensation of each underwriter that is a
18 member of the underwriting syndicate, legal counsel, financial
19 advisors, and other professionals for the Bond issue, and an
20 identification of all costs of issuance paid to minority-owned
21 businesses, women-owned businesses, veteran-owned businesses,
22 and businesses owned by persons with disabilities. The terms
23 "minority-owned businesses", "women-owned businesses",
24 "veteran-owned businesses", and "business owned by a person
25 with a disability" have the meanings given to those terms in
26 the Business Enterprise for Minorities, Women, Veterans, and

1 Persons with Disabilities Act. In addition, the Governor's
2 Office of Management and Budget shall provide copies of all
3 contracts under which any costs of issuance are paid or to be
4 paid to the Commission on Government Forecasting and
5 Accountability within 20 business days after the issuance of
6 Bonds for which those costs are paid or to be paid. Instead of
7 filing a second or subsequent copy of the same contract, the
8 Governor's Office of Management and Budget may file a statement
9 that specified costs are paid under specified contracts filed
10 earlier with the Commission.

11 (b) The Director of the Governor's Office of Management and
12 Budget shall not, in connection with the issuance of Bonds,
13 contract with any underwriter, financial advisor, or attorney
14 unless that underwriter, financial advisor, or attorney
15 certifies that the underwriter, financial advisor, or attorney
16 has not and will not pay a contingent fee, whether directly or
17 indirectly, to any third party for having promoted the
18 selection of the underwriter, financial advisor, or attorney
19 for that contract. In the event that the Governor's Office of
20 Management and Budget determines that an underwriter,
21 financial advisor, or attorney has filed a false certification
22 with respect to the payment of contingent fees, the Governor's
23 Office of Management and Budget shall not contract with that
24 underwriter, financial advisor, or attorney, or with any firm
25 employing any person who signed false certifications, for a
26 period of 2 calendar years, beginning with the date the

1 determination is made. The validity of Bonds issued under such
2 circumstances of violation pursuant to this Section shall not
3 be affected.

4 (Source: P.A. 100-391, eff. 8-25-17.)

5 (30 ILCS 425/8.3)

6 Sec. 8.3. Compliance with the Business Enterprise for
7 Minorities, Women, Veterans, and Persons with Disabilities
8 Act. Notwithstanding any other provision of law, the Governor's
9 Office of Management and Budget shall comply with the Business
10 Enterprise for Minorities, Women, Veterans, and Persons with
11 Disabilities Act.

12 (Source: P.A. 100-391, eff. 8-25-17.)

13 Section 85. The Illinois Procurement Code is amended by
14 changing Sections 15-25, 30-30, 45-45, and 45-65 and by adding
15 Section 45-58 as follows:

16 (30 ILCS 500/15-25)

17 Sec. 15-25. Bulletin content.

18 (a) Invitations for bids. Notice of each and every contract
19 that is offered, including renegotiated contracts and change
20 orders, shall be published in the Bulletin. The applicable
21 chief procurement officer may provide by rule an organized
22 format for the publication of this information, but in any case
23 it must include at least the date first offered, the date

1 submission of offers is due, the location that offers are to be
2 submitted to, the purchasing State agency, the responsible
3 State purchasing officer, a brief purchase description, the
4 method of source selection, information of how to obtain a
5 comprehensive purchase description and any disclosure and
6 contract forms, and encouragement to potential contractors to
7 hire ~~qualified veterans, as defined by Section 45-67 of this~~
8 ~~Code,~~ and qualified Illinois minorities, women, veterans,
9 persons with disabilities, and residents discharged from any
10 Illinois adult correctional center.

11 (a-5) All businesses listed on the Illinois Unified
12 Certification Program Disadvantaged Business Enterprise
13 Directory, the Business Enterprise Program of the Department of
14 Central Management Services, and any small business database
15 created pursuant to Section 45-45 of this Code shall be
16 furnished written instructions and information on how to
17 register for the Illinois Procurement Bulletin. This
18 information shall be provided to each business within 30
19 calendar days after the business's notice of certification or
20 qualification.

21 (b) Contracts let. Notice of each and every contract that
22 is let, including renegotiated contracts and change orders,
23 shall be issued electronically to those bidders submitting
24 responses to the solicitations, inclusive of the unsuccessful
25 bidders, immediately upon contract let. Failure of any chief
26 procurement officer to give such notice shall result in tolling

1 the time for filing a bid protest up to 7 calendar days.

2 For purposes of this subsection (b), "contracts let" means
3 a construction agency's act of advertising an invitation for
4 bids for one or more construction projects.

5 (b-5) Contracts awarded. Notice of each and every contract
6 that is awarded, including renegotiated contracts and change
7 orders, shall be issued electronically to the successful
8 responsible bidder, offeror, or contractor and published in the
9 Bulletin. The applicable chief procurement officer may provide
10 by rule an organized format for the publication of this
11 information, but in any case it must include at least all of
12 the information specified in subsection (a) as well as the name
13 of the successful responsible bidder, offeror, the contract
14 price, the number of unsuccessful bidders or offerors and any
15 other disclosure specified in any Section of this Code. This
16 notice must be posted in the online electronic Bulletin prior
17 to execution of the contract.

18 For purposes of this subsection (b-5), "contract award"
19 means the determination that a particular bidder or offeror has
20 been selected from among other bidders or offerors to receive a
21 contract, subject to the successful completion of final
22 negotiations. "Contract award" is evidenced by the posting of a
23 Notice of Award or a Notice of Intent to Award to the
24 respective volume of the Illinois Procurement Bulletin.

25 (c) Emergency purchase disclosure. Any chief procurement
26 officer or State purchasing officer exercising emergency

1 purchase authority under this Code shall publish a written
2 description and reasons and the total cost, if known, or an
3 estimate if unknown and the name of the responsible chief
4 procurement officer and State purchasing officer, and the
5 business or person contracted with for all emergency purchases
6 in the Bulletin. This notice must be posted in the online
7 electronic Bulletin no later than 5 calendar days after the
8 contract is awarded. Notice of a hearing to extend an emergency
9 contract must be posted in the online electronic Procurement
10 Bulletin no later than 14 calendar days prior to the hearing.

11 (c-5) Business Enterprise Program report. Each purchasing
12 agency shall, with the assistance of the applicable chief
13 procurement officer, post in the online electronic Bulletin a
14 copy of its annual report of utilization of businesses owned by
15 minorities, women, veterans, and persons with disabilities as
16 submitted to the Business Enterprise Council for Minorities,
17 Women, Veterans, and Persons with Disabilities pursuant to
18 Section 6(c) of the Business Enterprise for Minorities, Women,
19 Veterans, and Persons with Disabilities Act within 10 calendar
20 days after its submission of its report to the Council.

21 (c-10) Renewals. Notice of each contract renewal shall be
22 posted in the Bulletin within 14 calendar days of the
23 determination to execute a renewal of the contract. The notice
24 shall include at least all of the information required in
25 subsection (a) or (b), as applicable.

26 (c-15) Sole source procurements. Before entering into a

1 sole source contract, a chief procurement officer exercising
2 sole source procurement authority under this Code shall publish
3 a written description of intent to enter into a sole source
4 contract along with a description of the item to be procured
5 and the intended sole source contractor. This notice must be
6 posted in the online electronic Procurement Bulletin before a
7 sole source contract is awarded and at least 14 calendar days
8 before the hearing required by Section 20-25.

9 (d) Other required disclosure. The applicable chief
10 procurement officer shall provide by rule for the organized
11 publication of all other disclosure required in other Sections
12 of this Code in a timely manner.

13 (e) The changes to subsections (b), (c), (c-5), (c-10), and
14 (c-15) of this Section made by Public Act 96-795 apply to
15 reports submitted, offers made, and notices on contracts
16 executed on or after July 1, 2010 (the effective date of Public
17 Act 96-795).

18 (f) Each chief procurement officer shall, in consultation
19 with the agencies under his or her jurisdiction, provide the
20 Procurement Policy Board with the information and resources
21 necessary, and in a manner, to effectuate the purpose of Public
22 Act 96-1444.

23 (Source: P.A. 100-43, eff. 8-9-17; 100-391, eff. 8-25-17;
24 100-863, eff. 8-14-18.)

1 Sec. 30-30. Design-bid-build construction.

2 (a) The provisions of this subsection are operative through
3 December 31, 2019.

4 For building construction contracts in excess of \$250,000,
5 separate specifications may be prepared for all equipment,
6 labor, and materials in connection with the following 5
7 subdivisions of the work to be performed:

8 (1) plumbing;

9 (2) heating, piping, refrigeration, and automatic
10 temperature control systems, including the testing and
11 balancing of those systems;

12 (3) ventilating and distribution systems for
13 conditioned air, including the testing and balancing of
14 those systems;

15 (4) electric wiring; and

16 (5) general contract work.

17 The specifications may be so drawn as to permit separate
18 and independent bidding upon each of the 5 subdivisions of
19 work. All contracts awarded for any part thereof may award the
20 5 subdivisions of work separately to responsible and reliable
21 persons, firms, or corporations engaged in these classes of
22 work. The contracts, at the discretion of the construction
23 agency, may be assigned to the successful bidder on the general
24 contract work or to the successful bidder on the subdivision of
25 work designated by the construction agency before the bidding
26 as the prime subdivision of work, provided that all payments

1 will be made directly to the contractors for the 5 subdivisions
2 of work upon compliance with the conditions of the contract.

3 Beginning on the effective date of this amendatory Act of
4 the 99th General Assembly and through December 31, 2019, for
5 single prime projects: (i) the bid of the successful low bidder
6 shall identify the name of the subcontractor, if any, and the
7 bid proposal costs for each of the 5 subdivisions of work set
8 forth in this Section; (ii) the contract entered into with the
9 successful bidder shall provide that no identified
10 subcontractor may be terminated without the written consent of
11 the Capital Development Board; (iii) the contract shall comply
12 with the disadvantaged business practices of the Business
13 Enterprise for Minorities, Women, Veterans, and Persons with
14 Disabilities Act and the equal employment practices of Section
15 2-105 of the Illinois Human Rights Act; (iv) the Capital
16 Development Board shall submit a quarterly report to the
17 Procurement Policy Board with information on the general scope,
18 project budget, and established Business Enterprise Program
19 goals for any single prime procurement bid in the previous 3
20 months with a total construction cost valued at \$10,000,000 or
21 less; and (v) the Capital Development Board shall submit an
22 annual report to the General Assembly and Governor on the
23 bidding, award, and performance of all single prime projects.

24 For building construction projects with a total
25 construction cost valued at \$5,000,000 or less, the Capital
26 Development Board shall not use the single prime procurement

1 delivery method for more than 50% of the total number of
2 projects bid for each fiscal year. Any project with a total
3 construction cost valued greater than \$5,000,000 may be bid
4 using single prime at the discretion of the Executive Director
5 of the Capital Development Board.

6 Beginning on the effective date of this amendatory Act of
7 the 99th General Assembly and through December 31, 2017, the
8 Capital Development Board shall, on a weekly basis: review the
9 projects that have been designed, and approved to bid; and, for
10 every fifth determination to use the single prime procurement
11 delivery method for a project under \$10,000,000, submit to the
12 Procurement Policy Board a written notice of its intent to use
13 the single prime method on the project. The notice shall
14 include the reasons for using the single prime method and an
15 explanation of why the use of that method is in the best
16 interest of the State. The Capital Development Board shall post
17 the notice on its online procurement webpage and on the online
18 Procurement Bulletin at least 3 business days following
19 submission. The Procurement Policy Board shall review and
20 provide its decision on the use of the single prime method for
21 every fifth use of the single prime procurement delivery method
22 for a project under \$10,000,000 within 7 business days of
23 receipt of the notice from the Capital Development Board.
24 Approval by the Procurement Policy Board shall not be
25 unreasonably withheld and shall be provided unless the
26 Procurement Policy Board finds that the use of the single prime

1 method is not in the best interest of the State. Any decision
2 by the Procurement Policy Board to disapprove the use of the
3 single prime method shall be made in writing to the Capital
4 Development Board, posted on the online Procurement Bulletin,
5 and shall state the reasons why the single prime method was
6 disapproved and why it is not in the best interest of the
7 State.

8 (b) The provisions of this subsection are operative on and
9 after January 1, 2020. For building construction contracts in
10 excess of \$250,000, separate specifications shall be prepared
11 for all equipment, labor, and materials in connection with the
12 following 5 subdivisions of the work to be performed:

13 (1) plumbing;

14 (2) heating, piping, refrigeration, and automatic
15 temperature control systems, including the testing and
16 balancing of those systems;

17 (3) ventilating and distribution systems for
18 conditioned air, including the testing and balancing of
19 those systems;

20 (4) electric wiring; and

21 (5) general contract work.

22 The specifications must be so drawn as to permit separate
23 and independent bidding upon each of the 5 subdivisions of
24 work. All contracts awarded for any part thereof shall award
25 the 5 subdivisions of work separately to responsible and
26 reliable persons, firms, or corporations engaged in these

1 classes of work. The contracts, at the discretion of the
2 construction agency, may be assigned to the successful bidder
3 on the general contract work or to the successful bidder on the
4 subdivision of work designated by the construction agency
5 before the bidding as the prime subdivision of work, provided
6 that all payments will be made directly to the contractors for
7 the 5 subdivisions of work upon compliance with the conditions
8 of the contract.

9 (Source: P.A. 99-257, eff. 8-4-15; 100-391, eff. 8-25-17.)

10 (30 ILCS 500/45-45)

11 Sec. 45-45. Small businesses.

12 (a) Set-asides. Each chief procurement officer has
13 authority to designate as small business set-asides a fair
14 proportion of construction, supply, and service contracts for
15 award to small businesses in Illinois. Advertisements for bids
16 or offers for those contracts shall specify designation as
17 small business set-asides. In awarding the contracts, only bids
18 or offers from qualified small businesses shall be considered.

19 (b) Small business. "Small business" means a business that
20 is independently owned and operated and that is not dominant in
21 its field of operation. The chief procurement officer shall
22 establish a detailed definition by rule, using in addition to
23 the foregoing criteria other criteria, including the number of
24 employees and the dollar volume of business. When computing the
25 size status of a potential contractor, annual sales and

1 receipts of the potential contractor and all of its affiliates
2 shall be included. The maximum number of employees and the
3 maximum dollar volume that a small business may have under the
4 rules promulgated by the chief procurement officer may vary
5 from industry to industry to the extent necessary to reflect
6 differing characteristics of those industries, subject to the
7 following limitations:

8 (1) No wholesale business is a small business if its
9 annual sales for its most recently completed fiscal year
10 exceed \$13,000,000.

11 (2) No retail business or business selling services is
12 a small business if its annual sales and receipts exceed
13 \$8,000,000.

14 (3) No manufacturing business is a small business if it
15 employs more than 250 persons.

16 (4) No construction business is a small business if its
17 annual sales and receipts exceed \$14,000,000.

18 (c) Fair proportion. For the purpose of subsection (a), for
19 State agencies of the executive branch, a fair proportion of
20 construction contracts shall be no less than 25% nor more than
21 40% of the annual total contracts for construction.

22 (d) Withdrawal of designation. A small business set-aside
23 designation may be withdrawn by the purchasing agency when
24 deemed in the best interests of the State. Upon withdrawal, all
25 bids or offers shall be rejected, and the bidders or offerors
26 shall be notified of the reason for rejection. The contract

1 shall then be awarded in accordance with this Code without the
2 designation of small business set-aside.

3 (e) Small business specialist. Each chief procurement
4 officer shall designate one or more individuals to serve as its
5 small business specialist. The small business specialists
6 shall collectively work together to accomplish the following
7 duties:

8 (1) Compiling and maintaining a comprehensive list of
9 potential small contractors. In this duty, he or she shall
10 cooperate with the Federal Small Business Administration
11 in locating potential sources for various products and
12 services.

13 (2) Assisting small businesses in complying with the
14 procedures for bidding on State contracts.

15 (3) Examining requests from State agencies for the
16 purchase of property or services to help determine which
17 invitations to bid are to be designated small business
18 set-asides.

19 (4) Making recommendations to the chief procurement
20 officer for the simplification of specifications and terms
21 in order to increase the opportunities for small business
22 participation.

23 (5) Assisting in investigations by purchasing agencies
24 to determine the responsibility of bidders or offerors on
25 small business set-asides.

26 (f) Small business annual report. Each small business

1 specialist designated under subsection (e) shall annually
2 before November 1 report in writing to the General Assembly
3 concerning the awarding of contracts to small businesses. The
4 report shall include the total value of awards made in the
5 preceding fiscal year under the designation of small business
6 set-aside. The report shall also include the total value of
7 awards made to businesses owned by minorities, women, veterans,
8 and persons with disabilities, as defined in the Business
9 Enterprise for Minorities, Women, Veterans, and Persons with
10 Disabilities Act, in the preceding fiscal year under the
11 designation of small business set-aside.

12 The requirement for reporting to the General Assembly shall
13 be satisfied by filing copies of the report as required by
14 Section 3.1 of the General Assembly Organization Act.

15 (Source: P.A. 100-43, eff. 8-9-17; 100-391, eff. 8-25-17;
16 100-863, eff. 8-14-18.)

17 (30 ILCS 500/45-58 new)

18 Sec. 45-58. Penalties for false representation as a
19 minority, woman, veteran, or person with a disability.

20 (a) Administrative penalties. The chief procurement
21 officers appointed under Section 10-20 shall suspend any person
22 who commits a violation of Section 17-10.3 or subsection (d) of
23 Section 33E-6 of the Criminal Code of 2012 relating to the
24 Business Enterprise for Minorities, Women, Veterans, and
25 Persons with Disabilities Act from bidding on, or participating

1 as a contractor, subcontractor, or supplier in, any State
2 contract or project for a period of not less than 3 years, and
3 shall revoke the certification of being a minority-owned
4 business, woman-owned business, veteran-owned business, or
5 business owned by a person with a disability for a period of
6 not less than 3 years. An additional or subsequent violation
7 shall extend the periods of suspension and revocation for a
8 period of not less than 5 years. The suspension and revocation
9 shall apply to the principals of the business and any
10 subsequent business formed or financed by, or affiliated with,
11 those principals.

12 (b) Reports of violations. Each State agency shall report
13 any alleged violation of Section 17-10.3 or subsection (d) of
14 Section 33E-6 of the Criminal Code of 2012 relating to this
15 Section to the chief procurement officers appointed pursuant to
16 Section 10-20. The chief procurement officers appointed
17 pursuant to Section 10-20 shall subsequently report all such
18 alleged violations to the Attorney General, who shall determine
19 whether to bring a civil action against any person for the
20 violation.

21 (c) List of suspended persons. The chief procurement
22 officers appointed pursuant to Section 10-20 shall monitor the
23 status of all reported violations of Section 17-10.3 or
24 subsection (d) of Section 33E-6 of the Criminal Code of 1961 or
25 the Criminal Code of 2012 relating to this Section and shall
26 maintain and make available to all State agencies a central

1 listing of all persons that committed violations resulting in
2 suspension.

3 (d) Use of suspended persons. During the period of a
4 person's suspension under subsection (a) of this subsection, a
5 State agency shall not enter into any contract with that person
6 or with any contractor using the services of that person as a
7 subcontractor.

8 (e) Duty to check list. Each State agency shall check the
9 central listing provided by the chief procurement officers
10 appointed pursuant to Section 10-20 under subsection (c) of
11 this subsection to verify that a person being awarded a
12 contract by that State agency, or to be used as a subcontractor
13 or supplier on a contract being awarded by that State agency,
14 is not under suspension under subsection (a).

15 (30 ILCS 500/45-65)

16 Sec. 45-65. Additional preferences. This Code is subject to
17 applicable provisions of:

18 (1) the Public Purchases in Other States Act;

19 (2) the Illinois Mined Coal Act;

20 (3) the Steel Products Procurement Act;

21 (4) the Veterans Preference Act;

22 (5) the Business Enterprise for Minorities, Women,
23 Veterans, and Persons with Disabilities Act; and

24 (6) the Procurement of Domestic Products Act.

25 (Source: P.A. 100-391, eff. 8-25-17.)

1 (30 ILCS 500/45-57 rep.)

2 Section 90. The Illinois Procurement Code is amended by
3 repealing Section 45-57.

4 Section 95. The Design-Build Procurement Act is amended by
5 changing Sections 5, 15, 30, and 46 as follows:

6 (30 ILCS 537/5)

7 (Section scheduled to be repealed on July 1, 2019)

8 Sec. 5. Legislative policy. It is the intent of the
9 General Assembly that the Capital Development Board be allowed
10 to use the design-build delivery method for public projects if
11 it is shown to be in the State's best interest for that
12 particular project. It shall be the policy of the Capital
13 Development Board in the procurement of design-build services
14 to publicly announce all requirements for design-build
15 services and to procure these services on the basis of
16 demonstrated competence and qualifications and with due regard
17 for the principles of competitive selection.

18 The Capital Development Board shall, prior to issuing
19 requests for proposals, promulgate and publish procedures for
20 the solicitation and award of contracts pursuant to this Act.

21 The Capital Development Board shall, for each public
22 project or projects permitted under this Act, make a written
23 determination, including a description as to the particular

1 advantages of the design-build procurement method, that it is
2 in the best interests of this State to enter into a
3 design-build contract for the project or projects. In making
4 that determination, the following factors shall be considered:

5 (1) The probability that the design-build procurement
6 method will be in the best interests of the State by
7 providing a material savings of time or cost over the
8 design-bid-build or other delivery system.

9 (2) The type and size of the project and its
10 suitability to the design-build procurement method.

11 (3) The ability of the State construction agency to
12 define and provide comprehensive scope and performance
13 criteria for the project.

14 No State construction agency may use a design-build
15 procurement method unless the agency determines in writing that
16 the project will comply with the disadvantaged business and
17 equal employment practices of the State as established in the
18 Business Enterprise for Minorities, Women, Veterans, and
19 Persons with Disabilities Act and Section 2-105 of the Illinois
20 Human Rights Act.

21 The Capital Development Board shall within 15 days after
22 the initial determination provide an advisory copy to the
23 Procurement Policy Board and maintain the full record of
24 determination for 5 years.

25 (Source: P.A. 100-391, eff. 8-25-17.)

1 (30 ILCS 537/15)

2 (Section scheduled to be repealed on July 1, 2019)

3 Sec. 15. Solicitation of proposals.

4 (a) When the State construction agency elects to use the
5 design-build delivery method, it must issue a notice of intent
6 to receive requests for proposals for the project at least 14
7 days before issuing the request for the proposal. The State
8 construction agency must publish the advance notice in the
9 official procurement bulletin of the State or the professional
10 services bulletin of the State construction agency, if any. The
11 agency is encouraged to use publication of the notice in
12 related construction industry service publications. A brief
13 description of the proposed procurement must be included in the
14 notice. The State construction agency must provide a copy of
15 the request for proposal to any party requesting a copy.

16 (b) The request for proposal shall be prepared for each
17 project and must contain, without limitation, the following
18 information:

19 (1) The name of the State construction agency.

20 (2) A preliminary schedule for the completion of the
21 contract.

22 (3) The proposed budget for the project, the source of
23 funds, and the currently available funds at the time the
24 request for proposal is submitted.

25 (4) Prequalification criteria for design-build
26 entities wishing to submit proposals. The State

1 construction agency shall include, at a minimum, its normal
2 prequalification, licensing, registration, and other
3 requirements, but nothing contained herein precludes the
4 use of additional prequalification criteria by the State
5 construction agency.

6 (5) Material requirements of the contract, including
7 but not limited to, the proposed terms and conditions,
8 required performance and payment bonds, insurance, and the
9 entity's plan to comply with the utilization goals for
10 business enterprises established in the Business
11 Enterprise for Minorities, Women, Veterans, and Persons
12 with Disabilities Act, and with Section 2-105 of the
13 Illinois Human Rights Act.

14 (6) The performance criteria.

15 (7) The evaluation criteria for each phase of the
16 solicitation.

17 (8) The number of entities that will be considered for
18 the technical and cost evaluation phase.

19 (c) The State construction agency may include any other
20 relevant information that it chooses to supply. The
21 design-build entity shall be entitled to rely upon the accuracy
22 of this documentation in the development of its proposal.

23 (d) The date that proposals are due must be at least 21
24 calendar days after the date of the issuance of the request for
25 proposal. In the event the cost of the project is estimated to
26 exceed \$10 million, then the proposal due date must be at least

1 28 calendar days after the date of the issuance of the request
2 for proposal. The State construction agency shall include in
3 the request for proposal a minimum of 30 days to develop the
4 Phase II submissions after the selection of entities from the
5 Phase I evaluation is completed.

6 (Source: P.A. 100-391, eff. 8-25-17.)

7 (30 ILCS 537/30)

8 (Section scheduled to be repealed on July 1, 2019)

9 Sec. 30. Procedures for Selection.

10 (a) The State construction agency must use a two-phase
11 procedure for the selection of the successful design-build
12 entity. Phase I of the procedure will evaluate and shortlist
13 the design-build entities based on qualifications, and Phase II
14 will evaluate the technical and cost proposals.

15 (b) The State construction agency shall include in the
16 request for proposal the evaluating factors to be used in Phase
17 I. These factors are in addition to any prequalification
18 requirements of design-build entities that the agency has set
19 forth. Each request for proposal shall establish the relative
20 importance assigned to each evaluation factor and subfactor,
21 including any weighting of criteria to be employed by the State
22 construction agency. The State construction agency must
23 maintain a record of the evaluation scoring to be disclosed in
24 event of a protest regarding the solicitation.

25 The State construction agency shall include the following

1 criteria in every Phase I evaluation of design-build entities:
2 (1) experience of personnel; (2) successful experience with
3 similar project types; (3) financial capability; (4)
4 timeliness of past performance; (5) experience with similarly
5 sized projects; (6) successful reference checks of the firm;
6 (7) commitment to assign personnel for the duration of the
7 project and qualifications of the entity's consultants; and (8)
8 ability or past performance in meeting or exhausting good faith
9 efforts to meet the utilization goals for business enterprises
10 established in the Business Enterprise for Minorities, Women,
11 Veterans, and Persons with Disabilities Act and with Section
12 2-105 of the Illinois Human Rights Act. The State construction
13 agency may include any additional relevant criteria in Phase I
14 that it deems necessary for a proper qualification review.

15 The State construction agency may not consider any
16 design-build entity for evaluation or award if the entity has
17 any pecuniary interest in the project or has other
18 relationships or circumstances, including but not limited to,
19 long-term leasehold, mutual performance, or development
20 contracts with the State construction agency, that may give the
21 design-build entity a financial or tangible advantage over
22 other design-build entities in the preparation, evaluation, or
23 performance of the design-build contract or that create the
24 appearance of impropriety. No proposal shall be considered that
25 does not include an entity's plan to comply with the
26 requirements established in the Business Enterprise for

1 Minorities, Women, Veterans, and Persons with Disabilities
2 Act, for both the design and construction areas of performance,
3 and with Section 2-105 of the Illinois Human Rights Act.

4 Upon completion of the qualifications evaluation, the
5 State construction agency shall create a shortlist of the most
6 highly qualified design-build entities. The State construction
7 agency, in its discretion, is not required to shortlist the
8 maximum number of entities as identified for Phase II
9 evaluation, provided however, no less than 2 design-build
10 entities nor more than 6 are selected to submit Phase II
11 proposals.

12 The State construction agency shall notify the entities
13 selected for the shortlist in writing. This notification shall
14 commence the period for the preparation of the Phase II
15 technical and cost evaluations. The State construction agency
16 must allow sufficient time for the shortlist entities to
17 prepare their Phase II submittals considering the scope and
18 detail requested by the State agency.

19 (c) The State construction agency shall include in the
20 request for proposal the evaluating factors to be used in the
21 technical and cost submission components of Phase II. Each
22 request for proposal shall establish, for both the technical
23 and cost submission components of Phase II, the relative
24 importance assigned to each evaluation factor and subfactor,
25 including any weighting of criteria to be employed by the State
26 construction agency. The State construction agency must

1 maintain a record of the evaluation scoring to be disclosed in
2 event of a protest regarding the solicitation.

3 The State construction agency shall include the following
4 criteria in every Phase II technical evaluation of design-build
5 entities: (1) compliance with objectives of the project; (2)
6 compliance of proposed services to the request for proposal
7 requirements; (3) quality of products or materials proposed;
8 (4) quality of design parameters; (5) design concepts; (6)
9 innovation in meeting the scope and performance criteria; and
10 (7) constructability of the proposed project. The State
11 construction agency may include any additional relevant
12 technical evaluation factors it deems necessary for proper
13 selection.

14 The State construction agency shall include the following
15 criteria in every Phase II cost evaluation: the total project
16 cost, the construction costs, and the time of completion. The
17 State construction agency may include any additional relevant
18 technical evaluation factors it deems necessary for proper
19 selection. The total project cost criteria weighing factor
20 shall be 25%.

21 The State construction agency shall directly employ or
22 retain a licensed design professional to evaluate the technical
23 and cost submissions to determine if the technical submissions
24 are in accordance with generally accepted industry standards.

25 Upon completion of the technical submissions and cost
26 submissions evaluation, the State construction agency may

1 award the design-build contract to the highest overall ranked
2 entity.

3 (Source: P.A. 100-391, eff. 8-25-17.)

4 (30 ILCS 537/46)

5 (Section scheduled to be repealed on July 1, 2019)

6 Sec. 46. Reports and evaluation. At the end of every 6
7 month period following the contract award, and again prior to
8 final contract payout and closure, a selected design-build
9 entity shall detail, in a written report submitted to the State
10 agency, its efforts and success in implementing the entity's
11 plan to comply with the utilization goals for business
12 enterprises established in the Business Enterprise for
13 Minorities, Women, Veterans, and Persons with Disabilities Act
14 and the provisions of Section 2-105 of the Illinois Human
15 Rights Act. If the entity's performance in implementing the
16 plan falls short of the performance measures and outcomes set
17 forth in the plans submitted by the entity during the proposal
18 process, the entity shall, in a detailed written report, inform
19 the General Assembly and the Governor whether and to what
20 degree each design-build contract authorized under this Act
21 promoted the utilization goals for business enterprises
22 established in the Business Enterprise for Minorities, Women,
23 Veterans, and Persons with Disabilities Act and the provisions
24 of Section 2-105 of the Illinois Human Rights Act.

25 (Source: P.A. 100-391, eff. 8-25-17.)

1 Section 100. The Project Labor Agreements Act is amended by
2 changing Sections 25 and 37 as follows:

3 (30 ILCS 571/25)

4 Sec. 25. Contents of agreement. Pursuant to this Act, any
5 project labor agreement shall:

6 (a) Set forth effective, immediate, and mutually
7 binding procedures for resolving jurisdictional labor
8 disputes and grievances arising before the completion of
9 work.

10 (b) Contain guarantees against strikes, lockouts, or
11 similar actions.

12 (c) Ensure a reliable source of skilled and experienced
13 labor.

14 (d) For minorities and women as defined under the
15 Business Enterprise for Minorities, Women, Veterans, and
16 Persons with Disabilities Act, set forth goals for
17 apprenticeship hours to be performed by minorities and
18 women and set forth goals for total hours to be performed
19 by underrepresented minorities and women.

20 (e) Permit the selection of the lowest qualified
21 responsible bidder, without regard to union or non-union
22 status at other construction sites.

23 (f) Bind all contractors and subcontractors on the
24 public works project through the inclusion of appropriate

1 bid specifications in all relevant bid documents.

2 (g) Include such other terms as the parties deem
3 appropriate.

4 (Source: P.A. 100-391, eff. 8-25-17.)

5 (30 ILCS 571/37)

6 Sec. 37. Quarterly report; annual report. A State
7 department, agency, authority, board, or instrumentality that
8 has a project labor agreement in connection with a public works
9 project shall prepare a quarterly report that includes
10 workforce participation under the agreement by minorities and
11 women as defined under the Business Enterprise for Minorities,
12 Women, Veterans, and Persons with Disabilities Act. These
13 reports shall be submitted to the Illinois Department of Labor.
14 The Illinois Department of Labor shall submit to the General
15 Assembly and the Governor an annual report that details the
16 number of minorities and women employed under all public labor
17 agreements within the State.

18 (Source: P.A. 100-391, eff. 8-25-17.)

19 Section 105. The Business Enterprise for Minorities,
20 Women, and Persons with Disabilities Act is amended by changing
21 Sections 0.01, 1, 2, 4, 4f, 5, 6, 6a, 7, 8, 8a, 8b, 8f, 8g, and
22 8h as follows:

23 (30 ILCS 575/0.01) (from Ch. 127, par. 132.600)

1 (Section scheduled to be repealed on June 30, 2020)

2 Sec. 0.01. Short title. This Act may be cited as the
3 Business Enterprise for Minorities, Women, Veterans, and
4 Persons with Disabilities Act. Any reference in any law,
5 appropriation, rule, form, or other document to the Business
6 Enterprise for Minorities, Women, and Persons with
7 Disabilities Act, shall be construed to be references to this
8 Act.

9 (Source: P.A. 100-391, eff. 8-25-17.)

10 (30 ILCS 575/1) (from Ch. 127, par. 132.601)

11 (Section scheduled to be repealed on June 30, 2020)

12 Sec. 1. Purpose. The State of Illinois declares that it is
13 the public policy of the State to promote and encourage the
14 continuing economic development of minority-owned, ~~and~~
15 women-owned, veteran-owned, persons with disability-owned and
16 operated businesses and that minority-owned, ~~and~~ women-owned,
17 veteran-owned, and persons with disability-owned and operated
18 businesses participate in the State's procurement process as
19 both prime and subcontractors. ~~The State of Illinois has~~
20 ~~observed that the goals established in this Act have served to~~
21 ~~increase the participation of minority and women businesses in~~
22 ~~contracts awarded by the State. The State hereby declares that~~
23 ~~the adoption of this amendatory Act of 1989 shall serve the~~
24 ~~State's continuing interest in promoting open access in the~~
25 ~~awarding of State contracts to disadvantaged small business~~

1 ~~enterprises victimized by discriminatory practices.~~
2 ~~Furthermore, after reviewing evidence of the high level of~~
3 ~~attainment of the 10% minimum goals established under this Act,~~
4 ~~and, after considering evidence that minority and women~~
5 ~~businesses, as established in 1982, constituted and continue to~~
6 ~~constitute more than 10% of the businesses operating in this~~
7 ~~State, the State declares that the continuation of such 10%~~
8 ~~minimum goals under this amendatory Act of 1989 is a narrowly~~
9 ~~tailored means of promoting open access and thus the further~~
10 ~~growth and development of minority and women businesses.~~

11 ~~The State of Illinois further declares that it is the~~
12 ~~public policy of this State to promote and encourage the~~
13 ~~continuous economic development of businesses owned by persons~~
14 ~~with disabilities and a 2% contracting goal is a narrowly~~
15 ~~tailored means of promoting open access and thus the further~~
16 ~~growth and development of those businesses.~~

17 (Source: P.A. 100-391, eff. 8-25-17.)

18 (30 ILCS 575/2)

19 (Section scheduled to be repealed on June 30, 2020)

20 Sec. 2. Definitions.

21 (A) For the purpose of this Act, the following terms shall
22 have the following definitions:

23 (1) "Minority person" shall mean a person who is a
24 citizen or lawful permanent resident of the United States
25 and who is any of the following:

1 (a) American Indian or Alaska Native (a person
2 having origins in any of the original peoples of North
3 and South America, including Central America, and who
4 maintains tribal affiliation or community attachment).

5 (b) Asian (a person having origins in any of the
6 original peoples of the Far East, Southeast Asia, or
7 the Indian subcontinent, including, but not limited
8 to, Cambodia, China, India, Japan, Korea, Malaysia,
9 Pakistan, the Philippine Islands, Thailand, and
10 Vietnam).

11 (c) Black or African American (a person having
12 origins in any of the black racial groups of Africa).
13 Terms such as "Haitian" or "Negro" can be used in
14 addition to "Black or African American".

15 (d) Hispanic or Latino (a person of Cuban, Mexican,
16 Puerto Rican, South or Central American, or other
17 Spanish culture or origin, regardless of race).

18 (e) Native Hawaiian or Other Pacific Islander (a
19 person having origins in any of the original peoples of
20 Hawaii, Guam, Samoa, or other Pacific Islands).

21 (2) "Woman" shall mean a person who is a citizen or
22 lawful permanent resident of the United States and who is
23 of the female gender.

24 (2.05) "Person with a disability" means a person who is
25 a citizen or lawful resident of the United States and is a
26 person qualifying as a person with a disability under

1 subdivision (2.1) of this subsection (A).

2 (2.1) "Person with a disability" means a person with a
3 severe physical or mental disability that:

4 (a) results from:

5 amputation,

6 arthritis,

7 autism,

8 blindness,

9 burn injury,

10 cancer,

11 cerebral palsy,

12 Crohn's disease,

13 cystic fibrosis,

14 deafness,

15 head injury,

16 heart disease,

17 hemiplegia,

18 hemophilia,

19 respiratory or pulmonary dysfunction,

20 an intellectual disability,

21 mental illness,

22 multiple sclerosis,

23 muscular dystrophy,

24 musculoskeletal disorders,

25 neurological disorders, including stroke and

26 epilepsy,

1 paraplegia,
2 quadriplegia and other spinal cord conditions,
3 sickle cell anemia,
4 ulcerative colitis,
5 specific learning disabilities, or
6 end stage renal failure disease; and

7 (b) substantially limits one or more of the
8 person's major life activities.

9 Another disability or combination of disabilities may
10 also be considered as a severe disability for the purposes
11 of item (a) of this subdivision (2.1) if it is determined
12 by an evaluation of rehabilitation potential to cause a
13 comparable degree of substantial functional limitation
14 similar to the specific list of disabilities listed in item
15 (a) of this subdivision (2.1).

16 (2.15) "Veteran" means a person who (i) has been a
17 member of the armed forces of the United States or, while a
18 citizen of the United States, was a member of the armed
19 forces of allies of the United States in time of
20 hostilities with a foreign country and (ii) has served
21 under one or more of the following conditions: (a) the
22 veteran served a total of at least 6 months; (b) the
23 veteran served for the duration of hostilities regardless
24 of the length of the engagement; (c) the veteran was
25 discharged on the basis of hardship; or (d) the veteran was
26 released from active duty because of a service connected

1 disability and was discharged under honorable conditions.

2 (3) "Minority-owned business" means a business which
3 is at least 51% owned by one or more minority persons, or
4 in the case of a corporation, at least 51% of the stock in
5 which is owned by one or more minority persons; and the
6 management and daily business operations of which are
7 controlled by one or more of the minority individuals who
8 own it.

9 (4) "Women-owned business" means a business which is at
10 least 51% owned by one or more women, or, in the case of a
11 corporation, at least 51% of the stock in which is owned by
12 one or more women; and the management and daily business
13 operations of which are controlled by one or more of the
14 women who own it.

15 (4.1) "Business owned by a person with a disability"
16 means a business that is at least 51% owned by one or more
17 persons with a disability and the management and daily
18 business operations of which are controlled by one or more
19 of the persons with disabilities who own it. A
20 not-for-profit agency for persons with disabilities that
21 is exempt from taxation under Section 501 of the Internal
22 Revenue Code of 1986 is also considered a "business owned
23 by a person with a disability".

24 (4.1-5) "Veteran-owned business" means a business
25 which is at least 51% owned by one or more veterans, or, in
26 the case of a corporation, at least 51% of the stock in

1 which is owned by one or more veterans; and the management
2 and daily business operations of which are controlled by
3 one or more of the veterans who own it.

4 (4.2) "Council" means the Business Enterprise Council
5 for Minorities, Women, Veterans, and Persons with
6 Disabilities created under Section 5 of this Act.

7 (5) "State contracts" means all contracts entered into
8 by the State, any agency or department thereof, or any
9 public institution of higher education, including
10 community college districts, regardless of the source of
11 the funds with which the contracts are paid, which are not
12 subject to federal reimbursement. "State contracts" does
13 not include contracts awarded by a retirement system,
14 pension fund, or investment board subject to Section
15 1-109.1 of the Illinois Pension Code. This definition shall
16 control over any existing definition under this Act or
17 applicable administrative rule.

18 "State construction contracts" means all State
19 contracts entered into by a State agency or public
20 institution of higher education for the repair,
21 remodeling, renovation or construction of a building or
22 structure, or for the construction or maintenance of a
23 highway defined in Article 2 of the Illinois Highway Code.

24 (6) "State agencies" shall mean all departments,
25 officers, boards, commissions, institutions and bodies
26 politic and corporate of the State, but does not include

1 the Board of Trustees of the University of Illinois, the
2 Board of Trustees of Southern Illinois University, the
3 Board of Trustees of Chicago State University, the Board of
4 Trustees of Eastern Illinois University, the Board of
5 Trustees of Governors State University, the Board of
6 Trustees of Illinois State University, the Board of
7 Trustees of Northeastern Illinois University, the Board of
8 Trustees of Northern Illinois University, the Board of
9 Trustees of Western Illinois University, municipalities or
10 other local governmental units, or other State
11 constitutional officers.

12 (7) "Public institutions of higher education" means
13 the University of Illinois, Southern Illinois University,
14 Chicago State University, Eastern Illinois University,
15 Governors State University, Illinois State University,
16 Northeastern Illinois University, Northern Illinois
17 University, Western Illinois University, the public
18 community colleges of the State, and any other public
19 universities, colleges, and community colleges now or
20 hereafter established or authorized by the General
21 Assembly.

22 (8) "Certification" means a determination made by the
23 Council or by one delegated authority from the Council to
24 make certifications, or by a State agency with statutory
25 authority to make such a certification, that a business
26 entity is a business owned by a minority, woman, veteran,

1 or person with a disability for whatever purpose. If a
2 business qualifies for more than one certification, it
3 shall be certified for all designations for which it
4 qualifies. ~~A business owned and controlled by women shall~~
5 ~~be certified as a "woman owned business". A business owned~~
6 ~~and controlled by women who are also minorities shall be~~
7 ~~certified as both a "women owned business" and a~~
8 ~~"minority owned business".~~

9 (9) "Control" means the exclusive or ultimate and sole
10 control of the business including, but not limited to,
11 capital investment and all other financial matters,
12 property, acquisitions, contract negotiations, legal
13 matters, officer-director-employee selection and
14 comprehensive hiring, operating responsibilities,
15 cost-control matters, income and dividend matters,
16 financial transactions and rights of other shareholders or
17 joint partners. Control shall be real, substantial and
18 continuing, not pro forma. Control shall include the power
19 to direct or cause the direction of the management and
20 policies of the business and to make the day-to-day as well
21 as major decisions in matters of policy, management and
22 operations. Control shall be exemplified by possessing the
23 requisite knowledge and expertise to run the particular
24 business and control shall not include simple majority or
25 absentee ownership.

26 (10) "Business" means a business that has annual gross

1 sales of less than \$75,000,000 as evidenced by the federal
2 income tax return of the business. A firm with gross sales
3 in excess of this cap may apply to the Council for
4 certification for a particular contract if the firm can
5 demonstrate that the contract would have significant
6 impact on businesses owned by minorities, women, veterans,
7 or persons with disabilities as suppliers or
8 subcontractors or in employment of minorities, women,
9 veterans, or persons with disabilities.

10 (11) "Utilization plan" means a form and additional
11 documentations included in all bids or proposals that
12 demonstrates a vendor's proposed utilization of vendors
13 certified by the Business Enterprise Program to meet the
14 targeted goal. The utilization plan shall demonstrate that
15 the Vendor has either: (1) met the entire contract goal or
16 (2) requested a full or partial waiver and made good faith
17 efforts towards meeting the goal.

18 (12) "Business Enterprise Program" means the Business
19 Enterprise Program of the Department of Central Management
20 Services.

21 (13) "Armed forces of the United States" means the
22 United States Army, Navy, Air Force, Marine Corps, Coast
23 Guard, or service in active duty as defined under 38 U.S.C.
24 Section 101. Service in the Merchant Marine that
25 constitutes active duty under Section 401 of federal Public
26 Act 95-202 shall also be considered service in the armed

1 forces for purposes of this Section.

2 (14) "Time of hostilities with a foreign country" means
3 any period of time in the past, present, or future during
4 which a declaration of war by the United States Congress
5 has been or is in effect or during which an emergency
6 condition has been or is in effect that is recognized by
7 the issuance of a Presidential proclamation or a
8 Presidential executive order and in which the armed forces
9 expeditionary medal or other campaign service medals are
10 awarded according to Presidential executive order.

11 (B) When a business is owned at least 51% by any
12 combination of minority persons, women, veterans, or persons
13 with disabilities, even though none of the 3 classes alone
14 holds at least a 51% interest, the ownership requirement for
15 purposes of this Act is considered to be met. The certification
16 category for the business is that of the class holding the
17 largest ownership interest in the business. If 2 or more
18 classes have equal ownership interests, the certification
19 category shall be determined by the business.

20 (Source: P.A. 99-143, eff. 7-27-15; 99-462, eff. 8-25-15;
21 99-642, eff. 7-28-16; 100-391, eff. 8-25-17.)

22 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

23 (Section scheduled to be repealed on June 30, 2020)

24 Sec. 4. Award of State contracts.

25 (a) Except as provided in subsections (b) and (c), not less

1 than 20% of the total dollar amount of State contracts, as
2 defined by the Secretary of the Council and approved by the
3 Council, shall be established as an aspirational goal to be
4 awarded to businesses owned by minorities, women, veterans, and
5 persons with disabilities, ~~provided, however, that of the total~~
6 ~~amount of all State contracts awarded to businesses owned by~~
7 ~~minorities, women, and persons with disabilities pursuant to~~
8 ~~this Section, contracts representing at least 11% shall be~~
9 ~~awarded to businesses owned by minorities, contracts~~
10 ~~representing at least 7% shall be awarded to women owned~~
11 ~~businesses, and contracts representing at least 2% shall be~~
12 ~~awarded to businesses owned by persons with disabilities.~~

13 The above percentage relates to the total dollar amount of
14 State contracts during each State fiscal year, calculated by
15 examining independently each type of contract for each agency
16 or public institutions of higher education which lets such
17 contracts. Only that percentage of arrangements which
18 represents the participation of businesses owned by
19 minorities, women, veterans, and persons with disabilities on
20 such contracts shall be included.

21 (b) In the case of State construction contracts, the
22 provisions of subsection (a) requiring a portion of State
23 contracts to be awarded to businesses owned and controlled by
24 persons with disabilities do not apply. The following
25 aspirational goals are established for State construction
26 contracts: not less than 20% of the total dollar amount of

1 State construction contracts is established as a goal to be
2 awarded to businesses owned by minorities, women, veterans, and
3 persons with disabilities ~~minority owned and women owned~~
4 ~~businesses.~~

5 (c) In the case of all work undertaken by the University of
6 Illinois related to the planning, organization, and staging of
7 the games, the University of Illinois shall establish a goal of
8 awarding not less than 30% ~~25%~~ of the annual dollar value of
9 all contracts, purchase orders, and other agreements
10 (collectively referred to as "the contracts") to businesses
11 owned by minorities, women, veterans, and persons with
12 disabilities ~~minority owned businesses or businesses owned by~~
13 ~~a person with a disability and 5% of the annual dollar value~~
14 ~~the contracts to women owned businesses.~~ For purposes of this
15 subsection, the term "games" has the meaning set forth in the
16 Olympic Games and Paralympic Games (2016) Law.

17 (d) Within one year after April 28, 2009 (the effective
18 date of Public Act 96-8), the Department of Central Management
19 Services shall conduct a social scientific study that measures
20 the impact of discrimination on minority and women business
21 development in Illinois. Within 18 months after April 28, 2009
22 (the effective date of Public Act 96-8), the Department shall
23 issue a report of its findings and any recommendations on
24 whether to adjust the goals for minority and women
25 participation established in this Act. Copies of this report
26 and the social scientific study shall be filed with the

1 Governor and the General Assembly.

2 (e) Except as permitted under this Act or as otherwise
3 mandated by federal law or regulation, those who submit bids or
4 proposals for State contracts subject to the provisions of this
5 Act, whose bids or proposals are successful and include a
6 utilization plan but that fail to meet the goals set forth in
7 subsection (b) of this Section, shall be notified of that
8 deficiency and shall be afforded a period not to exceed 10
9 calendar days from the date of notification to cure that
10 deficiency in the bid or proposal. The deficiency in the bid or
11 proposal may only be cured by contracting with additional
12 subcontracting businesses owned by minorities, women,
13 veterans, or persons with disabilities ~~subcontractors who are~~
14 ~~owned by minorities or women~~, but in no case shall an
15 identified subcontractor with a certification made pursuant to
16 this Act be terminated from the contract without the written
17 consent of the State agency or public institution of higher
18 education entering into the contract.

19 (f) Non-construction solicitations that include Business
20 Enterprise Program participation goals shall require bidders
21 and offerors to include utilization plans. Utilization plans
22 are due at the time of bid or offer submission. Failure to
23 complete and include a utilization plan, including
24 documentation demonstrating good faith effort when requesting
25 a waiver, shall render the bid or offer non-responsive.

26 (Source: P.A. 99-462, eff. 8-25-15; 99-514, eff. 6-30-16;

1 100-391, eff. 8-25-17.)

2 (30 ILCS 575/4f)

3 (Section scheduled to be repealed on June 30, 2020)

4 Sec. 4f. Award of State contracts.

5 (1) It is hereby declared to be the public policy of the
6 State of Illinois to promote and encourage each State agency
7 and public institution of higher education to use businesses
8 owned by minorities, women, veterans, and persons with
9 disabilities in the area of goods and services, including, but
10 not limited to, insurance services, investment management
11 services, information technology services, accounting
12 services, architectural and engineering services, and legal
13 services. Furthermore, each State agency and public
14 institution of higher education shall utilize such firms to the
15 greatest extent feasible within the bounds of financial and
16 fiduciary prudence, and take affirmative steps to remove any
17 barriers to the full participation of such firms in the
18 procurement and contracting opportunities afforded.

19 (a) When a State agency or public institution of higher
20 education, other than a community college, awards a
21 contract for insurance services, for each State agency or
22 public institution of higher education, it shall be the
23 aspirational goal to use insurance brokers owned by
24 minorities, women, veterans, and persons with disabilities
25 as defined by this Act, for not less than 20% of the total

1 annual premiums or fees.

2 (b) When a State agency or public institution of higher
3 education, other than a community college, awards a
4 contract for investment services, for each State agency or
5 public institution of higher education, it shall be the
6 aspirational goal to use emerging investment managers
7 owned by minorities, women, veterans, and persons with
8 disabilities as defined by this Act, for not less than 20%
9 of the total funds under management. Furthermore, it is the
10 aspirational goal that not less than 20% of the direct
11 asset managers of the State funds be minorities, women,
12 veterans, and persons with disabilities.

13 (c) When a State agency or public institution of higher
14 education, other than a community college, awards
15 contracts for information technology services, accounting
16 services, architectural and engineering services, and
17 legal services, for each State agency and public
18 institution of higher education, it shall be the
19 aspirational goal to use such firms owned by minorities,
20 women, veterans, and persons with disabilities as defined
21 by this Act and lawyers who are minorities, women,
22 veterans, and persons with disabilities as defined by this
23 Act, for not less than 20% of the total dollar amount of
24 State contracts.

25 (d) When a community college awards a contract for
26 insurance services, investment services, information

1 technology services, accounting services, architectural
2 and engineering services, and legal services, it shall be
3 the aspirational goal of each community college to use
4 businesses owned by minorities, women, veterans, and
5 persons with disabilities as defined in this Act for not
6 less than 20% of the total amount spent on contracts for
7 these services collectively. When a community college
8 awards contracts for investment services, contracts
9 awarded to investment managers who are not emerging
10 investment managers as defined in this Act shall not be
11 considered businesses owned by minorities, women,
12 veterans, or persons with disabilities for the purposes of
13 this Section.

14 (2) As used in this Section:

15 "Accounting services" means the measurement,
16 processing and communication of financial information
17 about economic entities including, but is not limited to,
18 financial accounting, management accounting, auditing,
19 cost containment and auditing services, taxation and
20 accounting information systems.

21 "Architectural and engineering services" means
22 professional services of an architectural or engineering
23 nature, or incidental services, that members of the
24 architectural and engineering professions, and individuals
25 in their employ, may logically or justifiably perform,
26 including studies, investigations, surveying and mapping,

1 tests, evaluations, consultations, comprehensive planning,
2 program management, conceptual designs, plans and
3 specifications, value engineering, construction phase
4 services, soils engineering, drawing reviews, preparation
5 of operating and maintenance manuals, and other related
6 services.

7 "Emerging investment manager" means an investment
8 manager or claims consultant having assets under
9 management below \$10 billion or otherwise adjudicating
10 claims.

11 "Information technology services" means, but is not
12 limited to, specialized technology-oriented solutions by
13 combining the processes and functions of software,
14 hardware, networks, telecommunications, web designers,
15 cloud developing resellers, and electronics.

16 "Insurance broker" means an insurance brokerage firm,
17 claims administrator, or both, that procures, places all
18 lines of insurance, or administers claims with annual
19 premiums or fees of at least \$5,000,000 but not more than
20 \$10,000,000.

21 "Legal services" means work performed by a lawyer
22 including, but not limited to, contracts in anticipation of
23 litigation, enforcement actions, or investigations.

24 (3) Each State agency and public institution of higher
25 education shall adopt policies that identify its plan and
26 implementation procedures for increasing the use of service

1 firms owned by minorities, women, veterans, and persons with
2 disabilities.

3 (4) Except as provided in subsection (5), the Council shall
4 file no later than March 1 of each year an annual report to the
5 Governor and the General Assembly. The report filed with the
6 General Assembly shall be filed as required in Section 3.1 of
7 the General Assembly Organization Act. This report shall: (i)
8 identify the service firms used by each State agency and public
9 institution of higher education, (ii) identify the actions it
10 has undertaken to increase the use of service firms owned by
11 minorities, women, veterans, and persons with disabilities,
12 including encouraging non-minority-owned firms to use other
13 service firms owned by minorities, women, veterans, and persons
14 with disabilities as subcontractors when the opportunities
15 arise, (iii) state any recommendations made by the Council to
16 each State agency and public institution of higher education to
17 increase participation by the use of service firms owned by
18 minorities, women, veterans, and persons with disabilities,
19 and (iv) include the following:

20 (A) For insurance services: the names of the insurance
21 brokers or claims consultants used, the total of risk
22 managed by each State agency and public institution of
23 higher education by insurance brokers, the total
24 commissions, fees paid, or both, the lines or insurance
25 policies placed, and the amount of premiums placed; and the
26 percentage of the risk managed by insurance brokers, the

1 percentage of total commission, fees paid, or both, the
2 lines or insurance policies placed, and the amount of
3 premiums placed with each by the insurance brokers owned by
4 minorities, women, veterans, and persons with disabilities
5 by each State agency and public institution of higher
6 education.

7 (B) For investment management services: the names of
8 the investment managers used, the total funds under
9 management of investment managers; the total commissions,
10 fees paid, or both; the total and percentage of funds under
11 management of emerging investment managers owned by
12 minorities, women, veterans, and persons with
13 disabilities, including the total and percentage of total
14 commissions, fees paid, or both by each State agency and
15 public institution of higher education.

16 (C) The names of service firms, the percentage and
17 total dollar amount paid for professional services by
18 category by each State agency and public institution of
19 higher education.

20 (D) The names of service firms, the percentage and
21 total dollar amount paid for services by category to firms
22 owned by minorities, women, veterans, and persons with
23 disabilities by each State agency and public institution of
24 higher education.

25 (E) The total number of contracts awarded for services
26 by category and the total number of contracts awarded to

1 firms owned by minorities, women, veterans, and persons
2 with disabilities by each State agency and public
3 institution of higher education.

4 (5) For community college districts, the Business
5 Enterprise Council shall only report the following information
6 for each community college district: (i) the name of the
7 community colleges in the district, (ii) the name and contact
8 information of a person at each community college appointed to
9 be the single point of contact for vendors owned by minorities,
10 women, veterans, or persons with disabilities, (iii) the policy
11 of the community college district concerning certified
12 vendors, (iv) the certifications recognized by the community
13 college district for determining whether a business is owned or
14 controlled by a minority, woman, veteran, or person with a
15 disability, (v) outreach efforts conducted by the community
16 college district to increase the use of certified vendors, (vi)
17 the total expenditures by the community college district in the
18 prior fiscal year in the divisions of work specified in
19 paragraphs (a), (b), and (c) of subsection (1) of this Section
20 and the amount paid to certified vendors in those divisions of
21 work, and (vii) the total number of contracts entered into for
22 the divisions of work specified in paragraphs (a), (b), and (c)
23 of subsection (1) of this Section and the total number of
24 contracts awarded to certified vendors providing these
25 services to the community college district. The Business
26 Enterprise Council shall not make any utilization reports under

1 this Act for community college districts for Fiscal Year 2015
2 and Fiscal Year 2016, but shall make the report required by
3 this subsection for Fiscal Year 2017 and for each fiscal year
4 thereafter. The Business Enterprise Council shall report the
5 information in items (i), (ii), (iii), and (iv) of this
6 subsection beginning in September of 2016. The Business
7 Enterprise Council may collect the data needed to make its
8 report from the Illinois Community College Board.

9 (6) The status of the utilization of services shall be
10 discussed at each of the regularly scheduled Business
11 Enterprise Council meetings. Time shall be allotted for the
12 Council to receive, review, and discuss the progress of the use
13 of service firms owned by minorities, women, veterans, and
14 persons with disabilities by each State agency and public
15 institution of higher education; and any evidence regarding
16 past or present racial, ethnic, or gender-based discrimination
17 which directly impacts a State agency or public institution of
18 higher education contracting with such firms. If after
19 reviewing such evidence the Council finds that there is or has
20 been such discrimination against a specific group, race or sex,
21 the Council shall establish sheltered markets or adjust
22 existing sheltered markets tailored to address the Council's
23 specific findings for the divisions of work specified in
24 paragraphs (a), (b), and (c) of subsection (1) of this Section.
25 (Source: P.A. 99-462, eff. 8-25-15; 99-642, eff. 7-28-16;
26 100-391, eff. 8-25-17.)

1 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

2 (Section scheduled to be repealed on June 30, 2020)

3 Sec. 5. Business Enterprise Council.

4 (1) To help implement, monitor and enforce the goals of
5 this Act, there is created the Business Enterprise Council for
6 Minorities, Women, Veterans, and Persons with Disabilities,
7 hereinafter referred to as the Council, composed of the
8 Secretary of Human Services and the Directors of the Department
9 of Human Rights, the Department of Commerce and Economic
10 Opportunity, the Department of Central Management Services,
11 the Department of Transportation and the Capital Development
12 Board, or their duly appointed representatives, with the
13 Comptroller, or his or her designee, serving as an advisory
14 member of the Council. Ten individuals representing businesses
15 that are minority-owned, ~~or~~ women-owned, veteran-owned, or
16 owned by persons with disabilities, 2 individuals representing
17 the business community, and a representative of public
18 institutions of higher education shall be appointed by the
19 Governor. These members shall serve 2 year terms and shall be
20 eligible for reappointment. Any vacancy occurring on the
21 Council shall also be filled by the Governor. Any member
22 appointed to fill a vacancy occurring prior to the expiration
23 of the term for which his predecessor was appointed shall be
24 appointed for the remainder of such term. Members of the
25 Council shall serve without compensation but shall be

1 reimbursed for any ordinary and necessary expenses incurred in
2 the performance of their duties.

3 The Director of the Department of Central Management
4 Services shall serve as the Council chairperson and shall
5 select, subject to approval of the council, a Secretary
6 responsible for the operation of the program who shall serve as
7 the Division Manager of the Business Enterprise for Minorities,
8 Women, Veterans, and Persons with Disabilities Division of the
9 Department of Central Management Services.

10 The Director of each State agency and the chief executive
11 officer of each public institutions of higher education shall
12 appoint a liaison to the Council. The liaison shall be
13 responsible for submitting to the Council any reports and
14 documents necessary under this Act.

15 (2) The Council's authority and responsibility shall be to:

16 (a) Devise a certification procedure to assure that
17 businesses taking advantage of this Act are legitimately
18 classified as businesses owned by minorities, women,
19 veterans, or persons with disabilities.

20 (b) Maintain a list of all businesses legitimately
21 classified as businesses owned by minorities, women,
22 veterans, or persons with disabilities to provide to State
23 agencies and public institutions of higher education.

24 (c) Review rules and regulations for the
25 implementation of the program for businesses owned by
26 minorities, women, veterans, and persons with

1 disabilities.

2 (d) Review compliance plans submitted by each State
3 agency and public institutions of higher education
4 pursuant to this Act.

5 (e) Make annual reports as provided in Section 8f to
6 the Governor and the General Assembly on the status of the
7 program.

8 (f) Serve as a central clearinghouse for information on
9 State contracts, including the maintenance of a list of all
10 pending State contracts upon which businesses owned by
11 minorities, women, veterans, and persons with disabilities
12 may bid. At the Council's discretion, maintenance of the
13 list may include 24-hour electronic access to the list
14 along with the bid and application information.

15 (g) Establish a toll free telephone number to
16 facilitate information requests concerning the
17 certification process and pending contracts.

18 (3) No premium bond rate of a surety company for a bond
19 required of a business owned by a minority, woman, veteran, or
20 person with a disability bidding for a State contract shall be
21 higher than the lowest rate charged by that surety company for
22 a similar bond in the same classification of work that would be
23 written for a business not owned by a minority, woman, veteran,
24 or person with a disability.

25 (4) Any Council member who has direct financial or personal
26 interest in any measure pending before the Council shall

1 disclose this fact to the Council and refrain from
2 participating in the determination upon such measure.

3 (5) The Secretary shall have the following duties and
4 responsibilities:

5 (a) To be responsible for the day-to-day operation of
6 the Council.

7 (b) To serve as a coordinator for all of the State's
8 programs for businesses owned by minorities, women,
9 veterans, and persons with disabilities and as the
10 information and referral center for all State initiatives
11 for businesses owned by minorities, women, veterans, and
12 persons with disabilities.

13 (c) To establish an enforcement procedure whereby the
14 Council may recommend to the appropriate State legal
15 officer that the State exercise its legal remedies which
16 shall include (1) termination of the contract involved, (2)
17 prohibition of participation by the respondent in public
18 contracts for a period not to exceed 3 years, (3)
19 imposition of a penalty not to exceed any profit acquired
20 as a result of violation, or (4) any combination thereof.
21 Such procedures shall require prior approval by Council.

22 (d) To devise appropriate policies, regulations and
23 procedures for including participation by businesses owned
24 by minorities, women, veterans, and persons with
25 disabilities as prime contractors including, but not
26 limited to, (i) encouraging the inclusions of qualified

1 businesses owned by minorities, women, veterans, and
2 persons with disabilities on solicitation lists, (ii)
3 investigating the potential of blanket bonding programs
4 for small construction jobs, (iii) investigating and
5 making recommendations concerning the use of the sheltered
6 market process.

7 (e) To devise procedures for the waiver of the
8 participation goals in appropriate circumstances.

9 (f) To accept donations and, with the approval of the
10 Council or the Director of Central Management Services,
11 grants related to the purposes of this Act; to conduct
12 seminars related to the purpose of this Act and to charge
13 reasonable registration fees; and to sell directories,
14 vendor lists and other such information to interested
15 parties, except that forms necessary to become eligible for
16 the program shall be provided free of charge to a business
17 or individual applying for the program.

18 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17;
19 100-801, eff. 8-10-18.)

20 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

21 (Section scheduled to be repealed on June 30, 2020)

22 Sec. 6. Agency compliance plans. Each State agency and
23 public institutions of higher education under the jurisdiction
24 of this Act shall file with the Council an annual compliance
25 plan which shall outline the goals of the State agency or

1 public institutions of higher education for contracting with
2 businesses owned by minorities, women, veterans, and persons
3 with disabilities for the then current fiscal year, the manner
4 in which the agency intends to reach these goals and a
5 timetable for reaching these goals. The Council shall review
6 and approve the plan of each State agency and public
7 institutions of higher education and may reject any plan that
8 does not comply with this Act or any rules or regulations
9 promulgated pursuant to this Act.

10 (a) The compliance plan shall also include, but not be
11 limited to, (1) a policy statement, signed by the State agency
12 or public institution of higher education head, expressing a
13 commitment to encourage the use of businesses owned by
14 minorities, women, veterans, and persons with disabilities,
15 (2) the designation of the liaison officer provided for in
16 Section 5 of this Act, (3) procedures to distribute to
17 potential contractors and vendors the list of all businesses
18 legitimately classified as businesses owned by minorities,
19 women, veterans, and persons with disabilities and so certified
20 under this Act, (4) procedures to set separate contract goals
21 on specific prime contracts and purchase orders with
22 subcontracting possibilities based upon the type of work or
23 services and subcontractor availability, (5) procedures to
24 assure that contractors and vendors make good faith efforts to
25 meet contract goals, (6) procedures for contract goal
26 exemption, modification and waiver, and (7) the delineation of

1 separate contract goals for businesses owned by minorities,
2 women, veterans, and persons with disabilities.

3 (b) Approval of the compliance plans shall include such
4 delegation of responsibilities to the requesting State agency
5 or public institution of higher education as the Council deems
6 necessary and appropriate to fulfill the purpose of this Act.
7 Such responsibilities may include, but need not be limited to
8 those outlined in subsections (1), (2) and (3) of Section 7,
9 paragraph (a) of Section 8, and Section 8a of this Act.

10 (c) Each State agency and public institution of higher
11 education under the jurisdiction of this Act shall file with
12 the Council an annual report of its utilization of businesses
13 owned by minorities, women, veterans, and persons with
14 disabilities during the preceding fiscal year including lapse
15 period spending and a mid-fiscal year report of its utilization
16 to date for the then current fiscal year. The reports shall
17 include a self-evaluation of the efforts of the State agency or
18 public institution of higher education to meet its goals under
19 the Act.

20 (d) Notwithstanding any provisions to the contrary in this
21 Act, any State agency or public institution of higher education
22 which administers a construction program, for which federal law
23 or regulations establish standards and procedures for the
24 utilization of businesses owned by minorities, women,
25 veterans, and persons with disabilities ~~minority owned and~~
26 ~~women owned businesses and disadvantaged businesses,~~ shall

1 implement a disadvantaged business enterprise program to
2 include businesses owned by minorities, women, veterans, and
3 persons with disabilities ~~minority owned and women-owned~~
4 ~~businesses and disadvantaged businesses~~, using the federal
5 standards and procedures for the establishment of goals and
6 utilization procedures for the State-funded, as well as the
7 federally assisted, portions of the program. In such cases,
8 these goals shall not exceed those established pursuant to the
9 relevant federal statutes or regulations. Notwithstanding the
10 provisions of Section 8b, the Illinois Department of
11 Transportation is authorized to establish sheltered markets
12 for the State-funded portions of the program consistent with
13 federal law and regulations. Additionally, a compliance plan
14 which is filed by such State agency or public institution of
15 higher education pursuant to this Act, which incorporates
16 equivalent terms and conditions of its federally-approved
17 compliance plan, shall be deemed approved under this Act.

18 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

19 (30 ILCS 575/6a) (from Ch. 127, par. 132.606a)

20 (Section scheduled to be repealed on June 30, 2020)

21 Sec. 6a. Notice of contracts to Council. Except in case of
22 emergency as defined in the Illinois Procurement Code, or as
23 authorized by rule promulgated by the Department of Central
24 Management Services, each agency and public institution of
25 higher education under the jurisdiction of this Act shall

1 notify the Secretary of the Council of proposed contracts for
2 professional and artistic services and provide the information
3 in the form and detail as required by rule promulgated by the
4 Department of Central Management Services. Notification may be
5 made through direct written communication to the Secretary to
6 be received at least 14 days before execution of the contract
7 (or the solicitation response date, if applicable). The agency
8 or public institution of higher education must consider any
9 vendor referred by the Secretary before execution of the
10 contract. The provisions of this Section shall not apply to any
11 State agency or public institution of higher education that has
12 awarded contracts for professional and artistic services to
13 businesses owned by minorities, women, veterans, and persons
14 with disabilities totaling in the aggregate \$40,000,000 or more
15 during the preceding fiscal year.

16 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

17 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

18 (Section scheduled to be repealed on June 30, 2020)

19 Sec. 7. Exemptions; waivers; publication of data.

20 (1) Individual contract exemptions. The Council, on its own
21 initiative or at the request of the affected agency, public
22 institution of higher education, or recipient of a grant or
23 loan of State funds of \$250,000 or more complying with Section
24 45 of the State Finance Act, may permit an individual contract
25 or contract package, (related contracts being bid or awarded

1 simultaneously for the same project or improvements) be made
2 wholly or partially exempt from State contracting goals for
3 businesses owned by minorities, women, veterans, and persons
4 with disabilities prior to the advertisement for bids or
5 solicitation of proposals whenever there has been a
6 determination, reduced to writing and based on the best
7 information available at the time of the determination, that
8 there is an insufficient number of businesses owned by
9 minorities, women, veterans, and persons with disabilities to
10 ensure adequate competition and an expectation of reasonable
11 prices on bids or proposals solicited for the individual
12 contract or contract package in question.

13 (2) Class exemptions.

14 (a) Creation. The Council, on its own initiative or at
15 the request of the affected agency or public institution of
16 higher education, may permit an entire class of contracts
17 be made exempt from State contracting goals for businesses
18 owned by minorities, women, veterans, and persons with
19 disabilities whenever there has been a determination,
20 reduced to writing and based on the best information
21 available at the time of the determination, that there is
22 an insufficient number of qualified businesses owned by
23 minorities, women, veterans, and persons with disabilities
24 to ensure adequate competition and an expectation of
25 reasonable prices on bids or proposals within that class.

26 (b) Limitation. Any such class exemption shall not be

1 permitted for a period of more than one year at a time.

2 (3) Waivers. Where a particular contract requires a
3 contractor to meet a goal established pursuant to this Act, the
4 contractor shall have the right to request a waiver from such
5 requirements. The Council shall grant the waiver where the
6 contractor demonstrates that there has been made a good faith
7 effort to comply with the goals for participation by businesses
8 owned by minorities, women, veterans, and persons with
9 disabilities.

10 (4) Conflict with other laws. In the event that any State
11 contract, which otherwise would be subject to the provisions of
12 this Act, is or becomes subject to federal laws or regulations
13 which conflict with the provisions of this Act or actions of
14 the State taken pursuant hereto, the provisions of the federal
15 laws or regulations shall apply and the contract shall be
16 interpreted and enforced accordingly.

17 (5) Each chief procurement officer, as defined in the
18 Illinois Procurement Code, shall maintain on his or her
19 official Internet website a database of waivers granted under
20 this Section with respect to contracts under his or her
21 jurisdiction. The database, which shall be updated
22 periodically as necessary, shall be searchable by contractor
23 name and by contracting State agency.

24 (6) Each chief procurement officer, as defined by the
25 Illinois Procurement Code, shall maintain on its website a list
26 of all firms that have been prohibited from bidding, offering,

1 or entering into a contract with the State of Illinois as a
2 result of violations of this Act.

3 Each public notice required by law of the award of a State
4 contract shall include for each bid or offer submitted for that
5 contract the following: (i) the bidder's or offeror's name,
6 (ii) the bid amount, (iii) the name or names of the certified
7 firms identified in the bidder's or offeror's submitted
8 utilization plan, and (iv) the bid's amount and percentage of
9 the contract awarded to businesses owned by minorities, women,
10 veterans, and persons with disabilities identified in the
11 utilization plan.

12 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

13 (30 ILCS 575/8) (from Ch. 127, par. 132.608)

14 (Section scheduled to be repealed on June 30, 2020)

15 Sec. 8. Enforcement.

16 (1) The Council shall make such findings, recommendations
17 and proposals to the Governor as are necessary and appropriate
18 to enforce this Act. If, as a result of its monitoring
19 activities, the Council determines that its goals and policies
20 are not being met by any State agency or public institution of
21 higher education, the Council may recommend any or all of the
22 following actions:

23 (a) Establish enforcement procedures whereby the
24 Council may recommend to the appropriate State agency,
25 public institutions of higher education, or law

1 enforcement officer that legal or administrative remedies
2 be initiated for violations of contract provisions or rules
3 issued hereunder or by a contracting State agency or public
4 institutions of higher education. State agencies and
5 public institutions of higher education shall be
6 authorized to adopt remedies for such violations which
7 shall include (1) termination of the contract involved, (2)
8 prohibition of participation of the respondents in public
9 contracts for a period not to exceed one year, (3)
10 imposition of a penalty not to exceed any profit acquired
11 as a result of violation, or (4) any combination thereof.

12 (b) If the Council concludes that a compliance plan
13 submitted under Section 6 is unlikely to produce the
14 participation goals for businesses owned by minorities,
15 women, veterans, and persons with disabilities within the
16 then current fiscal year, the Council may recommend that
17 the State agency or public institution of higher education
18 revise its plan to provide additional opportunities for
19 participation by businesses owned by minorities, women,
20 veterans, and persons with disabilities. Such recommended
21 revisions may include, but shall not be limited to, the
22 following:

23 (i) assurances of stronger and better focused
24 solicitation efforts to obtain more businesses owned
25 by minorities, women, veterans, and persons with
26 disabilities as potential sources of supply;

1 (ii) division of job or project requirements, when
2 economically feasible, into tasks or quantities to
3 permit participation of businesses owned by
4 minorities, women, veterans, and persons with
5 disabilities;

6 (iii) elimination of extended experience or
7 capitalization requirements, when programmatically
8 feasible, to permit participation of businesses owned
9 by minorities, women, veterans, and persons with
10 disabilities;

11 (iv) identification of specific proposed contracts
12 as particularly attractive or appropriate for
13 participation by businesses owned by minorities,
14 women, veterans, and persons with disabilities, such
15 identification to result from and be coupled with the
16 efforts of subparagraphs (i) through (iii);

17 (v) implementation of those regulations
18 established for the use of the sheltered market
19 process.

20 (2) State agencies and public institutions of higher
21 education shall review a vendor's compliance with its
22 utilization plan and the terms of its contract. Without
23 limitation, a vendor's failure to comply with its contractual
24 commitments as contained in the utilization plan; failure to
25 cooperate in providing information regarding its compliance
26 with its utilization plan; or the provision of false or

1 misleading information or statements concerning compliance,
2 certification status, or eligibility of the Business
3 Enterprise Program-certified vendor, good faith efforts, or
4 any other material fact or representation shall constitute a
5 material breach of the contract and entitle the State agency or
6 public institution of higher education to declare a default,
7 terminate the contract, or exercise those remedies provided for
8 in the contract, at law, or in equity.

9 (3) A vendor shall be in breach of the contract and may be
10 subject to penalties for failure to meet contract goals
11 established under this Act, unless the vendor can show that it
12 made good faith efforts to meet the contract goals.

13 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

14 (30 ILCS 575/8a) (from Ch. 127, par. 132.608a)

15 (Section scheduled to be repealed on June 30, 2020)

16 Sec. 8a. Advance and progress payments. Any contract
17 awarded to a business owned by a minority, woman, veteran, or
18 person with a disability pursuant to this Act may contain a
19 provision for advance or progress payments, or both, except
20 that a State construction contract awarded to a businesses
21 owned by minorities, women, veterans, and persons with
22 disabilities ~~minority-owned or women-owned business~~ pursuant
23 to this Act may contain a provision for progress payments but
24 may not contain a provision for advance payments.

25 (Source: P.A. 100-391, eff. 8-25-17.)

1 (30 ILCS 575/8b) (from Ch. 127, par. 132.608b)

2 (Section scheduled to be repealed on June 30, 2020)

3 Sec. 8b. Scheduled council meetings; sheltered market. The
4 Council shall conduct regular meetings to carry out its
5 responsibilities under this Act. At each of the regularly
6 scheduled meetings, time shall be allocated for the Council to
7 receive, review and discuss any evidence regarding past or
8 present racial, ethnic or gender based discrimination which
9 directly impacts State contracting with businesses owned by
10 minorities, women, veterans, and persons with disabilities. If
11 after reviewing such evidence the Council finds that there is
12 or has been such discrimination against a specific group, race
13 or sex, the Council shall establish sheltered markets or adjust
14 existing sheltered markets tailored to address the Council's
15 specific findings.

16 "Sheltered market" shall mean a procurement procedure
17 whereby certain contracts are selected and specifically set
18 aside for businesses owned by minorities, women, veterans, and
19 persons with disabilities on a competitive bid or negotiated
20 basis.

21 As part of the annual report which the Council must file
22 pursuant to paragraph (e) of subsection (2) of Section 5, the
23 Council shall report on any findings made pursuant to this
24 Section.

25 (Source: P.A. 100-391, eff. 8-25-17.)

1 (30 ILCS 575/8f)

2 (Section scheduled to be repealed on June 30, 2020)

3 Sec. 8f. Annual report. The Council shall file no later
4 than March 1 of each year, an annual report that shall detail
5 the level of achievement toward the goals specified in this Act
6 over the 3 most recent fiscal years. The annual report shall
7 include, but need not be limited to the following:

8 (1) a summary detailing expenditures subject to the
9 goals, the actual goals specified, and the goals attained
10 by each State agency and public institution of higher
11 education;

12 (2) a summary of the number of contracts awarded and
13 the average contract amount by each State agency and public
14 institution of higher education;

15 (3) an analysis of the level of overall goal
16 achievement concerning purchases from minority-owned
17 businesses, women-owned businesses, veteran-owned
18 businesses, and businesses owned by persons with
19 disabilities;

20 (4) an analysis of the number of businesses owned by
21 minorities, women, veterans, and persons with disabilities
22 that are certified under the program as well as the number
23 of those businesses that received State procurement
24 contracts; and

25 (5) a summary of the number of contracts awarded to

1 businesses with annual gross sales of less than \$1,000,000;
2 of \$1,000,000 or more, but less than \$5,000,000; of
3 \$5,000,000 or more, but less than \$10,000,000; and of
4 \$10,000,000 or more.

5 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17.)

6 (30 ILCS 575/8g)

7 (Section scheduled to be repealed on June 30, 2020)

8 Sec. 8g. Business Enterprise Program Council reports.

9 (a) The Department of Central Management Services shall
10 provide a report to the Council identifying all State agency
11 non-construction solicitations that exceed \$20,000,000 and
12 that have less than a 20% established goal prior to
13 publication.

14 (b) The Department of Central Management Services shall
15 provide a report to the Council identifying all State agency
16 non-construction awards that exceed \$20,000,000. The report
17 shall contain the following: (i) the name of the awardee; (ii)
18 the total bid amount; (iii) the established Business Enterprise
19 Program goal; (iv) the dollar amount and percentage of
20 participation by businesses owned by minorities, women,
21 veterans, and persons with disabilities; and (v) the names of
22 the certified firms identified in the utilization plan.

23 (Source: P.A. 100-391, eff. 8-25-17; 100-863, eff. 8-14-18.)

24 (30 ILCS 575/8h)

1 (Section scheduled to be repealed on June 30, 2020)

2 Sec. 8h. Encouragement for telecom and communications
3 entities to submit supplier diversity reports.

4 (1) The following entities that do business in Illinois or
5 serve Illinois customers shall be subject to this Section:

6 (i) all local exchange telecommunications carriers
7 with at least 35,000 subscriber access lines;

8 (ii) cable and video providers, as defined in Section
9 21-201 of the Public Utilities Act;

10 (iii) interconnected VoIP providers, as defined in
11 Section 13-235 of the Public Utilities Act;

12 (iv) wireless service providers;

13 (v) broadband internet access services providers; and

14 (vi) any other entity that provides messaging, voice,
15 or video services via the Internet or a social media
16 platform.

17 (2) Each entity subject to this Section may submit to the
18 Illinois Commerce Commission and the Business Enterprise
19 Council an annual report by April 15, 2018, and every April 15
20 thereafter, which provides, for the previous calendar year,
21 information and data on diversity goals, and progress toward
22 achieving those goals, by certified businesses owned by
23 minorities, women, veterans, and persons with disabilities,
24 ~~and service disabled veterans, provided that if the entity does~~
25 ~~not track such information and data for businesses owned by~~
26 ~~service disabled veterans, the entity may provide information~~

1 ~~and data for businesses owned by veterans.~~

2 The diversity report shall include the following:

3 (i) Overall annual spending on all such certified
4 businesses.

5 (ii) A narrative description of the entity's supplier
6 diversity goals and plans for meeting those goals.

7 (iii) The entity's best estimate of its annual spending
8 in professional services and spending with certified
9 businesses owned by minorities, women, veterans, and
10 ~~persons with disabilities, and service disabled veterans~~
11 ~~(or veterans, if the reporting entity does not track~~
12 ~~spending with service disabled veterans)~~, including, but
13 not limited to, the following professional services
14 categories: accounting; architecture and engineering;
15 consulting; information technology; insurance; financial,
16 legal, and marketing services; and other professional
17 services. The diversity report shall also include the
18 entity's overall annual spending in the listed
19 professional service categories. For the diversity reports
20 due on April 15, 2018 and April 15, 2019, the information
21 on annual spending with certified businesses for
22 professional services required by this Section may be
23 provided for all professional services on an aggregated
24 basis.

25 (iv) Beginning with the diversity report due on April
26 15, 2020, the total number and percentage of women, l

1 veterans, and minorities that provided services for each
2 construction project in the State.

3 An entity subject to this Section which is part of an
4 affiliated group of entities may provide information for the
5 affiliated group as a whole.

6 (3) Any entity that is subject to this Section that does
7 not submit a report shall be reported by the Business
8 Enterprise Council to each chief procurement officer. Upon
9 receiving a report from the Business Enterprise Council, the
10 chief procurement officer may prohibit any entities that do not
11 submit a report from bidding on State contracts for a period of
12 one year beginning the first day of the following fiscal year
13 and post on its respective bulletin the names of all entities
14 that fail to comply with the provisions of this Section.

15 (4) A vendor may appeal any of the actions taken pursuant
16 to this Section in the same manner as a vendor denied
17 certification, by following the appeal procedures in the
18 administrative rules created pursuant to this Act.

19 (Source: P.A. 100-391, eff. 8-25-17.)

20 Section 110. The Illinois Income Tax Act is amended by
21 changing Section 220 as follows:

22 (35 ILCS 5/220)

23 Sec. 220. Angel investment credit.

24 (a) As used in this Section:

1 "Applicant" means a corporation, partnership, limited
2 liability company, or a natural person that makes an investment
3 in a qualified new business venture. The term "applicant" does
4 not include (i) a corporation, partnership, limited liability
5 company, or a natural person who has a direct or indirect
6 ownership interest of at least 51% in the profits, capital, or
7 value of the qualified new business venture receiving the
8 investment or (ii) a related member.

9 "Claimant" means an applicant certified by the Department
10 who files a claim for a credit under this Section.

11 "Department" means the Department of Commerce and Economic
12 Opportunity.

13 "Investment" means money (or its equivalent) given to a
14 qualified new business venture, at a risk of loss, in
15 consideration for an equity interest of the qualified new
16 business venture. The Department may adopt rules to permit
17 certain forms of contingent equity investments to be considered
18 eligible for a tax credit under this Section.

19 "Qualified new business venture" means a business that is
20 registered with the Department under this Section.

21 "Related member" means a person that, with respect to the
22 applicant, is any one of the following:

23 (1) An individual, if the individual and the members of
24 the individual's family (as defined in Section 318 of the
25 Internal Revenue Code) own directly, indirectly,
26 beneficially, or constructively, in the aggregate, at

1 least 50% of the value of the outstanding profits, capital,
2 stock, or other ownership interest in the qualified new
3 business venture that is the recipient of the applicant's
4 investment.

5 (2) A partnership, estate, or trust and any partner or
6 beneficiary, if the partnership, estate, or trust and its
7 partners or beneficiaries own directly, indirectly,
8 beneficially, or constructively, in the aggregate, at
9 least 50% of the profits, capital, stock, or other
10 ownership interest in the qualified new business venture
11 that is the recipient of the applicant's investment.

12 (3) A corporation, and any party related to the
13 corporation in a manner that would require an attribution
14 of stock from the corporation under the attribution rules
15 of Section 318 of the Internal Revenue Code, if the
16 applicant and any other related member own, in the
17 aggregate, directly, indirectly, beneficially, or
18 constructively, at least 50% of the value of the
19 outstanding stock of the qualified new business venture
20 that is the recipient of the applicant's investment.

21 (4) A corporation and any party related to that
22 corporation in a manner that would require an attribution
23 of stock from the corporation to the party or from the
24 party to the corporation under the attribution rules of
25 Section 318 of the Internal Revenue Code, if the
26 corporation and all such related parties own, in the

1 aggregate, at least 50% of the profits, capital, stock, or
2 other ownership interest in the qualified new business
3 venture that is the recipient of the applicant's
4 investment.

5 (5) A person to or from whom there is attribution of
6 ownership of stock in the qualified new business venture
7 that is the recipient of the applicant's investment in
8 accordance with Section 1563(e) of the Internal Revenue
9 Code, except that for purposes of determining whether a
10 person is a related member under this paragraph, "20%"
11 shall be substituted for "5%" whenever "5%" appears in
12 Section 1563(e) of the Internal Revenue Code.

13 (b) For taxable years beginning after December 31, 2010,
14 and ending on or before December 31, 2021, subject to the
15 limitations provided in this Section, a claimant may claim, as
16 a credit against the tax imposed under subsections (a) and (b)
17 of Section 201 of this Act, an amount equal to 25% of the
18 claimant's investment made directly in a qualified new business
19 venture. In order for an investment in a qualified new business
20 venture to be eligible for tax credits, the business must have
21 applied for and received certification under subsection (e) for
22 the taxable year in which the investment was made prior to the
23 date on which the investment was made. The credit under this
24 Section may not exceed the taxpayer's Illinois income tax
25 liability for the taxable year. If the amount of the credit
26 exceeds the tax liability for the year, the excess may be

1 carried forward and applied to the tax liability of the 5
2 taxable years following the excess credit year. The credit
3 shall be applied to the earliest year for which there is a tax
4 liability. If there are credits from more than one tax year
5 that are available to offset a liability, the earlier credit
6 shall be applied first. In the case of a partnership or
7 Subchapter S Corporation, the credit is allowed to the partners
8 or shareholders in accordance with the determination of income
9 and distributive share of income under Sections 702 and 704 and
10 Subchapter S of the Internal Revenue Code.

11 (c) The minimum amount an applicant must invest in any
12 single qualified new business venture in order to be eligible
13 for a credit under this Section is \$10,000. The maximum amount
14 of an applicant's total investment made in any single qualified
15 new business venture that may be used as the basis for a credit
16 under this Section is \$2,000,000.

17 (d) The Department shall implement a program to certify an
18 applicant for an angel investment credit. Upon satisfactory
19 review, the Department shall issue a tax credit certificate
20 stating the amount of the tax credit to which the applicant is
21 entitled. The Department shall annually certify that: (i) each
22 qualified new business venture that receives an angel
23 investment under this Section has maintained a minimum
24 employment threshold, as defined by rule, in the State (and
25 continues to maintain a minimum employment threshold in the
26 State for a period of no less than 3 years from the issue date

1 of the last tax credit certificate issued by the Department
2 with respect to such business pursuant to this Section); and
3 (ii) the claimant's investment has been made and remains,
4 except in the event of a qualifying liquidity event, in the
5 qualified new business venture for no less than 3 years.

6 If an investment for which a claimant is allowed a credit
7 under subsection (b) is held by the claimant for less than 3
8 years, other than as a result of a permitted sale of the
9 investment to person who is not a related member, the claimant
10 shall pay to the Department of Revenue, in the manner
11 prescribed by the Department of Revenue, the aggregate amount
12 of the disqualified credits that the claimant received related
13 to the subject investment.

14 If the Department determines that a qualified new business
15 venture failed to maintain a minimum employment threshold in
16 the State through the date which is 3 years from the issue date
17 of the last tax credit certificate issued by the Department
18 with respect to the subject business pursuant to this Section,
19 the claimant or claimants shall pay to the Department of
20 Revenue, in the manner prescribed by the Department of Revenue,
21 the aggregate amount of the disqualified credits that claimant
22 or claimants received related to investments in that business.

23 (e) The Department shall implement a program to register
24 qualified new business ventures for purposes of this Section. A
25 business desiring registration under this Section shall be
26 required to submit a full and complete application to the

1 Department. A submitted application shall be effective only for
2 the taxable year in which it is submitted, and a business
3 desiring registration under this Section shall be required to
4 submit a separate application in and for each taxable year for
5 which the business desires registration. Further, if at any
6 time prior to the acceptance of an application for registration
7 under this Section by the Department one or more events occurs
8 which makes the information provided in that application
9 materially false or incomplete (in whole or in part), the
10 business shall promptly notify the Department of the same. Any
11 failure of a business to promptly provide the foregoing
12 information to the Department may, at the discretion of the
13 Department, result in a revocation of a previously approved
14 application for that business, or disqualification of the
15 business from future registration under this Section, or both.
16 The Department may register the business only if all of the
17 following conditions are satisfied:

18 (1) it has its principal place of business in this
19 State;

20 (2) at least 51% of the employees employed by the
21 business are employed in this State;

22 (3) the business has the potential for increasing jobs
23 in this State, increasing capital investment in this State,
24 or both, as determined by the Department, and either of the
25 following apply:

26 (A) it is principally engaged in innovation in any

1 of the following: manufacturing; biotechnology;
2 nanotechnology; communications; agricultural sciences;
3 clean energy creation or storage technology;
4 processing or assembling products, including medical
5 devices, pharmaceuticals, computer software, computer
6 hardware, semiconductors, other innovative technology
7 products, or other products that are produced using
8 manufacturing methods that are enabled by applying
9 proprietary technology; or providing services that are
10 enabled by applying proprietary technology; or

11 (B) it is undertaking pre-commercialization
12 activity related to proprietary technology that
13 includes conducting research, developing a new product
14 or business process, or developing a service that is
15 principally reliant on applying proprietary
16 technology;

17 (4) it is not principally engaged in real estate
18 development, insurance, banking, lending, lobbying,
19 political consulting, professional services provided by
20 attorneys, accountants, business consultants, physicians,
21 or health care consultants, wholesale or retail trade,
22 leisure, hospitality, transportation, or construction,
23 except construction of power production plants that derive
24 energy from a renewable energy resource, as defined in
25 Section 1 of the Illinois Power Agency Act;

26 (5) at the time it is first certified:

1 (A) it has fewer than 100 employees;

2 (B) it has been in operation in Illinois for not
3 more than 10 consecutive years prior to the year of
4 certification; and

5 (C) it has received not more than \$10,000,000 in
6 aggregate investments;

7 (5.1) it agrees to maintain a minimum employment
8 threshold in the State of Illinois prior to the date which
9 is 3 years from the issue date of the last tax credit
10 certificate issued by the Department with respect to that
11 business pursuant to this Section;

12 (6) (blank); and

13 (7) it has received not more than \$4,000,000 in
14 investments that qualified for tax credits under this
15 Section.

16 (f) The Department, in consultation with the Department of
17 Revenue, shall adopt rules to administer this Section. The
18 aggregate amount of the tax credits that may be claimed under
19 this Section for investments made in qualified new business
20 ventures shall be limited at \$10,000,000 per calendar year, of
21 which \$500,000 shall be reserved for investments made in
22 qualified new business ventures which are minority-owned
23 businesses, women-owned ~~female-owned~~ businesses, veteran-owned
24 businesses, or businesses owned by a person with a disability
25 (as those terms are used and defined in the Business Enterprise
26 for Minorities, Women, Veterans, and Persons with Disabilities

1 Act), and an additional \$500,000 shall be reserved for
2 investments made in qualified new business ventures with their
3 principal place of business in counties with a population of
4 not more than 250,000. The foregoing annual allowable amounts
5 shall be allocated by the Department, on a per calendar quarter
6 basis and prior to the commencement of each calendar year, in
7 such proportion as determined by the Department, provided that:
8 (i) the amount initially allocated by the Department for any
9 one calendar quarter shall not exceed 35% of the total
10 allowable amount; (ii) any portion of the allocated allowable
11 amount remaining unused as of the end of any of the first 3
12 calendar quarters of a given calendar year shall be rolled
13 into, and added to, the total allocated amount for the next
14 available calendar quarter; and (iii) the reservation of tax
15 credits for investments in minority-owned businesses,
16 women-owned businesses, veteran-owned businesses, businesses
17 owned by a person with a disability, and in businesses in
18 counties with a population of not more than 250,000 is limited
19 to the first 3 calendar quarters of a given calendar year,
20 after which they may be claimed by investors in any qualified
21 new business venture.

22 (g) A claimant may not sell or otherwise transfer a credit
23 awarded under this Section to another person.

24 (h) On or before March 1 of each year, the Department shall
25 report to the Governor and to the General Assembly on the tax
26 credit certificates awarded under this Section for the prior

1 calendar year.

2 (1) This report must include, for each tax credit
3 certificate awarded:

4 (A) the name of the claimant and the amount of
5 credit awarded or allocated to that claimant;

6 (B) the name and address (including the county) of
7 the qualified new business venture that received the
8 investment giving rise to the credit, the North
9 American Industry Classification System (NAICS) code
10 applicable to that qualified new business venture, and
11 the number of employees of the qualified new business
12 venture; and

13 (C) the date of approval by the Department of each
14 claimant's tax credit certificate.

15 (2) The report must also include:

16 (A) the total number of applicants and the total
17 number of claimants, including the amount of each tax
18 credit certificate awarded to a claimant under this
19 Section in the prior calendar year;

20 (B) the total number of applications from
21 businesses seeking registration under this Section,
22 the total number of new qualified business ventures
23 registered by the Department, and the aggregate amount
24 of investment upon which tax credit certificates were
25 issued in the prior calendar year; and

26 (C) the total amount of tax credit certificates

1 sought by applicants, the amount of each tax credit
2 certificate issued to a claimant, the aggregate amount
3 of all tax credit certificates issued in the prior
4 calendar year and the aggregate amount of tax credit
5 certificates issued as authorized under this Section
6 for all calendar years.

7 (i) For each business seeking registration under this
8 Section after December 31, 2016, the Department shall require
9 the business to include in its application the North American
10 Industry Classification System (NAICS) code applicable to the
11 business and the number of employees of the business at the
12 time of application. Each business registered by the Department
13 as a qualified new business venture that receives an investment
14 giving rise to the issuance of a tax credit certificate
15 pursuant to this Section shall, for each of the 3 years
16 following the issue date of the last tax credit certificate
17 issued by the Department with respect to such business pursuant
18 to this Section, report to the Department the following:

19 (1) the number of employees and the location at which
20 those employees are employed, both as of the end of each
21 year;

22 (2) the amount of additional new capital investment
23 raised as of the end of each year, if any; and

24 (3) the terms of any liquidity event occurring during
25 such year; for the purposes of this Section, a "liquidity
26 event" means any event that would be considered an exit for

1 an illiquid investment, including any event that allows the
2 equity holders of the business (or any material portion
3 thereof) to cash out some or all of their respective equity
4 interests.

5 (Source: P.A. 100-328, eff. 1-1-18; 100-686, eff. 1-1-19;
6 100-863, eff. 8-14-18; revised 10-5-18.)

7 Section 115. The Film Production Services Tax Credit Act of
8 2008 is amended by changing Sections 30 and 45 as follows:

9 (35 ILCS 16/30)

10 Sec. 30. Review of application for accredited production
11 certificate.

12 (a) In determining whether to issue an accredited
13 production certificate, the Department must determine that a
14 preponderance of the following conditions exist:

15 (1) The applicant's production intends to make the
16 expenditure in the State required for certification.

17 (2) The applicant's production is economically sound
18 and will benefit the people of the State of Illinois by
19 increasing opportunities for employment and strengthen the
20 economy of Illinois.

21 (3) The applicant has filed a diversity plan with the
22 Department outlining specific goals (i) for hiring
23 minority persons and women, as defined in the Business
24 Enterprise for Minorities, Women, Veterans, and Persons

1 with Disabilities Act, and (ii) for using vendors receiving
2 certification under the Business Enterprise for
3 Minorities, Women, Veterans, and Persons with Disabilities
4 Act; the Department has approved the plan as meeting the
5 requirements established by the Department; and the
6 Department has verified that the applicant has met or made
7 good-faith efforts in achieving those goals. The
8 Department must adopt any rules that are necessary to
9 ensure compliance with the provisions of this item (3) and
10 that are necessary to require that the applicant's plan
11 reflects the diversity of this State.

12 (4) The applicant's production application indicates
13 whether the applicant intends to participate in training,
14 education, and recruitment programs that are organized in
15 cooperation with Illinois colleges and universities, labor
16 organizations, and the motion picture industry and are
17 designed to promote and encourage the training and hiring
18 of Illinois residents who represent the diversity of the
19 Illinois population.

20 (5) That, if not for the credit, the applicant's
21 production would not occur in Illinois, which may be
22 demonstrated by any means including, but not limited to,
23 evidence that the applicant has multi-state or
24 international location options and could reasonably and
25 efficiently locate outside of the State, or demonstration
26 that at least one other state or nation is being considered

1 for the production, or evidence that the receipt of the
2 credit is a major factor in the applicant's decision and
3 that without the credit the applicant likely would not
4 create or retain jobs in Illinois, or demonstration that
5 receiving the credit is essential to the applicant's
6 decision to create or retain new jobs in the State.

7 (6) Awarding the credit will result in an overall
8 positive impact to the State, as determined by the
9 Department using the best available data.

10 (b) If any of the provisions in this Section conflict with
11 any existing collective bargaining agreements, the terms and
12 conditions of those collective bargaining agreements shall
13 control.

14 (Source: P.A. 100-391, eff. 8-25-17.)

15 (35 ILCS 16/45)

16 Sec. 45. Evaluation of tax credit program; reports to the
17 General Assembly.

18 (a) The Department shall evaluate the tax credit program.
19 The evaluation must include an assessment of the effectiveness
20 of the program in creating and retaining new jobs in Illinois
21 and of the revenue impact of the program, and may include a
22 review of the practices and experiences of other states or
23 nations with similar programs. Upon completion of this
24 evaluation, the Department shall determine the overall success
25 of the program, and may make a recommendation to extend,

1 modify, or not extend the program based on this evaluation.

2 (b) At the end of each fiscal quarter, the Department must
3 submit to the General Assembly a report that includes, without
4 limitation, the following information:

5 (1) the economic impact of the tax credit program,
6 including the number of jobs created and retained,
7 including whether the job positions are entry level,
8 management, talent-related, vendor-related, or
9 production-related;

10 (2) the amount of film production spending brought to
11 Illinois, including the amount of spending and type of
12 Illinois vendors hired in connection with an accredited
13 production; and

14 (3) an overall picture of whether the human
15 infrastructure of the motion picture industry in Illinois
16 reflects the geographical, racial and ethnic, gender, and
17 income-level diversity of the State of Illinois.

18 (c) At the end of each fiscal year, the Department must
19 submit to the General Assembly a report that includes the
20 following information:

21 (1) an identification of each vendor that provided
22 goods or services that were included in an accredited
23 production's Illinois production spending, provided that
24 the accredited production's Illinois production spending
25 attributable to that vendor exceeds, in the aggregate,
26 \$10,000 or 10% of the accredited production's Illinois

1 production spending, whichever is less;

2 (2) the amount paid to each identified vendor by the
3 accredited production;

4 (3) for each identified vendor, a statement as to
5 whether the vendor is a minority-owned business or a
6 women-owned business, as defined under Section 2 of the
7 Business Enterprise for Minorities, Women, Veterans, and
8 Persons with Disabilities Act, based on the best efforts of
9 an accredited production; and

10 (4) a description of any steps taken by the Department
11 to encourage accredited productions to use vendors who are
12 a minority-owned business or a women-owned business.

13 (Source: P.A. 100-391, eff. 8-25-17; 100-603, eff. 7-13-18;
14 revised 7-31-18.)

15 Section 120. The Live Theater Production Tax Credit Act is
16 amended by changing Sections 10-30 and 10-50 as follows:

17 (35 ILCS 17/10-30)

18 Sec. 10-30. Review of application for accredited theater
19 production certificate.

20 (a) The Department shall issue an accredited theater
21 production certificate to an applicant if it finds that by a
22 preponderance the following conditions exist:

23 (1) the applicant intends to make the expenditure in
24 the State required for certification of the accredited

1 theater production;

2 (2) the applicant's accredited theater production is
3 economically sound and will benefit the people of the State
4 of Illinois by increasing opportunities for employment and
5 will strengthen the economy of Illinois;

6 (3) the following requirements related to the
7 implementation of a diversity plan have been met: (i) the
8 applicant has filed with the Department a diversity plan
9 outlining specific goals for hiring Illinois labor
10 expenditure eligible minority persons and women, as
11 defined in the Business Enterprise for Minorities, Women,
12 Veterans, and Persons with Disabilities Act, and for using
13 vendors receiving certification under the Business
14 Enterprise for Minorities, Women, Veterans, and Persons
15 with Disabilities Act; (ii) the Department has approved the
16 plan as meeting the requirements established by the
17 Department and verified that the applicant has met or made
18 good faith efforts in achieving those goals; and (iii) the
19 Department has adopted any rules that are necessary to
20 ensure compliance with the provisions set forth in this
21 paragraph and necessary to require that the applicant's
22 plan reflects the diversity of the population of this
23 State;

24 (4) the applicant's accredited theater production
25 application indicates whether the applicant intends to
26 participate in training, education, and recruitment

1 programs that are organized in cooperation with Illinois
2 colleges and universities, labor organizations, and the
3 holders of accredited theater production certificates and
4 are designed to promote and encourage the training and
5 hiring of Illinois residents who represent the diversity of
6 Illinois;

7 (5) if not for the tax credit award, the applicant's
8 accredited theater production would not occur in Illinois,
9 which may be demonstrated by any means, including, but not
10 limited to, evidence that: (i) the applicant, presenter,
11 owner, or licensee of the production rights has other state
12 or international location options at which to present the
13 production and could reasonably and efficiently locate
14 outside of the State, (ii) at least one other state or
15 nation could be considered for the production, (iii) the
16 receipt of the tax award credit is a major factor in the
17 decision of the applicant, presenter, production owner or
18 licensee as to where the production will be presented and
19 that without the tax credit award the applicant likely
20 would not create or retain jobs in Illinois, or (iv)
21 receipt of the tax credit award is essential to the
22 applicant's decision to create or retain new jobs in the
23 State; and

24 (6) the tax credit award will result in an overall
25 positive impact to the State, as determined by the
26 Department using the best available data.

1 (b) If any of the provisions in this Section conflict with
2 any existing collective bargaining agreements, the terms and
3 conditions of those collective bargaining agreements shall
4 control.

5 (c) The Department shall act expeditiously regarding
6 approval of applications for accredited theater production
7 certificates so as to accommodate the pre-production work,
8 booking, commencement of ticket sales, determination of
9 performance dates, load in, and other matters relating to the
10 live theater productions for which approval is sought.

11 (Source: P.A. 100-391, eff. 8-25-17.)

12 (35 ILCS 17/10-50)

13 Sec. 10-50. Live theater tax credit award program
14 evaluation and reports.

15 (a) The Department's live theater tax credit award
16 evaluation must include:

17 (i) an assessment of the effectiveness of the program
18 in creating and retaining new jobs in Illinois;

19 (ii) an assessment of the revenue impact of the
20 program;

21 (iii) in the discretion of the Department, a review of
22 the practices and experiences of other states or nations
23 with similar programs; and

24 (iv) an assessment of the overall success of the
25 program. The Department may make a recommendation to

1 extend, modify, or not extend the program based on the
2 evaluation.

3 (b) At the end of each fiscal quarter, the Department shall
4 submit to the General Assembly a report that includes, without
5 limitation:

6 (i) an assessment of the economic impact of the
7 program, including the number of jobs created and retained,
8 and whether the job positions are entry level, management,
9 vendor, or production related;

10 (ii) the amount of accredited theater production
11 spending brought to Illinois, including the amount of
12 spending and type of Illinois vendors hired in connection
13 with an accredited theater production; and

14 (iii) a determination of whether those receiving
15 qualifying Illinois labor expenditure salaries or wages
16 reflect the geographical, racial and ethnic, gender, and
17 income level diversity of the State of Illinois.

18 (c) At the end of each fiscal year, the Department shall
19 submit to the General Assembly a report that includes, without
20 limitation:

21 (i) the identification of each vendor that provided
22 goods or services that were included in an accredited
23 theater production's Illinois production spending;

24 (ii) a statement of the amount paid to each identified
25 vendor by the accredited theater production and whether the
26 vendor is a minority-owned or women-owned business as

1 defined in Section 2 of the Business Enterprise for
2 Minorities, Women, Veterans, and Persons with Disabilities
3 Act; and

4 (iii) a description of the steps taken by the
5 Department to encourage accredited theater productions to
6 use vendors who are minority-owned or women-owned
7 businesses.

8 (Source: P.A. 100-391, eff. 8-25-17.)

9 Section 125. The Illinois Pension Code is amended by
10 changing Sections 1-109.1, 1-113.21, and 1-113.22 as follows:

11 (40 ILCS 5/1-109.1) (from Ch. 108 1/2, par. 1-109.1)

12 Sec. 1-109.1. Allocation and delegation of fiduciary
13 duties.

14 (1) Subject to the provisions of Section 22A-113 of this
15 Code and subsections (2) and (3) of this Section, the board of
16 trustees of a retirement system or pension fund established
17 under this Code may:

18 (a) Appoint one or more investment managers as
19 fiduciaries to manage (including the power to acquire and
20 dispose of) any assets of the retirement system or pension
21 fund; and

22 (b) Allocate duties among themselves and designate
23 others as fiduciaries to carry out specific fiduciary
24 activities other than the management of the assets of the

1 retirement system or pension fund.

2 (2) The board of trustees of a pension fund established
3 under Article 5, 6, 8, 9, 10, 11, 12 or 17 of this Code may not
4 transfer its investment authority, nor transfer the assets of
5 the fund to any other person or entity for the purpose of
6 consolidating or merging its assets and management with any
7 other pension fund or public investment authority, unless the
8 board resolution authorizing such transfer is submitted for
9 approval to the contributors and pensioners of the fund at
10 elections held not less than 30 days after the adoption of such
11 resolution by the board, and such resolution is approved by a
12 majority of the votes cast on the question in both the
13 contributors election and the pensioners election. The
14 election procedures and qualifications governing the election
15 of trustees shall govern the submission of resolutions for
16 approval under this paragraph, insofar as they may be made
17 applicable.

18 (3) Pursuant to subsections (h) and (i) of Section 6 of
19 Article VII of the Illinois Constitution, the investment
20 authority of boards of trustees of retirement systems and
21 pension funds established under this Code is declared to be a
22 subject of exclusive State jurisdiction, and the concurrent
23 exercise by a home rule unit of any power affecting such
24 investment authority is hereby specifically denied and
25 preempted.

26 (4) For the purposes of this Code, "emerging investment

1 manager" means a qualified investment adviser that manages an
2 investment portfolio of at least \$10,000,000 but less than
3 \$10,000,000,000 and is a "minority-owned business",
4 "women-owned business", "veteran-owned business", or "business
5 owned by a person with a disability" as those terms are defined
6 in the Business Enterprise for Minorities, Women, Veterans, and
7 Persons with Disabilities Act.

8 It is hereby declared to be the public policy of the State
9 of Illinois to encourage the trustees of public employee
10 retirement systems, pension funds, and investment boards to use
11 emerging investment managers in managing their system's
12 assets, encompassing all asset classes, and increase the
13 racial, ethnic, and gender diversity of its fiduciaries, to the
14 greatest extent feasible within the bounds of financial and
15 fiduciary prudence, and to take affirmative steps to remove any
16 barriers to the full participation in investment opportunities
17 afforded by those retirement systems, pension funds, and
18 investment boards.

19 A ~~On or before January 1, 2010,~~ a retirement system,
20 pension fund, or investment board subject to this Code, except
21 those whose investments are restricted by Section 1-113.2 of
22 this Code, shall adopt a policy that sets forth goals for
23 utilization of emerging investment managers. This policy shall
24 include quantifiable goals for the management of assets in
25 specific asset classes by emerging investment managers. The
26 retirement system, pension fund, or investment board shall

1 establish ~~4~~ ³ separate goals for: (i) emerging investment
2 managers that are minority-owned businesses; (ii) emerging
3 investment managers that are women-owned businesses; ~~and~~ (iii)
4 emerging investment managers that are veteran-owned
5 businesses; and (iv) emerging investment managers that are
6 businesses owned by a person with a disability. The goals
7 established shall be based on the percentage of total dollar
8 amount of investment service contracts let to minority-owned
9 businesses, women-owned businesses, veteran-owned businesses,
10 and businesses owned by a person with a disability, as those
11 terms are defined in the Business Enterprise for Minorities,
12 Women, Veterans, and Persons with Disabilities Act. The
13 retirement system, pension fund, or investment board shall
14 annually review the goals established under this subsection.

15 If in any case an emerging investment manager meets the
16 criteria established by a board for a specific search and meets
17 the criteria established by a consultant for that search, then
18 that emerging investment manager shall receive an invitation by
19 the board of trustees, or an investment committee of the board
20 of trustees, to present his or her firm for final consideration
21 of a contract. In the case where multiple emerging investment
22 managers meet the criteria of this Section, the staff may
23 choose the most qualified firm or firms to present to the
24 board.

25 The use of an emerging investment manager does not
26 constitute a transfer of investment authority for the purposes

1 of subsection (2) of this Section.

2 (5) Each retirement system, pension fund, or investment
3 board subject to this Code, except those whose investments are
4 restricted by Section 1-113.2 of this Code, shall establish a
5 policy that sets forth goals for increasing the racial, ethnic,
6 and gender diversity of its fiduciaries, including its
7 consultants and senior staff. Each retirement system, pension
8 fund, or investment board shall make its best efforts to ensure
9 that the racial and ethnic makeup of its senior administrative
10 staff represents the racial and ethnic makeup of its
11 membership. Each system, fund, and investment board shall
12 annually review the goals established under this subsection.

13 (6) ~~A~~ ~~On or before January 1, 2010,~~ a retirement system,
14 pension fund, or investment board subject to this Code, except
15 those whose investments are restricted by Section 1-113.2 of
16 this Code, shall adopt a policy that sets forth goals for
17 utilization of businesses owned by minorities, women,
18 veterans, and persons with disabilities for all contracts and
19 services. The goals established shall be based on the
20 percentage of total dollar amount of all contracts let to
21 minority-owned businesses, women-owned businesses,
22 veteran-owned businesses, and businesses owned by a person with
23 a disability, as those terms are defined in the Business
24 Enterprise for Minorities, Women, Veterans, and Persons with
25 Disabilities Act. The retirement system, pension fund, or
26 investment board shall annually review the goals established

1 under this subsection.

2 (7) ~~A On or before January 1, 2010,~~ a retirement system,
3 pension fund, or investment board subject to this Code, except
4 those whose investments are restricted by Section 1-113.2 of
5 this Code, shall adopt a policy that sets forth goals for
6 increasing the utilization of minority broker-dealers. For the
7 purposes of this Code, "minority broker-dealer" means a
8 qualified broker-dealer who meets the definition of
9 "minority-owned business", "women-owned business",
10 "veteran-owned businesses", or "business owned by a person with
11 a disability", as those terms are defined in the Business
12 Enterprise for Minorities, Women, Veterans, and Persons with
13 Disabilities Act. The retirement system, pension fund, or
14 investment board shall annually review the goals established
15 under this Section.

16 (8) Each retirement system, pension fund, and investment
17 board subject to this Code, except those whose investments are
18 restricted by Section 1-113.2 of this Code, shall submit a
19 report to the Governor and the General Assembly by January 1 of
20 each year that includes the following: (i) the policy adopted
21 under subsection (4) of this Section, including the names and
22 addresses of the emerging investment managers used, percentage
23 of the assets under the investment control of emerging
24 investment managers for the 4 ~~3~~ separate goals, and the actions
25 it has undertaken to increase the use of emerging investment
26 managers, including encouraging other investment managers to

1 use emerging investment managers as subcontractors when the
2 opportunity arises; (ii) the policy adopted under subsection
3 (5) of this Section; (iii) the policy adopted under subsection
4 (6) of this Section; (iv) the policy adopted under subsection
5 (7) of this Section, including specific actions undertaken to
6 increase the use of minority broker-dealers; and (v) the policy
7 adopted under subsection (9) of this Section.

8 (9) ~~A~~ ~~On or before February 1, 2015,~~ a retirement system,
9 pension fund, or investment board subject to this Code, except
10 those whose investments are restricted by Section 1-113.2 of
11 this Code, shall adopt a policy that sets forth goals for
12 increasing the utilization of minority investment managers.
13 For the purposes of this Code, "minority investment manager"
14 means a qualified investment manager that manages an investment
15 portfolio and meets the definition of "minority-owned
16 business", "women-owned business", "veteran-owned business",
17 or "business owned by a person with a disability", as those
18 terms are defined in the Business Enterprise for Minorities,
19 Women, Veterans, and Persons with Disabilities Act.

20 It is hereby declared to be the public policy of the State
21 of Illinois to encourage the trustees of public employee
22 retirement systems, pension funds, and investment boards to use
23 minority investment managers in managing their systems'
24 assets, encompassing all asset classes, and to increase the
25 racial, ethnic, and gender diversity of their fiduciaries, to
26 the greatest extent feasible within the bounds of financial and

1 fiduciary prudence, and to take affirmative steps to remove any
2 barriers to the full participation in investment opportunities
3 afforded by those retirement systems, pension funds, and
4 investment boards.

5 The retirement system, pension fund, or investment board
6 shall establish 4 ~~3~~ separate goals for: (i) minority investment
7 managers that are minority-owned businesses; (ii) minority
8 investment managers that are women-owned businesses; ~~and~~ (iii)
9 minority investment managers that are veteran-owned
10 businesses; and (iv) minority investment managers that are
11 businesses owned by a person with a disability. The retirement
12 system, pension fund, or investment board shall annually review
13 the goals established under this Section.

14 If in any case a minority investment manager meets the
15 criteria established by a board for a specific search and meets
16 the criteria established by a consultant for that search, then
17 that minority investment manager shall receive an invitation by
18 the board of trustees, or an investment committee of the board
19 of trustees, to present his or her firm for final consideration
20 of a contract. In the case where multiple minority investment
21 managers meet the criteria of this Section, the staff may
22 choose the most qualified firm or firms to present to the
23 board.

24 The use of a minority investment manager does not
25 constitute a transfer of investment authority for the purposes
26 of subsection (2) of this Section.

1 (10) ~~It Beginning January 1, 2016, it~~ shall be the
2 aspirational goal for a retirement system, pension fund, or
3 investment board subject to this Code to use emerging
4 investment managers for not less than 20% of the total funds
5 under management. Furthermore, it shall be the aspirational
6 goal that not less than 20% of investment advisors be
7 minorities, women, veterans, and persons with disabilities as
8 those terms are defined in the Business Enterprise for
9 Minorities, Women, Veterans, and Persons with Disabilities
10 Act. It shall be the aspirational goal to utilize businesses
11 owned by minorities, women, veterans, and persons with
12 disabilities for not less than 20% of contracts awarded for
13 "information technology services", "accounting services",
14 "insurance brokers", "architectural and engineering services",
15 and "legal services" as those terms are defined in the Act.

16 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17;
17 100-902, eff. 8-17-18.)

18 (40 ILCS 5/1-113.21)

19 Sec. 1-113.21. Contracts for services.

20 (a) ~~No Beginning January 1, 2015, no~~ contract, oral or
21 written, for investment services, consulting services, or
22 commitment to a private market fund shall be awarded by a
23 retirement system, pension fund, or investment board
24 established under this Code unless the investment advisor,
25 consultant, or private market fund first discloses:

1 (1) the number of its investment and senior staff and
2 the percentage of its investment and senior staff who are
3 (i) a minority person, (ii) a woman, and (iii) a person
4 with a disability; and

5 (2) the number of contracts, oral or written, for
6 investment services, consulting services, and professional
7 and artistic services that the investment advisor,
8 consultant, or private market fund has with (i) a
9 minority-owned business, (ii) a women-owned business, ~~or~~
10 (iii) a business owned by a person with a disability, or
11 (iv) a veteran-owned business; and

12 (3) the number of contracts, oral or written, for
13 investment services, consulting services, and professional
14 and artistic services the investment advisor, consultant,
15 or private market fund has with a business other than (i) a
16 minority-owned business, (ii) a women-owned business, ~~or~~
17 (iii) a business owned by a person with a disability, or
18 (iv) a veteran-owned business, if more than 50% of services
19 performed pursuant to the contract are performed by (i) a
20 minority person, (ii) a woman, ~~and~~ (iii) a person with a
21 disability, and (iv) a veteran.

22 (b) The disclosures required by this Section shall be
23 considered, within the bounds of financial and fiduciary
24 prudence, prior to the awarding of a contract, oral or written,
25 for investment services, consulting services, or commitment to
26 a private market fund.

1 (c) For the purposes of this Section, the terms "minority
2 person", "woman", "veteran", "person with a disability",
3 "minority-owned business", "women-owned business",
4 "veteran-owned business", and "business owned by a person with
5 a disability" have the same meaning as those terms have in the
6 Business Enterprise for Minorities, Women, Veterans, and
7 Persons with Disabilities Act.

8 (d) For purposes of this Section, the term "private market
9 fund" means any private equity fund, private equity fund of
10 funds, venture capital fund, hedge fund, hedge fund of funds,
11 real estate fund, or other investment vehicle that is not
12 publicly traded.

13 (Source: P.A. 100-391, eff. 8-25-17.)

14 (40 ILCS 5/1-113.22)

15 Sec. 1-113.22. Required disclosures from consultants;
16 minority-owned businesses, women-owned businesses,
17 veteran-owned businesses, and businesses owned by persons with
18 a disability.

19 (a) No later than January 1, 2018 and each January 1
20 thereafter, each consultant retained by the board of a
21 retirement system, board of a pension fund, or investment board
22 shall disclose to that board of the retirement system, board of
23 the pension fund, or investment board:

24 (1) the total number of searches for investment
25 services made by the consultant in the prior calendar year;

1 (2) the total number of searches for investment
2 services made by the consultant in the prior calendar year
3 that included (i) a minority-owned business, (ii) a
4 women-owned business, ~~or~~ (iii) a business owned by a person
5 with a disability, or (iv) a veteran-owned business;

6 (3) the total number of searches for investment
7 services made by the consultant in the prior calendar year
8 in which the consultant recommended for selection (i) a
9 minority-owned business, (ii) a women-owned business, ~~or~~
10 (iii) a business owned by a person with a disability, or
11 (iv) a veteran-owned business;

12 (4) the total number of searches for investment
13 services made by the consultant in the prior calendar year
14 that resulted in the selection of (i) a minority-owned
15 business, (ii) a women-owned business, ~~or~~ (iii) a business
16 owned by a person with a disability, or (iv) a
17 veteran-owned business; and

18 (5) the total dollar amount of investment made in the
19 previous calendar year with (i) a minority-owned business,
20 (ii) a women-owned business, ~~or~~ (iii) a business owned by a
21 person with a disability, or (iv) a veteran-owned business
22 that was selected after a search for investment services
23 performed by the consultant.

24 (b) ~~No Beginning January 1, 2018, no~~ contract, oral or
25 written, for consulting services shall be awarded by a board of
26 a retirement system, a board of a pension fund, or an

1 investment board without first requiring the consultant to make
2 the disclosures required in subsection (a) of this Section.

3 (c) The disclosures required by subsection (b) of this
4 Section shall be considered, within the bounds of financial and
5 fiduciary prudence, prior to the awarding of a contract, oral
6 or written, for consulting services.

7 (d) As used in this Section, the terms "minority person",
8 "woman", "veteran", "person with a disability",
9 "minority-owned business", "women-owned business",
10 "veteran-owned business", and "business owned by a person with
11 a disability" have the same meaning as those terms have in the
12 Business Enterprise for Minorities, Women, Veterans, and
13 Persons with Disabilities Act.

14 (Source: P.A. 100-542, eff. 11-8-17; 100-863, eff. 8-14-18.)

15 Section 130. The Counties Code is amended by changing
16 Section 5-1134 as follows:

17 (55 ILCS 5/5-1134)

18 Sec. 5-1134. Project labor agreements.

19 (a) Any sports, arts, or entertainment facilities that
20 receive revenue from a tax imposed under subsection (b) of
21 Section 5-1030 of this Code shall be considered to be public
22 works within the meaning of the Prevailing Wage Act. The county
23 authorities responsible for the construction, renovation,
24 modification, or alteration of the sports, arts, or

1 entertainment facilities shall enter into project labor
2 agreements with labor organizations as defined in the National
3 Labor Relations Act to assure that no labor dispute interrupts
4 or interferes with the construction, renovation, modification,
5 or alteration of the projects.

6 (b) The project labor agreements must include the
7 following:

8 (1) provisions establishing the minimum hourly wage
9 for each class of labor organization employees;

10 (2) provisions establishing the benefits and other
11 compensation for such class of labor organization; and

12 (3) provisions establishing that no strike or disputes
13 will be engaged in by the labor organization employees.

14 The county, taxing bodies, municipalities, and the labor
15 organizations shall have the authority to include other terms
16 and conditions as they deem necessary.

17 (c) The project labor agreement shall be filed with the
18 Director of the Illinois Department of Labor in accordance with
19 procedures established by the Department. At a minimum, the
20 project labor agreement must provide the names, addresses, and
21 occupations of the owner of the facilities and the individuals
22 representing the labor organization employees participating in
23 the project labor agreement. The agreement must also specify
24 the terms and conditions required in subsection (b) of this
25 Section.

26 (d) In any agreement for the construction or rehabilitation

1 of a facility using revenue generated under subsection (b) of
2 Section 5-1030 of this Code, in connection with the
3 prequalification of general contractors for construction or
4 rehabilitation of the facility, it shall be required that a
5 commitment will be submitted detailing how the general
6 contractor will expend 15% or more of the aggregate dollar
7 value of the project as a whole with one or more minority-owned
8 businesses, women-owned businesses, veteran-owned businesses,
9 or businesses owned by a person with a disability, as these
10 terms are defined in Section 2 of the Business Enterprise for
11 Minorities, Women, Veterans, and Persons with Disabilities
12 Act.

13 (Source: P.A. 100-391, eff. 8-25-17.)

14 Section 135. The River Edge Redevelopment Zone Act is
15 amended by changing Section 10-5.3 as follows:

16 (65 ILCS 115/10-5.3)

17 Sec. 10-5.3. Certification of River Edge Redevelopment
18 Zones.

19 (a) Approval of designated River Edge Redevelopment Zones
20 shall be made by the Department by certification of the
21 designating ordinance. The Department shall promptly issue a
22 certificate for each zone upon its approval. The certificate
23 shall be signed by the Director of the Department, shall make
24 specific reference to the designating ordinance, which shall be

1 attached thereto, and shall be filed in the office of the
2 Secretary of State. A certified copy of the River Edge
3 Redevelopment Zone Certificate, or a duplicate original
4 thereof, shall be recorded in the office of the recorder of
5 deeds of the county in which the River Edge Redevelopment Zone
6 lies.

7 (b) A River Edge Redevelopment Zone shall be effective upon
8 its certification. The Department shall transmit a copy of the
9 certification to the Department of Revenue, and to the
10 designating municipality. Upon certification of a River Edge
11 Redevelopment Zone, the terms and provisions of the designating
12 ordinance shall be in effect, and may not be amended or
13 repealed except in accordance with Section 10-5.4.

14 (c) A River Edge Redevelopment Zone shall be in effect for
15 the period stated in the certificate, which shall in no event
16 exceed 30 calendar years. Zones shall terminate at midnight of
17 December 31 of the final calendar year of the certified term,
18 except as provided in Section 10-5.4.

19 (d) In calendar years 2006 and 2007, the Department may
20 certify one pilot River Edge Redevelopment Zone in the City of
21 East St. Louis, one pilot River Edge Redevelopment Zone in the
22 City of Rockford, and one pilot River Edge Redevelopment Zone
23 in the City of Aurora.

24 In calendar year 2009, the Department may certify one pilot
25 River Edge Redevelopment Zone in the City of Elgin.

26 On or after the effective date of this amendatory Act of

1 the 97th General Assembly, the Department may certify one
2 additional pilot River Edge Redevelopment Zone in the City of
3 Peoria.

4 Thereafter the Department may not certify any additional
5 River Edge Redevelopment Zones, but may amend and rescind
6 certifications of existing River Edge Redevelopment Zones in
7 accordance with Section 10-5.4, except that no River Edge
8 Redevelopment Zone may be extended on or after the effective
9 date of this amendatory Act of the 97th General Assembly. Each
10 River Edge Redevelopment Zone in existence on the effective
11 date of this amendatory Act of the 97th General Assembly shall
12 continue until its scheduled termination under this Act, unless
13 the Zone is decertified sooner. At the time of its term
14 expiration each River Edge Redevelopment Zone will become an
15 open enterprise zone, available for the previously designated
16 area or a different area to compete for designation as an
17 enterprise zone. No preference for designation as a Zone will
18 be given to the previously designated area.

19 (e) A municipality in which a River Edge Redevelopment Zone
20 has been certified must submit to the Department, within 60
21 days after the certification, a plan for encouraging the
22 participation by minority persons, women, persons with
23 disabilities, and veterans in the zone. The Department may
24 assist the municipality in developing and implementing the
25 plan. The terms "minority person", "woman", "veteran", and
26 "person with a disability" have the meanings set forth under

1 Section 2 of the Business Enterprise for Minorities, Women,
2 Veterans, and Persons with Disabilities Act. ~~"Veteran" means an~~
3 ~~Illinois resident who is a veteran as defined in subsection (h)~~
4 ~~of Section 1491 of Title 10 of the United States Code.~~

5 (Source: P.A. 100-391, eff. 8-25-17.)

6 Section 140. The Metropolitan Pier and Exposition
7 Authority Act is amended by changing Sections 10.2 and 23.1 as
8 follows:

9 (70 ILCS 210/10.2)

10 Sec. 10.2. Bonding disclosure.

11 (a) Truth in borrowing disclosure. Within 60 business days
12 after the issuance of any bonds under this Act, the Authority
13 shall disclose the total principal and interest payments to be
14 paid on the bonds over the full stated term of the bonds. The
15 disclosure also shall include principal and interest payments
16 to be made by each fiscal year over the full stated term of the
17 bonds and total principal and interest payments to be made by
18 each fiscal year on all other outstanding bonds issued under
19 this Act over the full stated terms of those bonds. These
20 disclosures shall be calculated assuming bonds are not redeemed
21 or refunded prior to their stated maturities. Amounts included
22 in these disclosures as payment of interest on variable rate
23 bonds shall be computed at an interest rate equal to the rate
24 at which the variable rate bonds are first set upon issuance,

1 plus 2.5%, after taking into account any credits permitted in
2 the related indenture or other instrument against the amount of
3 such interest for each fiscal year.

4 (b) Bond sale expenses disclosure. Within 60 business days
5 after the issuance of any bonds under this Act, the Authority
6 shall disclose all costs of issuance on each sale of bonds
7 under this Act. The disclosure shall include, as applicable,
8 the respective percentages of participation and compensation
9 of each underwriter that is a member of the underwriting
10 syndicate, legal counsel, financial advisors, and other
11 professionals for the bond issue and an identification of all
12 costs of issuance paid to minority-owned businesses,
13 women-owned businesses, veteran-owned businesses, and
14 businesses owned by persons with disabilities. The terms
15 "minority-owned businesses", "women-owned businesses",
16 "veteran-owned businesses", and "business owned by a person
17 with a disability" have the meanings given to those terms in
18 the Business Enterprise for Minorities, Women, Veterans, and
19 Persons with Disabilities Act. In addition, the Authority shall
20 provide copies of all contracts under which any costs of
21 issuance are paid or to be paid to the Commission on Government
22 Forecasting and Accountability within 60 business days after
23 the issuance of bonds for which those costs are paid or to be
24 paid. Instead of filing a second or subsequent copy of the same
25 contract, the Authority may file a statement that specified
26 costs are paid under specified contracts filed earlier with the

1 Commission.

2 (c) The disclosures required in this Section shall be
3 published by posting the disclosures for no less than 30 days
4 on the website of the Authority and shall be available to the
5 public upon request. The Authority shall also provide the
6 disclosures to the Governor's Office of Management and Budget,
7 the Commission on Government Forecasting and Accountability,
8 and the General Assembly.

9 (Source: P.A. 100-391, eff. 8-25-17.)

10 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

11 Sec. 23.1. Affirmative action.

12 (a) The Authority shall, within 90 days after the effective
13 date of this amendatory Act of 1984, establish and maintain an
14 affirmative action program designed to promote equal
15 employment opportunity and eliminate the effects of past
16 discrimination. Such program shall include a plan, including
17 timetables where appropriate, which shall specify goals and
18 methods for increasing participation by women, veterans, ~~and~~
19 minorities, and persons with disabilities in employment,
20 including employment related to the planning, organization,
21 and staging of the games, by the Authority and by parties which
22 contract with the Authority. The Authority shall submit a
23 detailed plan with the General Assembly prior to September 1 of
24 each year. Such program shall also establish procedures and
25 sanctions, which the Authority shall enforce to ensure

1 compliance with the plan established pursuant to this Section
2 and with State and federal laws and regulations relating to the
3 employment of women, veterans, and minorities, and persons with
4 disabilities. A determination by the Authority as to whether a
5 party to a contract with the Authority has achieved the goals
6 or employed the methods for increasing participation by women,
7 veterans, and minorities, and persons with disabilities shall
8 be determined in accordance with the terms of such contracts or
9 the applicable provisions of rules and regulations of the
10 Authority existing at the time such contract was executed,
11 including any provisions for consideration of good faith
12 efforts at compliance which the Authority may reasonably adopt.

13 (b) The Authority shall adopt and maintain minority-owned,
14 veteran-owned, and women-owned business, and persons with
15 disabilities-owned enterprise procurement programs under the
16 affirmative action program described in subsection (a) for any
17 and all work, including all contracting related to the
18 planning, organization, and staging of the games, undertaken by
19 the Authority. That work shall include, but is not limited to,
20 the purchase of professional services, construction services,
21 supplies, materials, and equipment. The programs shall
22 establish goals of awarding not less than 30% ~~25%~~ of the annual
23 dollar value of all contracts, purchase orders, or other
24 agreements (collectively referred to as "contracts") to
25 minority-owned businesses, woman-owned businesses,
26 veteran-owned businesses, and businesses owned by persons with

1 ~~disabilities and 5% of the annual dollar value of all contracts~~
2 ~~to women-owned businesses.~~ Without limiting the generality of
3 the foregoing, the programs shall require in connection with
4 the prequalification or consideration of vendors for
5 professional service contracts, construction contracts, and
6 contracts for supplies, materials, equipment, and services
7 that each proposer or bidder submit as part of his or her
8 proposal or bid a commitment detailing how he or she will
9 expend 30% ~~25%~~ or more of the dollar value of his or her
10 contracts with one or more minority-owned businesses,
11 woman-owned businesses, veteran-owned businesses, or
12 businesses owned by persons with disabilities ~~and 5% or more of~~
13 ~~the dollar value with one or more women-owned businesses.~~ Bids
14 or proposals that do not include such detailed commitments are
15 not responsive and shall be rejected unless the Authority deems
16 it appropriate to grant a waiver of these requirements. In
17 addition the Authority may, in connection with the selection of
18 providers of professional services, reserve the right to select
19 a minority-owned business, ~~or~~ women-owned business,
20 veteran-owned business, or business owned by a person with a
21 disability ~~or businesses~~ to fulfill the commitment to minority,
22 ~~and woman,~~ veteran, and person with a disability business
23 participation. The commitment to minority, ~~and woman,~~ veteran,
24 and person with a disability business participation may be met
25 by the contractor or professional service provider's status as
26 a minority-owned, ~~or~~ women-owned, or veteran-owned business or

1 a business owned by a person with a disability, by joint
2 venture or by subcontracting a portion of the work with or
3 purchasing materials for the work from one or more such
4 businesses, or by any combination thereof. Each contract shall
5 require the contractor or provider to submit a certified
6 monthly report detailing the status of that contractor or
7 provider's compliance with the Authority's minority-owned, ~~and~~
8 women-owned, veteran-owned, and persons with a
9 disability-owned business enterprise procurement program. The
10 Authority, after reviewing the monthly reports of the
11 contractors and providers, shall compile a comprehensive
12 report regarding compliance with this procurement program and
13 file it quarterly with the General Assembly. If, in connection
14 with a particular contract, the Authority determines that it is
15 impracticable or excessively costly to obtain minority-owned,
16 ~~or~~ women-owned, veteran-owned, and persons with a
17 disability-owned businesses to perform sufficient work to
18 fulfill the commitment required by this subsection, the
19 Authority shall reduce or waive the commitment in the contract,
20 as may be appropriate. The Authority shall establish rules and
21 regulations setting forth the standards to be used in
22 determining whether or not a reduction or waiver is
23 appropriate. The terms "minority-owned business", ~~and~~
24 "women-owned business", "veteran-owned business", and
25 "business owned by a person with a disability" have the
26 meanings given to those terms in the Business Enterprise for

1 Minorities, Women, Veterans, and Persons with Disabilities
2 Act.

3 (c) The Authority shall adopt and maintain an affirmative
4 action program in connection with the hiring of minorities, ~~and~~
5 women, veterans, and persons with a disability on the Expansion
6 Project and on any and all construction projects, including all
7 contracting related to the planning, organization, and staging
8 of the games, undertaken by the Authority. The program shall be
9 designed to promote equal employment opportunity and shall
10 specify the goals and methods for increasing the participation
11 of minorities, ~~and~~ women, veterans, and persons with a
12 disability in a representative mix of job classifications
13 required to perform the respective contracts awarded by the
14 Authority.

15 (d) In connection with the Expansion Project, the Authority
16 shall incorporate the following elements into its
17 minority-owned, ~~and~~ women-owned, veteran-owned, and persons
18 with a disability-owned business procurement programs to the
19 extent feasible: (1) a major contractors program that permits
20 minority-owned businesses, ~~and~~ women-owned businesses,
21 veteran-owned businesses, and businesses owned by a person with
22 a disability to bear significant responsibility and risk for a
23 portion of the project; (2) a mentor/protege program that
24 provides financial, technical, managerial, equipment, and
25 personnel support to minority-owned businesses, ~~and~~
26 women-owned businesses, veteran-owned businesses, and

1 businesses owned by a person with a disability; (3) an emerging
2 firms program that includes minority-owned businesses, ~~and~~
3 women-owned businesses, veteran-owned businesses, and
4 businesses owned by a person with a disability that would not
5 otherwise qualify for the project due to inexperience or
6 limited resources; (4) a small projects program that includes
7 participation by smaller minority-owned businesses, ~~and~~
8 women-owned businesses, veteran-owned businesses, and
9 businesses owned by a person with a disability on jobs where
10 the total dollar value is \$5,000,000 or less; and (5) a
11 set-aside program that will identify contracts requiring the
12 expenditure of funds less than \$50,000 for bids to be submitted
13 solely by minority-owned businesses, ~~and~~ women-owned
14 businesses, veteran-owned businesses, and businesses owned by
15 a person with a disability.

16 (e) The Authority is authorized to enter into agreements
17 with contractors' associations, labor unions, and the
18 contractors working on the Expansion Project to establish an
19 Apprenticeship Preparedness Training Program to provide for an
20 increase in the number of minority, ~~and~~ women, veteran, and
21 persons with a disability journeymen and apprentices in the
22 building trades and to enter into agreements with Community
23 College District 508 to provide readiness training. The
24 Authority is further authorized to enter into contracts with
25 public and private educational institutions and persons in the
26 hospitality industry to provide training for employment in the

1 hospitality industry.

2 (f) McCormick Place Advisory Board. There is created a
3 McCormick Place Advisory Board composed as follows: 2 members
4 shall be appointed by the Mayor of Chicago; 2 members shall be
5 appointed by the Governor; 2 members shall be State Senators
6 appointed by the President of the Senate; 2 members shall be
7 State Senators appointed by the Minority Leader of the Senate;
8 2 members shall be State Representatives appointed by the
9 Speaker of the House of Representatives; and 2 members shall be
10 State Representatives appointed by the Minority Leader of the
11 House of Representatives. The terms of all previously appointed
12 members of the Advisory Board expire on the effective date of
13 this amendatory Act of the 92nd General Assembly. A State
14 Senator or State Representative member may appoint a designee
15 to serve on the McCormick Place Advisory Board in his or her
16 absence.

17 "Minority person", "woman", "veteran", "person with a
18 disability", "minority-owned business", "women-owned
19 business", "veteran-owned business", and "business owned by a
20 person with a disability" have the meanings provided in the
21 Business Enterprise and Minorities, Women, Veterans, and
22 Persons with Disabilities Act.

23 ~~A "member of a minority group" shall mean a person who is a~~
24 ~~citizen or lawful permanent resident of the United States and~~
25 ~~who is any of the following:~~

26 ~~(1) American Indian or Alaska Native (a person having~~

1 ~~origins in any of the original peoples of North and South~~
2 ~~America, including Central America, and who maintains~~
3 ~~tribal affiliation or community attachment).~~

4 ~~(2) Asian (a person having origins in any of the~~
5 ~~original peoples of the Far East, Southeast Asia, or the~~
6 ~~Indian subcontinent, including, but not limited to,~~
7 ~~Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,~~
8 ~~the Philippine Islands, Thailand, and Vietnam).~~

9 ~~(3) Black or African American (a person having origins~~
10 ~~in any of the black racial groups of Africa). Terms such as~~
11 ~~"Haitian" or "Negro" can be used in addition to "Black or~~
12 ~~African American".~~

13 ~~(4) Hispanic or Latino (a person of Cuban, Mexican,~~
14 ~~Puerto Rican, South or Central American, or other Spanish~~
15 ~~culture or origin, regardless of race).~~

16 ~~(5) Native Hawaiian or Other Pacific Islander (a person~~
17 ~~having origins in any of the original peoples of Hawaii,~~
18 ~~Guam, Samoa, or other Pacific Islands).~~

19 Members of the McCormick Place Advisory Board shall serve
20 2-year terms and until their successors are appointed, except
21 members who serve as a result of their elected position whose
22 terms shall continue as long as they hold their designated
23 elected positions. Vacancies shall be filled by appointment for
24 the unexpired term in the same manner as original appointments
25 are made. The McCormick Place Advisory Board shall elect its
26 own chairperson.

1 Members of the McCormick Place Advisory Board shall serve
2 without compensation but, at the Authority's discretion, shall
3 be reimbursed for necessary expenses in connection with the
4 performance of their duties.

5 The McCormick Place Advisory Board shall meet quarterly, or
6 as needed, shall produce any reports it deems necessary, and
7 shall:

8 (1) Work with the Authority on ways to improve the area
9 physically and economically;

10 (2) Work with the Authority regarding potential means
11 for providing increased economic opportunities to
12 minorities and women produced indirectly or directly from
13 the construction and operation of the Expansion Project;

14 (3) Work with the Authority to minimize any potential
15 impact on the area surrounding the McCormick Place
16 Expansion Project, including any impact on minority-owned
17 or women-owned businesses, resulting from the construction
18 and operation of the Expansion Project;

19 (4) Work with the Authority to find candidates for
20 building trades apprenticeships, for employment in the
21 hospitality industry, and to identify job training
22 programs;

23 (5) Work with the Authority to implement the provisions
24 of subsections (a) through (e) of this Section in the
25 construction of the Expansion Project, including the
26 Authority's goal of awarding not less than 30% ~~25%~~ and ~~5%~~

1 of the annual dollar value of contracts to minority-owned
2 businesses, and women-owned businesses, veteran-owned
3 businesses, and businesses owned by persons with a
4 disability, the outreach program for minorities, ~~and~~
5 women, veterans, and persons with a disability, and the
6 mentor/protege program for providing assistance to
7 minority-owned businesses, and women-owned businesses,
8 veteran-owned businesses, and businesses owned by persons
9 with a disability.

10 (g) The Authority shall comply with subsection (e) of
11 Section 5-42 of the Olympic Games and Paralympic Games (2016)
12 Law. For purposes of this Section, the term "games" has the
13 meaning set forth in the Olympic Games and Paralympic Games
14 (2016) Law.

15 (Source: P.A. 100-391, eff. 8-25-17.)

16 Section 145. The Illinois Sports Facilities Authority Act
17 is amended by changing Section 9 as follows:

18 (70 ILCS 3205/9) (from Ch. 85, par. 6009)

19 Sec. 9. Duties. In addition to the powers set forth
20 elsewhere in this Act, subject to the terms of any agreements
21 with the holders of the Authority's bonds or notes, the
22 Authority shall:

23 (1) Comply with all zoning, building, and land use
24 controls of the municipality within which is located any

1 stadium facility owned by the Authority or for which the
2 Authority provides financial assistance.

3 (2) With respect to a facility owned or to be owned by
4 the Authority, enter or have entered into a management
5 agreement with a tenant of the Authority to operate the
6 facility that requires the tenant to operate the facility
7 for a period at least as long as the term of any bonds
8 issued to finance the development, establishment,
9 construction, erection, acquisition, repair,
10 reconstruction, remodeling, adding to, extension,
11 improvement, equipping, operation, and maintenance of the
12 facility. Such agreement shall contain appropriate and
13 reasonable provisions with respect to termination, default
14 and legal remedies.

15 (3) With respect to a facility owned or to be owned by
16 a governmental owner other than the Authority, enter into
17 an assistance agreement with either a governmental owner of
18 a facility or its tenant, or both, that requires the
19 tenant, or if the tenant is not a party to the assistance
20 agreement requires the governmental owner to enter into an
21 agreement with the tenant that requires the tenant to use
22 the facility for a period at least as long as the term of
23 any bonds issued to finance the reconstruction,
24 renovation, remodeling, extension or improvement of all or
25 substantially all of the facility.

26 (4) Create and maintain a separate financial reserve

1 for repair and replacement of capital assets of any
2 facility owned by the Authority or for which the Authority
3 provides financial assistance and deposit into this
4 reserve not less than \$1,000,000 per year for each such
5 facility beginning at such time as the Authority and the
6 tenant, or the Authority and a governmental owner of a
7 facility, as applicable, shall agree.

8 (5) In connection with prequalification of general
9 contractors for the construction of a new stadium facility
10 or the reconstruction, renovation, remodeling, extension,
11 or improvement of all or substantially all of an existing
12 facility, the Authority shall require submission of a
13 commitment detailing how the general contractor will
14 expend 30% ~~25%~~ or more of the dollar value of the general
15 contract with one or more minority-owned businesses,
16 women-owned businesses, veteran-owned businesses, and
17 businesses owned by persons with a disability ~~and 5% or~~
18 ~~more of the dollar value with one or more women owned~~
19 ~~businesses~~. This commitment may be met by contractor's
20 status as a minority-owned business, ~~businesses or~~
21 women-owned business businesses, veteran-owned business,
22 or business owned by a person with a disability, by a joint
23 venture or by subcontracting a portion of the work with or
24 by purchasing materials for the work from one or more such
25 businesses, or by any combination thereof. Any contract
26 with the general contractor for construction of the new

1 stadium facility and any contract for the reconstruction,
2 renovation, remodeling, adding to, extension or
3 improvement of all or substantially all of an existing
4 facility shall require the general contractor to meet the
5 foregoing obligations and shall require monthly reporting
6 to the Authority with respect to the status of the
7 implementation of the contractor's affirmative action plan
8 and compliance with that plan. This report shall be filed
9 with the General Assembly. The Authority shall establish
10 and maintain an affirmative action program designed to
11 promote equal employment opportunity which specifies the
12 goals and methods for increasing participation by
13 minorities and women in a representative mix of job
14 classifications required to perform the respective
15 contracts. The Authority shall file a report before March 1
16 of each year with the General Assembly detailing its
17 implementation of this paragraph. The terms
18 "minority-owned business ~~businesses~~", "women-owned
19 business ~~businesses~~", veteran-owned business, and
20 "business owned by a person with a disability" have the
21 meanings given to those terms in the Business Enterprise
22 for Minorities, Women, Veterans, and Persons with
23 Disabilities Act.

24 (6) Provide for the construction of any new facility
25 pursuant to one or more contracts which require delivery of
26 a completed facility at a fixed maximum price to be insured

1 or guaranteed by a third party determined by the Authority
2 to be financially capable of causing completion of such
3 construction of the new facility.

4 In connection with any assistance agreement with a
5 governmental owner that provides financial assistance for a
6 facility to be used by a National Football League team, the
7 assistance agreement shall provide that the Authority or its
8 agent shall enter into the contract or contracts for the design
9 and construction services or design/build services for such
10 facility and thereafter transfer its rights and obligations
11 under the contract or contracts to the governmental owner of
12 the facility. In seeking parties to provide design and
13 construction services or design/build services with respect to
14 such facility, the Authority may use such procurement
15 procedures as it may determine, including, without limitation,
16 the selection of design professionals and construction
17 managers or design/builders as may be required by a team that
18 is at risk, in whole or in part, for the cost of design and
19 construction of the facility.

20 An assistance agreement may not provide, directly or
21 indirectly, for the payment to the Chicago Park District of
22 more than a total of \$10,000,000 on account of the District's
23 loss of property or revenue in connection with the renovation
24 of a facility pursuant to the assistance agreement.

25 (Source: P.A. 100-391, eff. 8-25-17.)

1 Section 150. The Downstate Illinois Sports Facilities
2 Authority Act is amended by changing Section 40 as follows:

3 (70 ILCS 3210/40)

4 Sec. 40. Duties.

5 (a) In addition to the powers set forth elsewhere in this
6 Act, subject to the terms of any agreements with the holders of
7 the Authority's evidences of indebtedness, the Authority shall
8 do the following:

9 (1) Comply with all zoning, building, and land use
10 controls of the municipality within which is located any
11 stadium facility owned by the Authority or for which the
12 Authority provides financial assistance.

13 (2) Enter into a loan agreement with an owner of a
14 facility to finance the acquisition, construction,
15 maintenance, or rehabilitation of the facility. The
16 agreement shall contain appropriate and reasonable
17 provisions with respect to termination, default, and legal
18 remedies. The loan may be at below-market interest rates.

19 (3) Create and maintain a financial reserve for repair
20 and replacement of capital assets.

21 (b) In a loan agreement for the construction of a new
22 facility, in connection with prequalification of general
23 contractors for construction of the facility, the Authority
24 shall require that the owner of the facility require submission
25 of a commitment detailing how the general contractor will

1 expend 30% ~~25%~~ or more of the dollar value of the general
2 contract with one or more minority-owned businesses,
3 women-owned businesses, veteran-owned businesses, or
4 businesses owned by persons with a disability ~~and 5% or more of~~
5 ~~the dollar value with one or more women owned businesses~~. This
6 commitment may be met by contractor's status as a
7 minority-owned business, ~~businesses or~~ women-owned business,
8 ~~businesses, veteran-owned business, or a business owned by a~~
9 person with a disability by a joint venture, or by
10 subcontracting a portion of the work with or by purchasing
11 materials for the work from one or more such businesses, or by
12 any combination thereof. Any contract with the general
13 contractor for construction of the new facility shall require
14 the general contractor to meet the foregoing obligations and
15 shall require monthly reporting to the Authority with respect
16 to the status of the implementation of the contractor's
17 affirmative action plan and compliance with that plan. This
18 report shall be filed with the General Assembly. The Authority
19 shall require that the facility owner establish and maintain an
20 affirmative action program designed to promote equal
21 employment opportunity and that specifies the goals and methods
22 for increasing participation by minorities and women in a
23 representative mix of job classifications required to perform
24 the respective contracts. The Authority shall file a report
25 before March 1 of each year with the General Assembly detailing
26 its implementation of this subsection. The terms

1 "minority-owned businesses", ~~and~~ "women-owned businesses",
2 "veteran-owned business", and "business owned by persons with a
3 disability" have the meanings provided in the Business
4 Enterprise for Minorities, Women, Veterans, and Persons with
5 Disabilities Act.

6 (c) With respect to a facility owned or to be owned by the
7 Authority, enter or have entered into a management agreement
8 with a tenant of the Authority to operate the facility that
9 requires the tenant to operate the facility for a period at
10 least as long as the term of any bonds issued to finance the
11 development, establishment, construction, erection,
12 acquisition, repair, reconstruction, remodeling, adding to,
13 extension, improvement, equipping, operation, and maintenance
14 of the facility. Such agreement shall contain appropriate and
15 reasonable provisions with respect to termination, default,
16 and legal remedies.

17 (Source: P.A. 100-391, eff. 8-25-17.)

18 Section 155. The Metropolitan Transit Authority Act is
19 amended by changing Section 12c as follows:

20 (70 ILCS 3605/12c)

21 Sec. 12c. Retiree Benefits Bonds and Notes.

22 (a) In addition to all other bonds or notes that it is
23 authorized to issue, the Authority is authorized to issue its
24 bonds or notes for the purposes of providing funds for the

1 Authority to make the deposits described in Section 12c(b) (1)
2 and (2), for refunding any bonds authorized to be issued under
3 this Section, as well as for the purposes of paying costs of
4 issuance, obtaining bond insurance or other credit enhancement
5 or liquidity facilities, paying costs of obtaining related
6 swaps as authorized in the Bond Authorization Act ("Swaps"),
7 providing a debt service reserve fund, paying Debt Service (as
8 defined in paragraph (i) of this Section 12c), and paying all
9 other costs related to any such bonds or notes.

10 (b) (1) After its receipt of a certified copy of a report of
11 the Auditor General of the State of Illinois meeting the
12 requirements of Section 3-2.3 of the Illinois State Auditing
13 Act, the Authority may issue \$1,348,550,000 aggregate original
14 principal amount of bonds and notes. After payment of the costs
15 of issuance and necessary deposits to funds and accounts
16 established with respect to debt service, the net proceeds of
17 such bonds or notes shall be deposited only in the Retirement
18 Plan for Chicago Transit Authority Employees and used only for
19 the purposes required by Section 22-101 of the Illinois Pension
20 Code. Provided that no less than \$1,110,500,000 has been
21 deposited in the Retirement Plan, remaining proceeds of bonds
22 issued under this subparagraph (b) (1) may be used to pay costs
23 of issuance and make necessary deposits to funds and accounts
24 with respect to debt service for bonds and notes issued under
25 this subparagraph or subparagraph (b) (2).

26 (2) After its receipt of a certified copy of a report of

1 the Auditor General of the State of Illinois meeting the
2 requirements of Section 3-2.3 of the Illinois State Auditing
3 Act, the Authority may issue \$639,680,000 aggregate original
4 principal amount of bonds and notes. After payment of the costs
5 of issuance and necessary deposits to funds and accounts
6 established with respect to debt service, the net proceeds of
7 such bonds or notes shall be deposited only in the Retiree
8 Health Care Trust and used only for the purposes required by
9 Section 22-101B of the Illinois Pension Code. Provided that no
10 less than \$528,800,000 has been deposited in the Retiree Health
11 Care Trust, remaining proceeds of bonds issued under this
12 subparagraph (b) (2) may be used to pay costs of issuance and
13 make necessary deposits to funds and accounts with respect to
14 debt service for bonds and notes issued under this subparagraph
15 or subparagraph (b) (1).

16 (3) In addition, refunding bonds are authorized to be
17 issued for the purpose of refunding outstanding bonds or notes
18 issued under this Section 12c.

19 (4) The bonds or notes issued under 12c(b) (1) shall be
20 issued as soon as practicable after the Auditor General issues
21 the report provided in Section 3-2.3(b) of the Illinois State
22 Auditing Act. The bonds or notes issued under 12c(b) (2) shall
23 be issued as soon as practicable after the Auditor General
24 issues the report provided in Section 3-2.3(c) of the Illinois
25 State Auditing Act.

26 (5) With respect to bonds and notes issued under

1 subparagraph (b), scheduled aggregate annual payments of
2 interest or deposits into funds and accounts established for
3 the purpose of such payment shall commence within one year
4 after the bonds and notes are issued. With respect to principal
5 and interest, scheduled aggregate annual payments of principal
6 and interest or deposits into funds and accounts established
7 for the purpose of such payment shall be not less than 70% in
8 2009, 80% in 2010, and 90% in 2011, respectively, of scheduled
9 payments or deposits of principal and interest in 2012 and
10 shall be substantially equal beginning in 2012 and each year
11 thereafter. For purposes of this subparagraph (b),
12 "substantially equal" means that debt service in any full year
13 after calendar year 2011 is not more than 115% of debt service
14 in any other full year after calendar year 2011 during the term
15 of the bonds or notes. For the purposes of this subsection (b),
16 with respect to bonds and notes that bear interest at a
17 variable rate, interest shall be assumed at a rate equal to the
18 rate for United States Treasury Securities - State and Local
19 Government Series for the same maturity, plus 75 basis points.
20 If the Authority enters into a Swap with a counterparty
21 requiring the Authority to pay a fixed interest rate on a
22 notional amount, and the Authority has made a determination
23 that such Swap was entered into for the purpose of providing
24 substitute interest payments for variable interest rate bonds
25 or notes of a particular maturity or maturities in a principal
26 amount equal to the notional amount of the Swap, then during

1 the term of the Swap for purposes of any calculation of
2 interest payable on such bonds or notes, the interest rate on
3 the bonds or notes of such maturity or maturities shall be
4 determined as if such bonds or notes bore interest at the fixed
5 interest rate payable by the Authority under such Swap.

6 (6) No bond or note issued under this Section 12c shall
7 mature later than December 31, 2040.

8 (c) The Chicago Transit Board shall provide for the
9 issuance of bonds or notes as authorized in this Section 12c by
10 the adoption of an ordinance. The ordinance, together with the
11 bonds or notes, shall constitute a contract among the
12 Authority, the owners from time to time of the bonds or notes,
13 any bond trustee with respect to the bonds or notes, any
14 related credit enhancer and any provider of any related Swaps.

15 (d) The Authority is authorized to cause the proceeds of
16 the bonds or notes, and any interest or investment earnings on
17 the bonds or notes, and of any Swaps, to be invested until the
18 proceeds and any interest or investment earnings have been
19 deposited with the Retirement Plan or the Retiree Health Care
20 Trust.

21 (e) Bonds or notes issued pursuant to this Section 12c may
22 be general obligations of the Authority, to which shall be
23 pledged the full faith and credit of the Authority, or may be
24 obligations payable solely from particular sources of funds all
25 as may be provided in the authorizing ordinance. The
26 authorizing ordinance for the bonds and notes, whether or not

1 general obligations of the Authority, may provide for the Debt
2 Service (as defined in paragraph (i) of this Section 12c) to
3 have a claim for payment from particular sources of funds,
4 including, without limitation, amounts to be paid to the
5 Authority or a bond trustee. The authorizing ordinance may
6 provide for the means by which the bonds or notes (and any
7 related Swaps) may be secured, which may include, a pledge of
8 any revenues or funds of the Authority from whatever source
9 which may by law be utilized for paying Debt Service. In
10 addition to any other security, upon the written approval of
11 the Regional Transportation Authority by the affirmative vote
12 of 12 of its then Directors, the ordinance may provide a
13 specific pledge or assignment of and lien on or security
14 interest in amounts to be paid to the Authority by the Regional
15 Transportation Authority and direct payment thereof to the bond
16 trustee for payment of Debt Service with respect to the bonds
17 or notes, subject to the provisions of existing lease
18 agreements of the Authority with any public building
19 commission. The authorizing ordinance may also provide a
20 specific pledge or assignment of and lien on or security
21 interest in and direct payment to the trustee of all or a
22 portion of the moneys otherwise payable to the Authority from
23 the City of Chicago pursuant to an intergovernmental agreement
24 with the Authority to provide financial assistance to the
25 Authority. Any such pledge, assignment, lien or security
26 interest for the benefit of owners of bonds or notes shall be

1 valid and binding from the time the bonds or notes are issued,
2 without any physical delivery or further act, and shall be
3 valid and binding as against and prior to the claims of all
4 other parties having claims of any kind against the Authority
5 or any other person, irrespective of whether such other parties
6 have notice of such pledge, assignment, lien or security
7 interest, all as provided in the Local Government Debt Reform
8 Act, as it may be amended from time to time. The bonds or notes
9 of the Authority issued pursuant to this Section 12c shall have
10 such priority of payment and as to their claim for payment from
11 particular sources of funds, including their priority with
12 respect to obligations of the Authority issued under other
13 Sections of this Act, all as shall be provided in the
14 ordinances authorizing the issuance of the bonds or notes. The
15 ordinance authorizing the issuance of any bonds or notes under
16 this Section may provide for the creation of, deposits in, and
17 regulation and disposition of sinking fund or reserve accounts
18 relating to those bonds or notes and related agreements. The
19 ordinance authorizing the issuance of any such bonds or notes
20 authorized under this Section 12c may contain provisions for
21 the creation of a separate fund to provide for the payment of
22 principal of and interest on those bonds or notes and related
23 agreements. The ordinance may also provide limitations on the
24 issuance of additional bonds or notes of the Authority.

25 (f) Bonds or notes issued under this Section 12c shall not
26 constitute an indebtedness of the Regional Transportation

1 Authority, the State of Illinois, or of any other political
2 subdivision of or municipality within the State, except the
3 Authority.

4 (g) The ordinance of the Chicago Transit Board authorizing
5 the issuance of bonds or notes pursuant to this Section 12c may
6 provide for the appointment of a corporate trustee (which may
7 be any trust company or bank having the powers of a trust
8 company within Illinois) with respect to bonds or notes issued
9 pursuant to this Section 12c. The ordinance shall prescribe the
10 rights, duties, and powers of the trustee to be exercised for
11 the benefit of the Authority and the protection of the owners
12 of bonds or notes issued pursuant to this Section 12c. The
13 ordinance may provide for the trustee to hold in trust, invest
14 and use amounts in funds and accounts created as provided by
15 the ordinance with respect to the bonds or notes in accordance
16 with this Section 12c. The Authority may apply, as it shall
17 determine, any amounts received upon the sale of the bonds or
18 notes to pay any Debt Service on the bonds or notes. The
19 ordinance may provide for a trust indenture to set forth terms
20 of, sources of payment for and security for the bonds and
21 notes.

22 (h) The State of Illinois pledges to and agrees with the
23 owners of the bonds or notes issued pursuant to Section 12c
24 that the State of Illinois will not limit the powers vested in
25 the Authority by this Act to pledge and assign its revenues and
26 funds as security for the payment of the bonds or notes, or

1 vested in the Regional Transportation Authority by the Regional
2 Transportation Authority Act or this Act, so as to materially
3 impair the payment obligations of the Authority under the terms
4 of any contract made by the Authority with those owners or to
5 materially impair the rights and remedies of those owners until
6 those bonds or notes, together with interest and any redemption
7 premium, and all costs and expenses in connection with any
8 action or proceedings by or on behalf of such owners are fully
9 met and discharged. The Authority is authorized to include
10 these pledges and agreements of the State of Illinois in any
11 contract with owners of bonds or notes issued pursuant to this
12 Section 12c.

13 (i) For purposes of this Section, "Debt Service" with
14 respect to bonds or notes includes, without limitation,
15 principal (at maturity or upon mandatory redemption),
16 redemption premium, interest, periodic, upfront, and
17 termination payments on Swaps, fees for bond insurance or other
18 credit enhancement, liquidity facilities, the funding of bond
19 or note reserves, bond trustee fees, and all other costs of
20 providing for the security or payment of the bonds or notes.

21 (j) The Authority shall adopt a procurement program with
22 respect to contracts relating to the following service
23 providers in connection with the issuance of debt for the
24 benefit of the Retirement Plan for Chicago Transit Authority
25 Employees: underwriters, bond counsel, financial advisors, and
26 accountants. The program shall include goals for the payment of

1 not less than 30% of the total dollar value of the fees from
2 these contracts to minority-owned businesses, ~~and~~ women-owned
3 businesses, veteran-owned businesses, and businesses owned by
4 persons with a disability as defined in the Business Enterprise
5 for Minorities, Women, Veterans, and Persons with Disabilities
6 Act. The Authority shall conduct outreach to minority-owned
7 businesses, ~~and~~ women-owned businesses, veteran-owned
8 businesses, and businesses owned by persons with a disability.

9 Outreach shall include, but is not limited to, advertisements
10 in periodicals and newspapers, mailings, and other appropriate
11 media. The Authority shall submit to the General Assembly a
12 comprehensive report that shall include, at a minimum, the
13 details of the procurement plan, outreach efforts, and the
14 results of the efforts to achieve goals for the payment of
15 fees. The service providers selected by the Authority pursuant
16 to such program shall not be subject to approval by the
17 Regional Transportation Authority, and the Regional
18 Transportation Authority's approval pursuant to subsection (e)
19 of this Section 12c related to the issuance of debt shall not
20 be based in any way on the service providers selected by the
21 Authority pursuant to this Section.

22 (k) No person holding an elective office in this State,
23 holding a seat in the General Assembly, serving as a director,
24 trustee, officer, or employee of the Regional Transportation
25 Authority or the Chicago Transit Authority, including the
26 spouse or minor child of that person, may receive a legal,

1 banking, consulting, or other fee related to the issuance of
2 any bond issued by the Chicago Transit Authority pursuant to
3 this Section.

4 (Source: P.A. 100-391, eff. 8-25-17.)

5 Section 160. The School Code is amended by changing Section
6 10-20.44 as follows:

7 (105 ILCS 5/10-20.44)

8 Sec. 10-20.44. Report on contracts.

9 (a) This Section applies to all school districts, including
10 a school district organized under Article 34 of this Code.

11 (b) A school board must list on the district's Internet
12 website, if any, all contracts over \$25,000 and any contract
13 that the school board enters into with an exclusive bargaining
14 representative.

15 (c) Each year, in conjunction with the submission of the
16 Statement of Affairs to the State Board of Education prior to
17 December 1, provided for in Section 10-17, each school district
18 shall submit to the State Board of Education an annual report
19 on all contracts over \$25,000 awarded by the school district
20 during the previous fiscal year. The report shall include at
21 least the following:

22 (1) the total number of all contracts awarded by the
23 school district;

24 (2) the total value of all contracts awarded;

1 (3) the number of contracts awarded to minority-owned
2 businesses, women-owned businesses, veteran-owned
3 businesses, and businesses owned by persons with
4 disabilities, as defined in the Business Enterprise for
5 Minorities, Women, Veterans, and Persons with Disabilities
6 Act, and locally owned businesses; and

7 (4) the total value of contracts awarded to
8 minority-owned businesses, women-owned businesses,
9 veteran-owned businesses, and businesses owned by persons
10 with disabilities, as defined in the Business Enterprise
11 for Minorities, Women, Veterans, and Persons with
12 Disabilities Act, and locally owned businesses.

13 The report shall be made available to the public, including
14 publication on the school district's Internet website, if any.

15 (Source: P.A. 100-391, eff. 8-25-17.)

16 Section 165. The Public University Energy Conservation Act
17 is amended by changing Sections 3 and 5-10 as follows:

18 (110 ILCS 62/3)

19 Sec. 3. Applicable laws. Other State laws and related
20 administrative requirements apply to this Act, including, but
21 not limited to, the following laws and related administrative
22 requirements: the Illinois Human Rights Act, the Prevailing
23 Wage Act, the Public Construction Bond Act, the Public Works
24 Preference Act (repealed on June 16, 2010 by Public Act

1 96-929), the Employment of Illinois Workers on Public Works
2 Act, the Freedom of Information Act, the Open Meetings Act, the
3 Illinois Architecture Practice Act of 1989, the Professional
4 Engineering Practice Act of 1989, the Structural Engineering
5 Practice Act of 1989, the Architectural, Engineering, and Land
6 Surveying Qualifications Based Selection Act, the Public
7 Contract Fraud Act, the Business Enterprise for Minorities,
8 Women, Veterans, and Persons with Disabilities Act, and the
9 Public Works Employment Discrimination Act.

10 (Source: P.A. 100-391, eff. 8-25-17.)

11 (110 ILCS 62/5-10)

12 Sec. 5-10. Energy conservation measure.

13 (a) "Energy conservation measure" means any improvement,
14 repair, alteration, or betterment of any building or facility,
15 subject to all applicable building codes, owned or operated by
16 a public university or any equipment, fixture, or furnishing to
17 be added to or used in any such building or facility that is
18 designed to reduce energy consumption or operating costs, and
19 may include, without limitation, one or more of the following:

20 (1) Insulation of the building structure or systems
21 within the building.

22 (2) Storm windows or doors, caulking or
23 weatherstripping, multiglazed windows or doors, heat
24 absorbing or heat reflective glazed and coated window or
25 door systems, additional glazing, reductions in glass

1 area, or other window and door system modifications that
2 reduce energy consumption.

3 (3) Automated or computerized energy control systems.

4 (4) Heating, ventilating, or air conditioning system
5 modifications or replacements.

6 (5) Replacement or modification of lighting fixtures
7 to increase the energy efficiency of the lighting system
8 without increasing the overall illumination of a facility,
9 unless an increase in illumination is necessary to conform
10 to the applicable State or local building code for the
11 lighting system after the proposed modifications are made.

12 (6) Energy recovery systems.

13 (7) Energy conservation measures that provide
14 long-term operating cost reductions.

15 (b) From the effective date of this amendatory Act of the
16 96th General Assembly until January 1, 2015, "energy
17 conservation measure" includes a renewable energy center pilot
18 project at Eastern Illinois University, provided that:

19 (1) the University signs a partnership contract with a
20 qualified energy conservation measure provider as provided
21 in this Act;

22 (2) the University has responsibility for the
23 qualified provider's actions with regard to applicable
24 laws;

25 (3) the University obtains a performance bond in
26 accordance with this Act;

1 (4) the University and the qualified provider follow
2 all aspects of the Prevailing Wage Act as provided by this
3 Act;

4 (5) the University and the qualified provider use an
5 approved list of firms from the Capital Development Board
6 (CDB), unless the University requires services that are not
7 typically performed by the firms on CDB's list;

8 (6) the University provides monthly progress reports
9 to the Procurement Policy Board, and the University allows
10 a representative from CDB to monitor the project, provided
11 that such involvement is at no cost to the University;

12 (7) the University requires the qualified provider to
13 follow the provisions of the Business Enterprise for
14 Minorities, Women, Veterans, and Persons with Disabilities
15 Act and the Public Works Employment Discrimination Act as
16 provided in this Act;

17 (8) the University agrees to award new building
18 construction work to a responsible bidder, as defined in
19 Section 30-22 of the Illinois Procurement Code;

20 (9) the University includes in its contract with the
21 qualified provider a requirement that the qualified
22 provider name the sub-contractors that it will use, and the
23 qualified provider may not change these without the
24 University's written approval;

25 (10) the University follows, to the extent possible,
26 the Design-Build Procurement Act for construction of the

1 project, taking into consideration the current status of
2 the project; for purposes of this Act, the definition of
3 "State construction agency" in the Design-Build
4 Procurement Act means Eastern Illinois University for the
5 purpose of this project;

6 (11) the University follows, to the extent possible,
7 the Architectural, Engineering, and Land Surveying
8 Qualifications Based Selection Act;

9 (12) the University requires all engineering,
10 architecture, and design work related to the installation
11 or modification of facilities be performed by design
12 professionals licensed by the State of Illinois and
13 professional design firms registered in the State of
14 Illinois; and

15 (13) the University produces annual reports and a final
16 report describing the project upon completion and files the
17 reports with the Procurement Policy Board, CDB, and the
18 General Assembly.

19 The provisions of this subsection (b), other than this
20 sentence, are inoperative after January 1, 2015.

21 (Source: P.A. 100-391, eff. 8-25-17.)

22 Section 170. The Illinois State University Law is amended
23 by changing Section 20-115 as follows:

24 (110 ILCS 675/20-115)

1 Sec. 20-115. Illinois Institute for Entrepreneurship
2 Education.

3 (a) There is created, effective July 1, 1997, within the
4 State at Illinois State University, the Illinois Institute for
5 Entrepreneurship Education, hereinafter referred to as the
6 Institute.

7 (b) The Institute created under this Section shall commence
8 its operations on July 1, 1997 and shall have a board composed
9 of 15 members representative of education, commerce and
10 industry, government, or labor, appointed as follows: 2 members
11 shall be appointees of the Governor, one of whom shall be a
12 minority or woman person as defined in Section 2 of the
13 Business Enterprise for Minorities, Women, Veterans, and
14 Persons with Disabilities Act; one member shall be an appointee
15 of the President of the Senate; one member shall be an
16 appointee of the Minority Leader of the Senate; one member
17 shall be an appointee of the Speaker of the House of
18 Representatives; one member shall be an appointee of the
19 Minority Leader of the House of Representatives; 2 members
20 shall be appointees of Illinois State University; one member
21 shall be an appointee of the Board of Higher Education; one
22 member shall be an appointee of the State Board of Education;
23 one member shall be an appointee of the Department of Commerce
24 and Economic Opportunity; one member shall be an appointee of
25 the Illinois chapter of Economics America; and 3 members shall
26 be appointed by majority vote of the other 12 appointed members

1 to represent business owner-entrepreneurs. Each member shall
2 have expertise and experience in the area of entrepreneurship
3 education, including small business and entrepreneurship. The
4 majority of voting members must be from the private sector. The
5 members initially appointed to the board of the Institute
6 created under this Section shall be appointed to take office on
7 July 1, 1997 and shall by lot determine the length of their
8 respective terms as follows: 5 members shall be selected by lot
9 to serve terms of one year, 5 members shall be selected by lot
10 to serve terms of 2 years, and 5 members shall be selected by
11 lot to serve terms of 3 years. Subsequent appointees shall each
12 serve terms of 3 years. The board shall annually select a
13 chairperson from among its members. Each board member shall
14 serve without compensation but shall be reimbursed for expenses
15 incurred in the performance of his or her duties.

16 (c) The purpose of the Institute shall be to foster the
17 growth and development of entrepreneurship education in the
18 State of Illinois. The Institute shall help remedy the
19 deficiencies in the preparation of entrepreneurship education
20 teachers, increase the quality and quantity of
21 entrepreneurship education programs, improve instructional
22 materials, and prepare personnel to serve as leaders and
23 consultants in the field of entrepreneurship education and
24 economic development. The Institute shall promote
25 entrepreneurship as a career option, promote and support the
26 development of innovative entrepreneurship education materials

1 and delivery systems, promote business, industry, and
2 education partnerships, promote collaboration and involvement
3 in entrepreneurship education programs, encourage and support
4 in-service and preservice teacher education programs within
5 various educational systems, and develop and distribute
6 relevant materials. The Institute shall provide a framework
7 under which the public and private sectors may work together
8 toward entrepreneurship education goals. These goals shall be
9 achieved by bringing together programs that have an impact on
10 entrepreneurship education to achieve coordination among
11 agencies and greater efficiency in the expenditure of funds.

12 (d) Beginning July 1, 1997, the Institute shall have the
13 following powers subject to State and Illinois State University
14 Board of Trustees regulations and guidelines:

15 (1) To employ and determine the compensation of an
16 executive director and such staff as it deems necessary;

17 (2) To own property and expend and receive funds and
18 generate funds;

19 (3) To enter into agreements with public and private
20 entities in the furtherance of its purpose; and

21 (4) To request and receive the cooperation and
22 assistance of all State departments and agencies in the
23 furtherance of its purpose.

24 (e) The board of the Institute shall be a policy making
25 body with the responsibility for planning and developing
26 Institute programs. The Institute, through the Board of

1 Trustees of Illinois State University, shall annually report to
2 the Governor and General Assembly by January 31 as to its
3 activities and operations, including its findings and
4 recommendations.

5 (f) Beginning on July 1, 1997, the Institute created under
6 this Section shall be deemed designated by law as the successor
7 to the Illinois Institute for Entrepreneurship Education,
8 previously created and existing under Section 2-11.5 of the
9 Public Community College Act until its abolition on July 1,
10 1997 as provided in that Section. On July 1, 1997, all
11 financial and other records of the Institute so abolished and
12 all of its property, whether real or personal, including but
13 not limited to all inventory and equipment, shall be deemed
14 transferred by operation of law to the Illinois Institute for
15 Entrepreneurship Education created under this Section 20-115.
16 The Illinois Institute for Entrepreneurship Education created
17 under this Section 20-115 shall have, with respect to the
18 predecessor Institute so abolished, all authority, powers, and
19 duties of a successor agency under Section 10-15 of the
20 Successor Agency Act.

21 (Source: P.A. 100-391, eff. 8-25-17.)

22 Section 175. The Public Utilities Act is amended by
23 changing Section 9-220 as follows:

24 (220 ILCS 5/9-220) (from Ch. 111 2/3, par. 9-220)

1 Sec. 9-220. Rate changes based on changes in fuel costs.

2 (a) Notwithstanding the provisions of Section 9-201, the
3 Commission may authorize the increase or decrease of rates and
4 charges based upon changes in the cost of fuel used in the
5 generation or production of electric power, changes in the cost
6 of purchased power, or changes in the cost of purchased gas
7 through the application of fuel adjustment clauses or purchased
8 gas adjustment clauses. The Commission may also authorize the
9 increase or decrease of rates and charges based upon
10 expenditures or revenues resulting from the purchase or sale of
11 emission allowances created under the federal Clean Air Act
12 Amendments of 1990, through such fuel adjustment clauses, as a
13 cost of fuel. For the purposes of this paragraph, cost of fuel
14 used in the generation or production of electric power shall
15 include the amount of any fees paid by the utility for the
16 implementation and operation of a process for the
17 desulfurization of the flue gas when burning high sulfur coal
18 at any location within the State of Illinois irrespective of
19 the attainment status designation of such location; but shall
20 not include transportation costs of coal (i) except to the
21 extent that for contracts entered into on and after the
22 effective date of this amendatory Act of 1997, the cost of the
23 coal, including transportation costs, constitutes the lowest
24 cost for adequate and reliable fuel supply reasonably available
25 to the public utility in comparison to the cost, including
26 transportation costs, of other adequate and reliable sources of

1 fuel supply reasonably available to the public utility, or (ii)
2 except as otherwise provided in the next 3 sentences of this
3 paragraph. Such costs of fuel shall, when requested by a
4 utility or at the conclusion of the utility's next general
5 electric rate proceeding, whichever shall first occur, include
6 transportation costs of coal purchased under existing coal
7 purchase contracts. For purposes of this paragraph "existing
8 coal purchase contracts" means contracts for the purchase of
9 coal in effect on the effective date of this amendatory Act of
10 1991, as such contracts may thereafter be amended, but only to
11 the extent that any such amendment does not increase the
12 aggregate quantity of coal to be purchased under such contract.
13 Nothing herein shall authorize an electric utility to recover
14 through its fuel adjustment clause any amounts of
15 transportation costs of coal that were included in the revenue
16 requirement used to set base rates in its most recent general
17 rate proceeding. Cost shall be based upon uniformly applied
18 accounting principles. Annually, the Commission shall initiate
19 public hearings to determine whether the clauses reflect actual
20 costs of fuel, gas, power, or coal transportation purchased to
21 determine whether such purchases were prudent, and to reconcile
22 any amounts collected with the actual costs of fuel, power,
23 gas, or coal transportation prudently purchased. In each such
24 proceeding, the burden of proof shall be upon the utility to
25 establish the prudence of its cost of fuel, power, gas, or coal
26 transportation purchases and costs. The Commission shall issue

1 its final order in each such annual proceeding for an electric
2 utility by December 31 of the year immediately following the
3 year to which the proceeding pertains, provided, that the
4 Commission shall issue its final order with respect to such
5 annual proceeding for the years 1996 and earlier by December
6 31, 1998.

7 (b) A public utility providing electric service, other than
8 a public utility described in subsections (e) or (f) of this
9 Section, may at any time during the mandatory transition period
10 file with the Commission proposed tariff sheets that eliminate
11 the public utility's fuel adjustment clause and adjust the
12 public utility's base rate tariffs by the amount necessary for
13 the base fuel component of the base rates to recover the public
14 utility's average fuel and power supply costs per kilowatt-hour
15 for the 2 most recent years for which the Commission has issued
16 final orders in annual proceedings pursuant to subsection (a),
17 where the average fuel and power supply costs per kilowatt-hour
18 shall be calculated as the sum of the public utility's prudent
19 and allowable fuel and power supply costs as found by the
20 Commission in the 2 proceedings divided by the public utility's
21 actual jurisdictional kilowatt-hour sales for those 2 years.
22 Notwithstanding any contrary or inconsistent provisions in
23 Section 9-201 of this Act, in subsection (a) of this Section or
24 in any rules or regulations promulgated by the Commission
25 pursuant to subsection (g) of this Section, the Commission
26 shall review and shall by order approve, or approve as

1 modified, the proposed tariff sheets within 60 days after the
2 date of the public utility's filing. The Commission may modify
3 the public utility's proposed tariff sheets only to the extent
4 the Commission finds necessary to achieve conformance to the
5 requirements of this subsection (b). During the 5 years
6 following the date of the Commission's order, but in any event
7 no earlier than January 1, 2007, a public utility whose fuel
8 adjustment clause has been eliminated pursuant to this
9 subsection shall not file proposed tariff sheets seeking, or
10 otherwise petition the Commission for, reinstatement of a fuel
11 adjustment clause.

12 (c) Notwithstanding any contrary or inconsistent
13 provisions in Section 9-201 of this Act, in subsection (a) of
14 this Section or in any rules or regulations promulgated by the
15 Commission pursuant to subsection (g) of this Section, a public
16 utility providing electric service, other than a public utility
17 described in subsection (e) or (f) of this Section, may at any
18 time during the mandatory transition period file with the
19 Commission proposed tariff sheets that establish the rate per
20 kilowatt-hour to be applied pursuant to the public utility's
21 fuel adjustment clause at the average value for such rate
22 during the preceding 24 months, provided that such average rate
23 results in a credit to customers' bills, without making any
24 revisions to the public utility's base rate tariffs. The
25 proposed tariff sheets shall establish the fuel adjustment rate
26 for a specific time period of at least 3 years but not more

1 than 5 years, provided that the terms and conditions for any
2 reinstatement earlier than 5 years shall be set forth in the
3 proposed tariff sheets and subject to modification or approval
4 by the Commission. The Commission shall review and shall by
5 order approve the proposed tariff sheets if it finds that the
6 requirements of this subsection are met. The Commission shall
7 not conduct the annual hearings specified in the last 3
8 sentences of subsection (a) of this Section for the utility for
9 the period that the factor established pursuant to this
10 subsection is in effect.

11 (d) A public utility providing electric service, or a
12 public utility providing gas service may file with the
13 Commission proposed tariff sheets that eliminate the public
14 utility's fuel or purchased gas adjustment clause and adjust
15 the public utility's base rate tariffs to provide for recovery
16 of power supply costs or gas supply costs that would have been
17 recovered through such clause; provided, that the provisions of
18 this subsection (d) shall not be available to a public utility
19 described in subsections (e) or (f) of this Section to
20 eliminate its fuel adjustment clause. Notwithstanding any
21 contrary or inconsistent provisions in Section 9-201 of this
22 Act, in subsection (a) of this Section, or in any rules or
23 regulations promulgated by the Commission pursuant to
24 subsection (g) of this Section, the Commission shall review and
25 shall by order approve, or approve as modified in the
26 Commission's order, the proposed tariff sheets within 240 days

1 after the date of the public utility's filing. The Commission's
2 order shall approve rates and charges that the Commission,
3 based on information in the public utility's filing or on the
4 record if a hearing is held by the Commission, finds will
5 recover the reasonable, prudent and necessary jurisdictional
6 power supply costs or gas supply costs incurred or to be
7 incurred by the public utility during a 12 month period found
8 by the Commission to be appropriate for these purposes,
9 provided, that such period shall be either (i) a 12 month
10 historical period occurring during the 15 months ending on the
11 date of the public utility's filing, or (ii) a 12 month future
12 period ending no later than 15 months following the date of the
13 public utility's filing. The public utility shall include with
14 its tariff filing information showing both (1) its actual
15 jurisdictional power supply costs or gas supply costs for a 12
16 month historical period conforming to (i) above and (2) its
17 projected jurisdictional power supply costs or gas supply costs
18 for a future 12 month period conforming to (ii) above. If the
19 Commission's order requires modifications in the tariff sheets
20 filed by the public utility, the public utility shall have 7
21 days following the date of the order to notify the Commission
22 whether the public utility will implement the modified tariffs
23 or elect to continue its fuel or purchased gas adjustment
24 clause in force as though no order had been entered. The
25 Commission's order shall provide for any reconciliation of
26 power supply costs or gas supply costs, as the case may be, and

1 associated revenues through the date that the public utility's
2 fuel or purchased gas adjustment clause is eliminated. During
3 the 5 years following the date of the Commission's order, a
4 public utility whose fuel or purchased gas adjustment clause
5 has been eliminated pursuant to this subsection shall not file
6 proposed tariff sheets seeking, or otherwise petition the
7 Commission for, reinstatement or adoption of a fuel or
8 purchased gas adjustment clause. Nothing in this subsection (d)
9 shall be construed as limiting the Commission's authority to
10 eliminate a public utility's fuel adjustment clause or
11 purchased gas adjustment clause in accordance with any other
12 applicable provisions of this Act.

13 (e) Notwithstanding any contrary or inconsistent
14 provisions in Section 9-201 of this Act, in subsection (a) of
15 this Section, or in any rules promulgated by the Commission
16 pursuant to subsection (g) of this Section, a public utility
17 providing electric service to more than 1,000,000 customers in
18 this State may, within the first 6 months after the effective
19 date of this amendatory Act of 1997, file with the Commission
20 proposed tariff sheets that eliminate, effective January 1,
21 1997, the public utility's fuel adjustment clause without
22 adjusting its base rates, and such tariff sheets shall be
23 effective upon filing. To the extent the application of the
24 fuel adjustment clause had resulted in net charges to customers
25 after January 1, 1997, the utility shall also file a tariff
26 sheet that provides for a refund stated on a per kilowatt-hour

1 basis of such charges over a period not to exceed 6 months;
2 provided however, that such refund shall not include the
3 proportional amounts of taxes paid under the Use Tax Act,
4 Service Use Tax Act, Service Occupation Tax Act, and Retailers'
5 Occupation Tax Act on fuel used in generation. The Commission
6 shall issue an order within 45 days after the date of the
7 public utility's filing approving or approving as modified such
8 tariff sheet. If the fuel adjustment clause is eliminated
9 pursuant to this subsection, the Commission shall not conduct
10 the annual hearings specified in the last 3 sentences of
11 subsection (a) of this Section for the utility for any period
12 after December 31, 1996 and prior to any reinstatement of such
13 clause. A public utility whose fuel adjustment clause has been
14 eliminated pursuant to this subsection shall not file a
15 proposed tariff sheet seeking, or otherwise petition the
16 Commission for, reinstatement of the fuel adjustment clause
17 prior to January 1, 2007.

18 (f) Notwithstanding any contrary or inconsistent
19 provisions in Section 9-201 of this Act, in subsection (a) of
20 this Section, or in any rules or regulations promulgated by the
21 Commission pursuant to subsection (g) of this Section, a public
22 utility providing electric service to more than 500,000
23 customers but fewer than 1,000,000 customers in this State may,
24 within the first 6 months after the effective date of this
25 amendatory Act of 1997, file with the Commission proposed
26 tariff sheets that eliminate, effective January 1, 1997, the

1 public utility's fuel adjustment clause and adjust its base
2 rates by the amount necessary for the base fuel component of
3 the base rates to recover 91% of the public utility's average
4 fuel and power supply costs for the 2 most recent years for
5 which the Commission, as of January 1, 1997, has issued final
6 orders in annual proceedings pursuant to subsection (a), where
7 the average fuel and power supply costs per kilowatt-hour shall
8 be calculated as the sum of the public utility's prudent and
9 allowable fuel and power supply costs as found by the
10 Commission in the 2 proceedings divided by the public utility's
11 actual jurisdictional kilowatt-hour sales for those 2 years,
12 provided, that such tariff sheets shall be effective upon
13 filing. To the extent the application of the fuel adjustment
14 clause had resulted in net charges to customers after January
15 1, 1997, the utility shall also file a tariff sheet that
16 provides for a refund stated on a per kilowatt-hour basis of
17 such charges over a period not to exceed 6 months. Provided
18 however, that such refund shall not include the proportional
19 amounts of taxes paid under the Use Tax Act, Service Use Tax
20 Act, Service Occupation Tax Act, and Retailers' Occupation Tax
21 Act on fuel used in generation. The Commission shall issue an
22 order within 45 days after the date of the public utility's
23 filing approving or approving as modified such tariff sheet. If
24 the fuel adjustment clause is eliminated pursuant to this
25 subsection, the Commission shall not conduct the annual
26 hearings specified in the last 3 sentences of subsection (a) of

1 this Section for the utility for any period after December 31,
2 1996 and prior to any reinstatement of such clause. A public
3 utility whose fuel adjustment clause has been eliminated
4 pursuant to this subsection shall not file a proposed tariff
5 sheet seeking, or otherwise petition the Commission for,
6 reinstatement of the fuel adjustment clause prior to January 1,
7 2007.

8 (g) The Commission shall have authority to promulgate rules
9 and regulations to carry out the provisions of this Section.

10 (h) Any Illinois gas utility may enter into a contract on
11 or before September 30, 2011 for up to 10 years of supply with
12 any company for the purchase of substitute natural gas (SNG)
13 produced from coal through the gasification process if the
14 company has commenced construction of a clean coal SNG facility
15 by July 1, 2012 and commencement of construction shall mean
16 that material physical site work has occurred, such as site
17 clearing and excavation, water runoff prevention, water
18 retention reservoir preparation, or foundation development.
19 The contract shall contain the following provisions: (i) at
20 least 90% of feedstock to be used in the gasification process
21 shall be coal with a high volatile bituminous rank and greater
22 than 1.7 pounds of sulfur per million Btu content; (ii) at the
23 time the contract term commences, the price per million Btu may
24 not exceed \$7.95 in 2008 dollars, adjusted annually based on
25 the change in the Annual Consumer Price Index for All Urban
26 Consumers for the Midwest Region as published in April by the

1 United States Department of Labor, Bureau of Labor Statistics
2 (or a suitable Consumer Price Index calculation if this
3 Consumer Price Index is not available) for the previous
4 calendar year; provided that the price per million Btu shall
5 not exceed \$9.95 at any time during the contract; (iii) the
6 utility's supply contract for the purchase of SNG does not
7 exceed 15% of the annual system supply requirements of the
8 utility as of 2008; and (iv) the contract costs pursuant to
9 subsection (h-10) of this Section shall not include any
10 lobbying expenses, charitable contributions, advertising,
11 organizational memberships, carbon dioxide pipeline or
12 sequestration expenses, or marketing expenses.

13 Any gas utility that is providing service to more than
14 150,000 customers on August 2, 2011 (the effective date of
15 Public Act 97-239) shall either elect to enter into a contract
16 on or before September 30, 2011 for 10 years of SNG supply with
17 the owner of a clean coal SNG facility or to file biennial rate
18 proceedings before the Commission in the years 2012, 2014, and
19 2016, with such filings made after August 2, 2011 and no later
20 than September 30 of the years 2012, 2014, and 2016 consistent
21 with all requirements of 83 Ill. Adm. Code 255 and 285 as
22 though the gas utility were filing for an increase in its
23 rates, without regard to whether such filing would produce an
24 increase, a decrease, or no change in the gas utility's rates,
25 and the Commission shall review the gas utility's filing and
26 shall issue its order in accordance with the provisions of

1 Section 9-201 of this Act.

2 Within 7 days after August 2, 2011, the owner of the clean
3 coal SNG facility shall submit to the Illinois Power Agency and
4 each gas utility that is providing service to more than 150,000
5 customers on August 2, 2011 a copy of a draft contract. Within
6 30 days after the receipt of the draft contract, each such gas
7 utility shall provide the Illinois Power Agency and the owner
8 of the clean coal SNG facility with its comments and
9 recommended revisions to the draft contract. Within 7 days
10 after the receipt of the gas utility's comments and recommended
11 revisions, the owner of the facility shall submit its
12 responsive comments and a further revised draft of the contract
13 to the Illinois Power Agency. The Illinois Power Agency shall
14 review the draft contract and comments.

15 During its review of the draft contract, the Illinois Power
16 Agency shall:

17 (1) review and confirm in writing that the terms stated
18 in this subsection (h) are incorporated in the SNG
19 contract;

20 (2) review the SNG pricing formula included in the
21 contract and approve that formula if the Illinois Power
22 Agency determines that the formula, at the time the
23 contract term commences: (A) starts with a price of \$6.50
24 per MMBtu adjusted by the adjusted final capitalized plant
25 cost; (B) takes into account budgeted miscellaneous net
26 revenue after cost allowance, including sale of SNG

1 produced by the clean coal SNG facility above the nameplate
2 capacity of the facility and other by-products produced by
3 the facility, as approved by the Illinois Power Agency; (C)
4 does not include carbon dioxide transportation or
5 sequestration expenses; and (D) includes all provisions
6 required under this subsection (h); if the Illinois Power
7 Agency does not approve of the SNG pricing formula, then
8 the Illinois Power Agency shall modify the formula to
9 ensure that it meets the requirements of this subsection
10 (h);

11 (3) review and approve the amount of budgeted
12 miscellaneous net revenue after cost allowance, including
13 sale of SNG produced by the clean coal SNG facility above
14 the nameplate capacity of the facility and other
15 by-products produced by the facility, to be included in the
16 pricing formula; the Illinois Power Agency shall approve
17 the amount of budgeted miscellaneous net revenue to be
18 included in the pricing formula if it determines the
19 budgeted amount to be reasonable and accurate;

20 (4) review and confirm in writing that using the EIA
21 Annual Energy Outlook-2011 Henry Hub Spot Price, the
22 contract terms set out in subsection (h), the
23 reconciliation account terms as set out in subsection
24 (h-15), and an estimated inflation rate of 2.5% for each
25 corresponding year, that there will be no cumulative
26 estimated increase for residential customers; and

1 (5) allocate the nameplate capacity of the clean coal
2 SNG by total therms sold to ultimate customers by each gas
3 utility in 2008; provided, however, no utility shall be
4 required to purchase more than 42% of the projected annual
5 output of the facility; additionally, the Illinois Power
6 Agency shall further adjust the allocation only as required
7 to take into account (A) adverse consolidation,
8 derivative, or lease impacts to the balance sheet or income
9 statement of any gas utility or (B) the physical capacity
10 of the gas utility to accept SNG.

11 If the parties to the contract do not agree on the terms
12 therein, then the Illinois Power Agency shall retain an
13 independent mediator to mediate the dispute between the
14 parties. If the parties are in agreement on the terms of the
15 contract, then the Illinois Power Agency shall approve the
16 contract. If after mediation the parties have failed to come to
17 agreement, then the Illinois Power Agency shall revise the
18 draft contract as necessary to confirm that the contract
19 contains only terms that are reasonable and equitable. The
20 Illinois Power Agency may, in its discretion, retain an
21 independent, qualified, and experienced expert to assist in its
22 obligations under this subsection (h). The Illinois Power
23 Agency shall adopt and make public policies detailing the
24 processes for retaining a mediator and an expert under this
25 subsection (h). Any mediator or expert retained under this
26 subsection (h) shall be retained no later than 60 days after

1 August 2, 2011.

2 The Illinois Power Agency shall complete all of its
3 responsibilities under this subsection (h) within 60 days after
4 August 2, 2011. The clean coal SNG facility shall pay a
5 reasonable fee as required by the Illinois Power Agency for its
6 services under this subsection (h) and shall pay the mediator's
7 and expert's reasonable fees, if any. A gas utility and its
8 customers shall have no obligation to reimburse the clean coal
9 SNG facility or the Illinois Power Agency of any such costs.

10 Within 30 days after commercial production of SNG has
11 begun, the Commission shall initiate a review to determine
12 whether the final capitalized plant cost of the clean coal SNG
13 facility reflects actual incurred costs and whether the
14 incurred costs were reasonable. In determining the actual
15 incurred costs included in the final capitalized plant cost and
16 the reasonableness of those costs, the Commission may in its
17 discretion retain independent, qualified, and experienced
18 experts to assist in its determination. The expert shall not
19 own or control any direct or indirect interest in the clean
20 coal SNG facility and shall have no contractual relationship
21 with the clean coal SNG facility. If an expert is retained by
22 the Commission, then the clean coal SNG facility shall pay the
23 expert's reasonable fees. The fees shall not be passed on to a
24 utility or its customers. The Commission shall adopt and make
25 public a policy detailing the process for retaining experts
26 under this subsection (h).

1 Within 30 days after completion of its review, the
2 Commission shall initiate a formal proceeding on the final
3 capitalized plant cost of the clean coal SNG facility at which
4 comments and testimony may be submitted by any interested
5 parties and the public. If the Commission finds that the final
6 capitalized plant cost includes costs that were not actually
7 incurred or costs that were unreasonably incurred, then the
8 Commission shall disallow the amount of non-incurred or
9 unreasonable costs from the SNG price under contracts entered
10 into under this subsection (h). If the Commission disallows any
11 costs, then the Commission shall adjust the SNG price using the
12 price formula in the contract approved by the Illinois Power
13 Agency under this subsection (h) to reflect the disallowed
14 costs and shall enter an order specifying the revised price. In
15 addition, the Commission's order shall direct the clean coal
16 SNG facility to issue refunds of such sums as shall represent
17 the difference between actual gross revenues and the gross
18 revenue that would have been obtained based upon the same
19 volume, from the price revised by the Commission. Any refund
20 shall include interest calculated at a rate determined by the
21 Commission and shall be returned according to procedures
22 prescribed by the Commission.

23 Nothing in this subsection (h) shall preclude any party
24 affected by a decision of the Commission under this subsection
25 (h) from seeking judicial review of the Commission's decision.

26 (h-1) Any Illinois gas utility may enter into a sourcing

1 agreement for up to 30 years of supply with the clean coal SNG
2 brownfield facility if the clean coal SNG brownfield facility
3 has commenced construction. Any gas utility that is providing
4 service to more than 150,000 customers on July 13, 2011 (the
5 effective date of Public Act 97-096) shall either elect to file
6 biennial rate proceedings before the Commission in the years
7 2012, 2014, and 2016 or enter into a sourcing agreement or
8 sourcing agreements with a clean coal SNG brownfield facility
9 with an initial term of 30 years for either (i) a percentage of
10 43,500,000,000 cubic feet per year, such that the utilities
11 entering into sourcing agreements with the clean coal SNG
12 brownfield facility purchase 100%, allocated by total therms
13 sold to ultimate customers by each gas utility in 2008 or (ii)
14 such lesser amount as may be available from the clean coal SNG
15 brownfield facility; provided that no utility shall be required
16 to purchase more than 42% of the projected annual output of the
17 clean coal SNG brownfield facility, with the remainder of such
18 utility's obligation to be divided proportionately between the
19 other utilities, and provided that the Illinois Power Agency
20 shall further adjust the allocation only as required to take
21 into account adverse consolidation, derivative, or lease
22 impacts to the balance sheet or income statement of any gas
23 utility.

24 A gas utility electing to file biennial rate proceedings
25 before the Commission must file a notice of its election with
26 the Commission within 60 days after July 13, 2011 or its right

1 to make the election is irrevocably waived. A gas utility
2 electing to file biennial rate proceedings shall make such
3 filings no later than August 1 of the years 2012, 2014, and
4 2016, consistent with all requirements of 83 Ill. Adm. Code 255
5 and 285 as though the gas utility were filing for an increase
6 in its rates, without regard to whether such filing would
7 produce an increase, a decrease, or no change in the gas
8 utility's rates, and notwithstanding any other provisions of
9 this Act, the Commission shall fully review the gas utility's
10 filing and shall issue its order in accordance with the
11 provisions of Section 9-201 of this Act, regardless of whether
12 the Commission has approved a formula rate for the gas utility.

13 Within 15 days after July 13, 2011, the owner of the clean
14 coal SNG brownfield facility shall submit to the Illinois Power
15 Agency and each gas utility that is providing service to more
16 than 150,000 customers on July 13, 2011 a copy of a draft
17 sourcing agreement. Within 45 days after receipt of the draft
18 sourcing agreement, each such gas utility shall provide the
19 Illinois Power Agency and the owner of a clean coal SNG
20 brownfield facility with its comments and recommended
21 revisions to the draft sourcing agreement. Within 15 days after
22 the receipt of the gas utility's comments and recommended
23 revisions, the owner of the clean coal SNG brownfield facility
24 shall submit its responsive comments and a further revised
25 draft of the sourcing agreement to the Illinois Power Agency.
26 The Illinois Power Agency shall review the draft sourcing

1 agreement and comments.

2 If the parties to the sourcing agreement do not agree on
3 the terms therein, then the Illinois Power Agency shall retain
4 an independent mediator to mediate the dispute between the
5 parties. If the parties are in agreement on the terms of the
6 sourcing agreement, the Illinois Power Agency shall approve the
7 final draft sourcing agreement. If after mediation the parties
8 have failed to come to agreement, then the Illinois Power
9 Agency shall revise the draft sourcing agreement as necessary
10 to confirm that the final draft sourcing agreement contains
11 only terms that are reasonable and equitable. The Illinois
12 Power Agency shall adopt and make public a policy detailing the
13 process for retaining a mediator under this subsection (h-1).
14 Any mediator retained to assist with mediating disputes between
15 the parties regarding the sourcing agreement shall be retained
16 no later than 60 days after July 13, 2011.

17 Upon approval of a final draft agreement, the Illinois
18 Power Agency shall submit the final draft agreement to the
19 Capital Development Board and the Commission no later than 90
20 days after July 13, 2011. The gas utility and the clean coal
21 SNG brownfield facility shall pay a reasonable fee as required
22 by the Illinois Power Agency for its services under this
23 subsection (h-1) and shall pay the mediator's reasonable fees,
24 if any. The Illinois Power Agency shall adopt and make public a
25 policy detailing the process for retaining a mediator under
26 this Section.

1 The sourcing agreement between a gas utility and the clean
2 coal SNG brownfield facility shall contain the following
3 provisions:

4 (1) Any and all coal used in the gasification process
5 must be coal that has high volatile bituminous rank and
6 greater than 1.7 pounds of sulfur per million Btu content.

7 (2) Coal and petroleum coke are feedstocks for the
8 gasification process, with coal comprising at least 50% of
9 the total feedstock over the term of the sourcing agreement
10 unless the facility reasonably determines that it is
11 necessary to use additional petroleum coke to deliver net
12 consumer savings, in which case the facility shall use coal
13 for at least 35% of the total feedstock over the term of
14 any sourcing agreement and with the feedstocks to be
15 procured in accordance with requirements of Section 1-78 of
16 the Illinois Power Agency Act.

17 (3) The sourcing agreement has an initial term that
18 once entered into terminates no more than 30 years after
19 the commencement of the commercial production of SNG at the
20 clean coal SNG brownfield facility.

21 (4) The clean coal SNG brownfield facility guarantees a
22 minimum of \$100,000,000 in consumer savings to customers of
23 the utilities that have entered into sourcing agreements
24 with the clean coal SNG brownfield facility, calculated in
25 real 2010 dollars at the conclusion of the term of the
26 sourcing agreement by comparing the delivered SNG price to

1 the Chicago City-gate price on a weighted daily basis for
2 each day over the entire term of the sourcing agreement, to
3 be provided in accordance with subsection (h-2) of this
4 Section.

5 (5) Prior to the clean coal SNG brownfield facility
6 issuing a notice to proceed to construction, the clean coal
7 SNG brownfield facility shall establish a consumer
8 protection reserve account for the benefit of the customers
9 of the utilities that have entered into sourcing agreements
10 with the clean coal SNG brownfield facility pursuant to
11 this subsection (h-1), with cash principal in the amount of
12 \$150,000,000. This cash principal shall only be
13 recoverable through the consumer protection reserve
14 account and not as a cost to be recovered in the delivered
15 SNG price pursuant to subsection (h-3) of this Section. The
16 consumer protection reserve account shall be maintained
17 and administered by an independent trustee that is mutually
18 agreed upon by the clean coal SNG brownfield facility, the
19 utilities, and the Commission in an interest-bearing
20 account in accordance with subsection (h-2) of this
21 Section.

22 "Consumer protection reserve account principal maximum
23 amount" shall mean the maximum amount of principal to be
24 maintained in the consumer protection reserve account.
25 During the first 2 years of operation of the facility,
26 there shall be no consumer protection reserve account

1 maximum amount. After the first 2 years of operation of the
2 facility, the consumer protection reserve account maximum
3 amount shall be \$150,000,000. After 5 years of operation,
4 and every 5 years thereafter, the trustee shall calculate
5 the 5-year average balance of the consumer protection
6 reserve account. If the trustee determines that during the
7 prior 5 years the consumer protection reserve account has
8 had an average account balance of less than \$75,000,000,
9 then the consumer protection reserve account principal
10 maximum amount shall be increased by \$5,000,000. If the
11 trustee determines that during the prior 5 years the
12 consumer protection reserve account has had an average
13 account balance of more than \$75,000,000, then the consumer
14 protection reserve account principal maximum amount shall
15 be decreased by \$5,000,000.

16 (6) The clean coal SNG brownfield facility shall
17 identify and sell economically viable by-products produced
18 by the facility.

19 (7) Fifty percent of all additional net revenue,
20 defined as miscellaneous net revenue from products
21 produced by the facility and delivered during the month
22 after cost allowance for costs associated with additional
23 net revenue that are not otherwise recoverable pursuant to
24 subsection (h-3) of this Section, including net revenue
25 from sales of substitute natural gas derived from the
26 facility above the nameplate capacity of the facility and

1 other by-products produced by the facility, shall be
2 credited to the consumer protection reserve account
3 pursuant to subsection (h-2) of this Section.

4 (8) The delivered SNG price per million btu to be paid
5 monthly by the utility to the clean coal SNG brownfield
6 facility, which shall be based only upon the following: (A)
7 a capital recovery charge, operations and maintenance
8 costs, and sequestration costs, only to the extent approved
9 by the Commission pursuant to paragraphs (1), (2), and (3)
10 of subsection (h-3) of this Section; (B) the actual
11 delivered and processed fuel costs pursuant to paragraph
12 (4) of subsection (h-3) of this Section; (C) actual costs
13 of SNG transportation pursuant to paragraph (6) of
14 subsection (h-3) of this Section; (D) certain taxes and
15 fees imposed by the federal government, the State, or any
16 unit of local government as provided in paragraph (6) of
17 subsection (h-3) of this Section; and (E) the credit, if
18 any, from the consumer protection reserve account pursuant
19 to subsection (h-2) of this Section. The delivered SNG
20 price per million Btu shall proportionately reflect these
21 elements over the term of the sourcing agreement.

22 (9) A formula to translate the recoverable costs and
23 charges under subsection (h-3) of this Section into the
24 delivered SNG price per million btu.

25 (10) Title to the SNG shall pass at a mutually
26 agreeable point in Illinois, and may provide that, rather

1 than the utility taking title to the SNG, a mutually agreed
2 upon third-party gas marketer pursuant to a contract
3 approved by the Illinois Power Agency or its designee may
4 take title to the SNG pursuant to an agreement between the
5 utility, the owner of the clean coal SNG brownfield
6 facility, and the third-party gas marketer.

7 (11) A utility may exit the sourcing agreement without
8 penalty if the clean coal SNG brownfield facility does not
9 commence construction by July 1, 2015.

10 (12) A utility is responsible to pay only the
11 Commission determined unit price cost of SNG that is
12 purchased by the utility. Nothing in the sourcing agreement
13 will obligate a utility to invest capital in a clean coal
14 SNG brownfield facility.

15 (13) The quality of SNG must, at a minimum, be
16 equivalent to the quality required for interstate pipeline
17 gas before a utility is required to accept and pay for SNG
18 gas.

19 (14) Nothing in the sourcing agreement will require a
20 utility to construct any facilities to accept delivery of
21 SNG. Provided, however, if a utility is required by law or
22 otherwise elects to connect the clean coal SNG brownfield
23 facility to an interstate pipeline, then the utility shall
24 be entitled to recover pursuant to its tariffs all just and
25 reasonable costs that are prudently incurred. Any costs
26 incurred by the utility to receive, deliver, manage, or

1 otherwise accommodate purchases under the SNG sourcing
2 agreement will be fully recoverable through a utility's
3 purchased gas adjustment clause rider mechanism in
4 conjunction with a SNG brownfield facility rider
5 mechanism. The SNG brownfield facility rider mechanism (A)
6 shall be applicable to all customers who receive
7 transportation service from the utility, (B) shall be
8 designed to have an equal percent impact on the
9 transportation services rates of each class of the
10 utility's customers, and (C) shall accurately reflect the
11 net consumer savings, if any, and above-market costs, if
12 any, associated with the utility receiving, delivering,
13 managing, or otherwise accommodating purchases under the
14 SNG sourcing agreement.

15 (15) Remedies for the clean coal SNG brownfield
16 facility's failure to deliver a designated amount for a
17 designated period.

18 (16) The clean coal SNG brownfield facility shall make
19 a good faith effort to ensure that an amount equal to not
20 less than 15% of the value of its prime construction
21 contract for the facility shall be established as a goal to
22 be awarded to minority-owned businesses, women-owned
23 businesses, veteran-owned businesses, and businesses owned
24 by a person with a disability; provided that at least 75%
25 of the amount of such total goal shall be for
26 minority-owned businesses. "Minority-owned business",

1 "women-owned business", "veteran-owned businesses", and
2 "business owned by a person with a disability" shall have
3 the meanings ascribed to them in Section 2 of the Business
4 Enterprise for Minorities, Women, Veterans, and Persons
5 with Disabilities Act.

6 (17) Prior to the clean coal SNG brownfield facility
7 issuing a notice to proceed to construction, the clean coal
8 SNG brownfield facility shall file with the Commission a
9 certificate from an independent engineer that the clean
10 coal SNG brownfield facility has (A) obtained all
11 applicable State and federal environmental permits
12 required for construction; (B) obtained approval from the
13 Commission of a carbon capture and sequestration plan; and
14 (C) obtained all necessary permits required for
15 construction for the transportation and sequestration of
16 carbon dioxide as set forth in the Commission-approved
17 carbon capture and sequestration plan.

18 (h-2) Consumer protection reserve account. The clean coal
19 SNG brownfield facility shall guarantee a minimum of
20 \$100,000,000 in consumer savings to customers of the utilities
21 that have entered into sourcing agreements with the clean coal
22 SNG brownfield facility, calculated in real 2010 dollars at the
23 conclusion of the term of the sourcing agreement by comparing
24 the delivered SNG price to the Chicago City-gate price on a
25 weighted daily basis for each day over the entire term of the
26 sourcing agreement. Prior to the clean coal SNG brownfield

1 facility issuing a notice to proceed to construction, the clean
2 coal SNG brownfield facility shall establish a consumer
3 protection reserve account for the benefit of the retail
4 customers of the utilities that have entered into sourcing
5 agreements with the clean coal SNG brownfield facility pursuant
6 to subsection (h-1), with cash principal in the amount of
7 \$150,000,000. Such cash principal shall only be recovered
8 through the consumer protection reserve account and not as a
9 cost to be recovered in the delivered SNG price pursuant to
10 subsection (h-3) of this Section. The consumer protection
11 reserve account shall be maintained and administered by an
12 independent trustee that is mutually agreed upon by the clean
13 coal SNG brownfield facility, the utilities, and the Commission
14 in an interest-bearing account in accordance with the
15 following:

16 (1) The clean coal SNG brownfield facility monthly
17 shall calculate (A) the difference between the monthly
18 delivered SNG price and the Chicago City-gate price, by
19 comparing the delivered SNG price, which shall include the
20 cost of transportation to the delivery point, if any, to
21 the Chicago City-gate price on a weighted daily basis for
22 each day of the prior month based upon a mutually agreed
23 upon published index and (B) the overage amount, if any, by
24 calculating the annualized incremental additional cost, if
25 any, of the delivered SNG in excess of 2.015% of the
26 average annual inflation-adjusted amounts paid by all gas

1 distribution customers in connection with natural gas
2 service during the 5 years ending May 31, 2010.

3 (2) During the first 2 years of operation of the
4 facility:

5 (A) to the extent there is an overage amount, the
6 consumer protection reserve account shall be used to
7 provide a credit to reduce the SNG price by an amount
8 equal to the overage amount; and

9 (B) to the extent the monthly delivered SNG price
10 is less than or equal to the Chicago City-gate price,
11 the utility shall credit the difference between the
12 monthly delivered SNG price and the monthly Chicago
13 City-gate price, if any, to the consumer protection
14 reserve account. Such credit issued pursuant to this
15 paragraph (B) shall be deemed prudent and reasonable
16 and not subject to a Commission prudence review;

17 (3) After 2 years of operation of the facility, and
18 monthly, on an on-going basis, thereafter:

19 (A) to the extent that the monthly delivered SNG
20 price is less than or equal to the Chicago City-gate
21 price, calculated using the weighted average of the
22 daily Chicago City-gate price on a daily basis over the
23 entire month, the utility shall credit the difference,
24 if any, to the consumer protection reserve account.
25 Such credit issued pursuant to this subparagraph (A)
26 shall be deemed prudent and reasonable and not subject

1 to a Commission prudence review;

2 (B) any amounts in the consumer protection reserve
3 account in excess of the consumer protection reserve
4 account principal maximum amount shall be distributed
5 as follows: (i) if retail customers have not realized
6 net consumer savings, calculated by comparing the
7 delivered SNG price to the weighted average of the
8 daily Chicago City-gate price on a daily basis over the
9 entire term of the sourcing agreement to date, then 50%
10 of any amounts in the consumer protection reserve
11 account in excess of the consumer protection reserve
12 account principal maximum shall be distributed to the
13 clean coal SNG brownfield facility, with the remaining
14 50% of any such additional amounts being credited to
15 retail customers, and (ii) if retail customers have
16 realized net consumer savings, then 100% of any amounts
17 in the consumer protection reserve account in excess of
18 the consumer protection reserve account principal
19 maximum shall be distributed to the clean coal SNG
20 brownfield facility; provided, however, that under no
21 circumstances shall the total cumulative amount
22 distributed to the clean coal SNG brownfield facility
23 under this subparagraph (B) exceed \$150,000,000;

24 (C) to the extent there is an overage amount, after
25 distributing the amounts pursuant to subparagraph (B)
26 of this paragraph (3), if any, the consumer protection

1 reserve account shall be used to provide a credit to
2 reduce the SNG price by an amount equal to the overage
3 amount;

4 (D) if retail customers have realized net consumer
5 savings, calculated by comparing the delivered SNG
6 price to the weighted average of the daily Chicago
7 City-gate price on a daily basis over the entire term
8 of the sourcing agreement to date, then after
9 distributing the amounts pursuant to subparagraphs (B)
10 and (C) of this paragraph (3), 50% of any additional
11 amounts in the consumer protection reserve account in
12 excess of the consumer protection reserve account
13 principal maximum shall be distributed to the clean
14 coal SNG brownfield facility, with the remaining 50% of
15 any such additional amounts being credited to retail
16 customers; provided, however, that if retail customers
17 have not realized such net consumer savings, no such
18 distribution shall be made to the clean coal SNG
19 brownfield facility, and 100% of such additional
20 amounts shall be credited to the retail customers to
21 the extent the consumer protection reserve account
22 exceeds the consumer protection reserve account
23 principal maximum amount.

24 (4) Fifty percent of all additional net revenue,
25 defined as miscellaneous net revenue after cost allowance
26 for costs associated with additional net revenue that are

1 not otherwise recoverable pursuant to subsection (h-3) of
2 this Section, including net revenue from sales of
3 substitute natural gas derived from the facility above the
4 nameplate capacity of the facility and other by-products
5 produced by the facility, shall be credited to the consumer
6 protection reserve account.

7 (5) At the conclusion of the term of the sourcing
8 agreement, to the extent retail customers have not saved
9 the minimum of \$100,000,000 in consumer savings as
10 guaranteed in this subsection (h-2), amounts in the
11 consumer protection reserve account shall be credited to
12 retail customers to the extent the retail customers have
13 saved the minimum of \$100,000,000; 50% of any additional
14 amounts in the consumer protection reserve account shall be
15 distributed to the company, and the remaining 50% shall be
16 distributed to retail customers.

17 (6) If, at the conclusion of the term of the sourcing
18 agreement, the customers have not saved the minimum
19 \$100,000,000 in savings as guaranteed in this subsection
20 (h-2) and the consumer protection reserve account has been
21 depleted, then the clean coal SNG brownfield facility shall
22 be liable for any remaining amount owed to the retail
23 customers to the extent that the customers are provided
24 with the \$100,000,000 in savings as guaranteed in this
25 subsection (h-2). The retail customers shall have first
26 priority in recovering that debt above any creditors,

1 except the original senior secured lender to the extent
2 that the original senior secured lender has any senior
3 secured debt outstanding, including any clean coal SNG
4 brownfield facility parent companies or affiliates.

5 (7) The clean coal SNG brownfield facility, the
6 utilities, and the trustee shall work together to take
7 commercially reasonable steps to minimize the tax impact of
8 these transactions, while preserving the consumer
9 benefits.

10 (8) The clean coal SNG brownfield facility shall each
11 month, starting in the facility's first year of commercial
12 operation, file with the Commission, in such form as the
13 Commission shall require, a report as to the consumer
14 protection reserve account. The monthly report must
15 contain the following information:

16 (A) the extent the monthly delivered SNG price is
17 greater than, less than, or equal to the Chicago
18 City-gate price;

19 (B) the amount credited or debited to the consumer
20 protection reserve account during the month;

21 (C) the amounts credited to consumers and
22 distributed to the clean coal SNG brownfield facility
23 during the month;

24 (D) the total amount of the consumer protection
25 reserve account at the beginning and end of the month;

26 (E) the total amount of consumer savings to date;

1 (F) a confidential summary of the inputs used to
2 calculate the additional net revenue; and

3 (G) any other additional information the
4 Commission shall require.

5 When any report is erroneous or defective or appears to
6 the Commission to be erroneous or defective, the Commission
7 may notify the clean coal SNG brownfield facility to amend
8 the report within 30 days, and, before or after the
9 termination of the 30-day period, the Commission may
10 examine the trustee of the consumer protection reserve
11 account or the officers, agents, employees, books,
12 records, or accounts of the clean coal SNG brownfield
13 facility and correct such items in the report as upon such
14 examination the Commission may find defective or
15 erroneous. All reports shall be under oath.

16 All reports made to the Commission by the clean coal
17 SNG brownfield facility and the contents of the reports
18 shall be open to public inspection and shall be deemed a
19 public record under the Freedom of Information Act. Such
20 reports shall be preserved in the office of the Commission.
21 The Commission shall publish an annual summary of the
22 reports prior to February 1 of the following year. The
23 annual summary shall be made available to the public on the
24 Commission's website and shall be submitted to the General
25 Assembly.

26 Any facility that fails to file a report required under

1 this paragraph (8) to the Commission within the time
2 specified or to make specific answer to any question
3 propounded by the Commission within 30 days from the time
4 it is lawfully required to do so, or within such further
5 time not to exceed 90 days as may in its discretion be
6 allowed by the Commission, shall pay a penalty of \$500 to
7 the Commission for each day it is in default.

8 Any person who willfully makes any false report to the
9 Commission or to any member, officer, or employee thereof,
10 any person who willfully in a report withholds or fails to
11 provide material information to which the Commission is
12 entitled under this paragraph (8) and which information is
13 either required to be filed by statute, rule, regulation,
14 order, or decision of the Commission or has been requested
15 by the Commission, and any person who willfully aids or
16 abets such person shall be guilty of a Class A misdemeanor.

17 (h-3) Recoverable costs and revenue by the clean coal SNG
18 brownfield facility.

19 (1) A capital recovery charge approved by the
20 Commission shall be recoverable by the clean coal SNG
21 brownfield facility under a sourcing agreement. The
22 capital recovery charge shall be comprised of capital costs
23 and a reasonable rate of return. "Capital costs" means
24 costs to be incurred in connection with the construction
25 and development of a facility, as defined in Section 1-10
26 of the Illinois Power Agency Act, and such other costs as

1 the Capital Development Board deems appropriate to be
2 recovered in the capital recovery charge.

3 (A) Capital costs. The Capital Development Board
4 shall calculate a range of capital costs that it
5 believes would be reasonable for the clean coal SNG
6 brownfield facility to recover under the sourcing
7 agreement. In making this determination, the Capital
8 Development Board shall review the facility cost
9 report, if any, of the clean coal SNG brownfield
10 facility, adjusting the results based on the change in
11 the Annual Consumer Price Index for All Urban Consumers
12 for the Midwest Region as published in April by the
13 United States Department of Labor, Bureau of Labor
14 Statistics, the final draft of the sourcing agreement,
15 and the rate of return approved by the Commission. In
16 addition, the Capital Development Board may consult as
17 much as it deems necessary with the clean coal SNG
18 brownfield facility and conduct whatever research and
19 investigation it deems necessary.

20 The Capital Development Board shall retain an
21 engineering expert to assist in determining both the
22 range of capital costs and the range of operations and
23 maintenance costs that it believes would be reasonable
24 for the clean coal SNG brownfield facility to recover
25 under the sourcing agreement. Provided, however, that
26 such expert shall: (i) not have been involved in the

1 clean coal SNG brownfield facility's facility cost
2 report, if any, (ii) not own or control any direct or
3 indirect interest in the initial clean coal facility,
4 and (iii) have no contractual relationship with the
5 clean coal SNG brownfield facility. In order to qualify
6 as an independent expert, a person or company must
7 have:

8 (i) direct previous experience conducting
9 front-end engineering and design studies for
10 large-scale energy facilities and administering
11 large-scale energy operations and maintenance
12 contracts, which may be particularized to the
13 specific type of financing associated with the
14 clean coal SNG brownfield facility;

15 (ii) an advanced degree in economics,
16 mathematics, engineering, or a related area of
17 study;

18 (iii) ten years of experience in the energy
19 sector, including construction and risk management
20 experience;

21 (iv) expertise in assisting companies with
22 obtaining financing for large-scale energy
23 projects, which may be particularized to the
24 specific type of financing associated with the
25 clean coal SNG brownfield facility;

26 (v) expertise in operations and maintenance

1 which may be particularized to the specific type of
2 operations and maintenance associated with the
3 clean coal SNG brownfield facility;

4 (vi) expertise in credit and contract
5 protocols;

6 (vii) adequate resources to perform and
7 fulfill the required functions and
8 responsibilities; and

9 (viii) the absence of a conflict of interest
10 and inappropriate bias for or against an affected
11 gas utility or the clean coal SNG brownfield
12 facility.

13 The clean coal SNG brownfield facility and the
14 Illinois Power Agency shall cooperate with the Capital
15 Development Board in any investigation it deems
16 necessary. The Capital Development Board shall make
17 its final determination of the range of capital costs
18 confidentially and shall submit that range to the
19 Commission in a confidential filing within 120 days
20 after July 13, 2011 (the effective date of Public Act
21 97-096). The clean coal SNG brownfield facility shall
22 submit to the Commission its estimate of the capital
23 costs to be recovered under the sourcing agreement.
24 Only after the clean coal SNG brownfield facility has
25 submitted this estimate shall the Commission publicly
26 announce the range of capital costs submitted by the

1 Capital Development Board.

2 In the event that the estimate submitted by the
3 clean coal SNG brownfield facility is within or below
4 the range submitted by the Capital Development Board,
5 the clean coal SNG brownfield facility's estimate
6 shall be approved by the Commission as the amount of
7 capital costs to be recovered under the sourcing
8 agreement. In the event that the estimate submitted by
9 the clean coal SNG brownfield facility is above the
10 range submitted by the Capital Development Board, the
11 amount of capital costs at the lowest end of the range
12 submitted by the Capital Development Board shall be
13 approved by the Commission as the amount of capital
14 costs to be recovered under the sourcing agreement.
15 Within 15 days after the Capital Development Board has
16 submitted its range and the clean coal SNG brownfield
17 facility has submitted its estimate, the Commission
18 shall approve the capital costs for the clean coal SNG
19 brownfield facility.

20 The Capital Development Board shall monitor the
21 construction of the clean coal SNG brownfield facility
22 for the full duration of construction to assess
23 potential cost overruns. The Capital Development
24 Board, in its discretion, may retain an expert to
25 facilitate such monitoring. The clean coal SNG
26 brownfield facility shall pay a reasonable fee as

1 required by the Capital Development Board for the
2 Capital Development Board's services under this
3 subsection (h-3) to be deposited into the Capital
4 Development Board Revolving Fund, and such fee shall
5 not be passed through to a utility or its customers. If
6 an expert is retained by the Capital Development Board
7 for monitoring of construction, then the clean coal SNG
8 brownfield facility must pay for the expert's
9 reasonable fees and such costs shall not be passed
10 through to a utility or its customers.

11 (B) Rate of Return. No later than 30 days after the
12 date on which the Illinois Power Agency submits a final
13 draft sourcing agreement, the Commission shall hold a
14 public hearing to determine the rate of return to be
15 recovered under the sourcing agreement. Rate of return
16 shall be comprised of the clean coal SNG brownfield
17 facility's actual cost of debt, including
18 mortgage-style amortization, and a reasonable return
19 on equity. The Commission shall post notice of the
20 hearing on its website no later than 10 days prior to
21 the date of the hearing. The Commission shall provide
22 the public and all interested parties, including the
23 gas utilities, the Attorney General, and the Illinois
24 Power Agency, an opportunity to be heard.

25 In determining the return on equity, the
26 Commission shall select a commercially reasonable

1 return on equity taking into account the return on
2 equity being received by developers of similar
3 facilities in or outside of Illinois, the need to
4 balance an incentive for clean-coal technology with
5 the need to protect ratepayers from high gas prices,
6 the risks being borne by the clean coal SNG brownfield
7 facility in the final draft sourcing agreement, and any
8 other information that the Commission may deem
9 relevant. The Commission may establish a return on
10 equity that varies with the amount of savings, if any,
11 to customers during the term of the sourcing agreement,
12 comparing the delivered SNG price to a daily weighted
13 average price of natural gas, based upon an index. The
14 Illinois Power Agency shall recommend a return on
15 equity to the Commission using the same criteria.
16 Within 60 days after receiving the final draft sourcing
17 agreement from the Illinois Power Agency, the
18 Commission shall approve the rate of return for the
19 clean coal brownfield facility. Within 30 days after
20 obtaining debt financing for the clean coal SNG
21 brownfield facility, the clean coal SNG brownfield
22 facility shall file a notice with the Commission
23 identifying the actual cost of debt.

24 (2) Operations and maintenance costs approved by the
25 Commission shall be recoverable by the clean coal SNG
26 brownfield facility under the sourcing agreement. The

1 operations and maintenance costs mean costs that have been
2 incurred for the administration, supervision, operation,
3 maintenance, preservation, and protection of the clean
4 coal SNG brownfield facility's physical plant.

5 The Capital Development Board shall calculate a range
6 of operations and maintenance costs that it believes would
7 be reasonable for the clean coal SNG brownfield facility to
8 recover under the sourcing agreement, incorporating an
9 inflation index or combination of inflation indices to most
10 accurately reflect the actual costs of operating the clean
11 coal SNG brownfield facility. In making this
12 determination, the Capital Development Board shall review
13 the facility cost report, if any, of the clean coal SNG
14 brownfield facility, adjusting the results for inflation
15 based on the change in the Annual Consumer Price Index for
16 All Urban Consumers for the Midwest Region as published in
17 April by the United States Department of Labor, Bureau of
18 Labor Statistics, the final draft of the sourcing
19 agreement, and the rate of return approved by the
20 Commission. In addition, the Capital Development Board may
21 consult as much as it deems necessary with the clean coal
22 SNG brownfield facility and conduct whatever research and
23 investigation it deems necessary. As set forth in
24 subparagraph (A) of paragraph (1) of this subsection (h-3),
25 the Capital Development Board shall retain an independent
26 engineering expert to assist in determining both the range

1 of operations and maintenance costs that it believes would
2 be reasonable for the clean coal SNG brownfield facility to
3 recover under the sourcing agreement. The clean coal SNG
4 brownfield facility and the Illinois Power Agency shall
5 cooperate with the Capital Development Board in any
6 investigation it deems necessary. The Capital Development
7 Board shall make its final determination of the range of
8 operations and maintenance costs confidentially and shall
9 submit that range to the Commission in a confidential
10 filing within 120 days after July 13, 2011.

11 The clean coal SNG brownfield facility shall submit to
12 the Commission its estimate of the operations and
13 maintenance costs to be recovered under the sourcing
14 agreement. Only after the clean coal SNG brownfield
15 facility has submitted this estimate shall the Commission
16 publicly announce the range of operations and maintenance
17 costs submitted by the Capital Development Board. In the
18 event that the estimate submitted by the clean coal SNG
19 brownfield facility is within or below the range submitted
20 by the Capital Development Board, the clean coal SNG
21 brownfield facility's estimate shall be approved by the
22 Commission as the amount of operations and maintenance
23 costs to be recovered under the sourcing agreement. In the
24 event that the estimate submitted by the clean coal SNG
25 brownfield facility is above the range submitted by the
26 Capital Development Board, the amount of operations and

1 maintenance costs at the lowest end of the range submitted
2 by the Capital Development Board shall be approved by the
3 Commission as the amount of operations and maintenance
4 costs to be recovered under the sourcing agreement. Within
5 15 days after the Capital Development Board has submitted
6 its range and the clean coal SNG brownfield facility has
7 submitted its estimate, the Commission shall approve the
8 operations and maintenance costs for the clean coal SNG
9 brownfield facility.

10 The clean coal SNG brownfield facility shall pay for
11 the independent engineering expert's reasonable fees and
12 such costs shall not be passed through to a utility or its
13 customers. The clean coal SNG brownfield facility shall pay
14 a reasonable fee as required by the Capital Development
15 Board for the Capital Development Board's services under
16 this subsection (h-3) to be deposited into the Capital
17 Development Board Revolving Fund, and such fee shall not be
18 passed through to a utility or its customers.

19 (3) Sequestration costs approved by the Commission
20 shall be recoverable by the clean coal SNG brownfield
21 facility. "Sequestration costs" means costs to be incurred
22 by the clean coal SNG brownfield facility in accordance
23 with its Commission-approved carbon capture and
24 sequestration plan to:

25 (A) capture carbon dioxide;

26 (B) build, operate, and maintain a sequestration

1 site in which carbon dioxide may be injected;

2 (C) build, operate, and maintain a carbon dioxide
3 pipeline; and

4 (D) transport the carbon dioxide to the
5 sequestration site or a pipeline.

6 The Commission shall assess the prudence of the
7 sequestration costs for the clean coal SNG brownfield
8 facility before construction commences at the
9 sequestration site or pipeline. Any revenues the clean coal
10 SNG brownfield facility receives as a result of the
11 capture, transportation, or sequestration of carbon
12 dioxide shall be first credited against all sequestration
13 costs, with the positive balance, if any, treated as
14 additional net revenue.

15 The Commission may, in its discretion, retain an expert
16 to assist in its review of sequestration costs. The clean
17 coal SNG brownfield facility shall pay for the expert's
18 reasonable fees if an expert is retained by the Commission,
19 and such costs shall not be passed through to a utility or
20 its customers. Once made, the Commission's determination
21 of the amount of recoverable sequestration costs shall not
22 be increased unless the clean coal SNG brownfield facility
23 can show by clear and convincing evidence that (i) the
24 costs were not reasonably foreseeable; (ii) the costs were
25 due to circumstances beyond the clean coal SNG brownfield
26 facility's control; and (iii) the clean coal SNG brownfield

1 facility took all reasonable steps to mitigate the costs.
2 If the Commission determines that sequestration costs may
3 be increased, the Commission shall provide for notice and a
4 public hearing for approval of the increased sequestration
5 costs.

6 (4) Actual delivered and processed fuel costs shall be
7 set by the Illinois Power Agency through a SNG feedstock
8 procurement, pursuant to Sections 1-20, 1-77, and 1-78 of
9 the Illinois Power Agency Act, to be performed at least
10 every 5 years and purchased by the clean coal SNG
11 brownfield facility pursuant to feedstock procurement
12 contracts developed by the Illinois Power Agency, with coal
13 comprising at least 50% of the total feedstock over the
14 term of the sourcing agreement and petroleum coke
15 comprising the remainder of the SNG feedstock. If the
16 Commission fails to approve a feedstock procurement plan or
17 fails to approve the results of a feedstock procurement
18 event, then the fuel shall be purchased by the company
19 month-by-month on the spot market and those actual
20 delivered and processed fuel costs shall be recoverable
21 under the sourcing agreement. If a supplier defaults under
22 the terms of a procurement contract, then the Illinois
23 Power Agency shall immediately initiate a feedstock
24 procurement process to obtain a replacement supply, and,
25 prior to the conclusion of that process, fuel shall be
26 purchased by the company month-by-month on the spot market

1 and those actual delivered and processed fuel costs shall
2 be recoverable under the sourcing agreement.

3 (5) Taxes and fees imposed by the federal government,
4 the State, or any unit of local government applicable to
5 the clean coal SNG brownfield facility, excluding income
6 tax, shall be recoverable by the clean coal SNG brownfield
7 facility under the sourcing agreement to the extent such
8 taxes and fees were not applicable to the facility on July
9 13, 2011.

10 (6) The actual transportation costs, in accordance
11 with the applicable utility's tariffs, and third-party
12 marketer costs incurred by the company, if any, associated
13 with transporting the SNG from the clean coal SNG
14 brownfield facility to the Chicago City-gate to sell such
15 SNG into the natural gas markets shall be recoverable under
16 the sourcing agreement.

17 (7) Unless otherwise provided, within 30 days after a
18 decision of the Commission on recoverable costs under this
19 Section, any interested party to the Commission's decision
20 may apply for a rehearing with respect to the decision. The
21 Commission shall receive and consider the application for
22 rehearing and shall grant or deny the application in whole
23 or in part within 20 days after the date of the receipt of
24 the application by the Commission. If no rehearing is
25 applied for within the required 30 days or an application
26 for rehearing is denied, then the Commission decision shall

1 be final. If an application for rehearing is granted, then
2 the Commission shall hold a rehearing within 30 days after
3 granting the application. The decision of the Commission
4 upon rehearing shall be final.

5 Any person affected by a decision of the Commission
6 under this subsection (h-3) may have the decision reviewed
7 only under and in accordance with the Administrative Review
8 Law. Unless otherwise provided, the provisions of the
9 Administrative Review Law, all amendments and
10 modifications to that Law, and the rules adopted pursuant
11 to that Law shall apply to and govern all proceedings for
12 the judicial review of final administrative decisions of
13 the Commission under this subsection (h-3). The term
14 "administrative decision" is defined as in Section 3-101 of
15 the Code of Civil Procedure.

16 (8) The Capital Development Board shall adopt and make
17 public a policy detailing the process for retaining experts
18 under this Section. Any experts retained to assist with
19 calculating the range of capital costs or operations and
20 maintenance costs shall be retained no later than 45 days
21 after July 13, 2011.

22 (h-4) No later than 90 days after the Illinois Power Agency
23 submits the final draft sourcing agreement pursuant to
24 subsection (h-1), the Commission shall approve a sourcing
25 agreement containing (i) the capital costs, rate of return, and
26 operations and maintenance costs established pursuant to

1 subsection (h-3) and (ii) all other terms and conditions,
2 rights, provisions, exceptions, and limitations contained in
3 the final draft sourcing agreement; provided, however, the
4 Commission shall correct typographical and scrivener's errors
5 and modify the contract only as necessary to provide that the
6 gas utility does not have the right to terminate the sourcing
7 agreement due to any future events that may occur other than
8 the clean coal SNG brownfield facility's failure to timely meet
9 milestones, uncured default, extended force majeure, or
10 abandonment. Once the sourcing agreement is approved, then the
11 gas utility subject to that sourcing agreement shall have 45
12 days after the date of the Commission's approval to enter into
13 the sourcing agreement.

14 (h-5) Sequestration enforcement.

15 (A) All contracts entered into under subsection (h) of
16 this Section and all sourcing agreements under subsection
17 (h-1) of this Section, regardless of duration, shall
18 require the owner of any facility supplying SNG under the
19 contract or sourcing agreement to provide certified
20 documentation to the Commission each year, starting in the
21 facility's first year of commercial operation, accurately
22 reporting the quantity of carbon dioxide emissions from the
23 facility that have been captured and sequestered and
24 reporting any quantities of carbon dioxide released from
25 the site or sites at which carbon dioxide emissions were
26 sequestered in prior years, based on continuous monitoring

1 of those sites.

2 (B) If, in any year, the owner of the clean coal SNG
3 facility fails to demonstrate that the SNG facility
4 captured and sequestered at least 90% of the total carbon
5 dioxide emissions that the facility would otherwise emit or
6 that sequestration of emissions from prior years has
7 failed, resulting in the release of carbon dioxide into the
8 atmosphere, then the owner of the clean coal SNG facility
9 must pay a penalty of \$20 per ton of excess carbon dioxide
10 emissions not to exceed \$40,000,000, in any given year
11 which shall be deposited into the Energy Efficiency Trust
12 Fund and distributed pursuant to subsection (b) of Section
13 6-6 of the Renewable Energy, Energy Efficiency, and Coal
14 Resources Development Law of 1997. On or before the 5-year
15 anniversary of the execution of the contract and every 5
16 years thereafter, an expert hired by the owner of the
17 facility with the approval of the Attorney General shall
18 conduct an analysis to determine the cost of sequestration
19 of at least 90% of the total carbon dioxide emissions the
20 plant would otherwise emit. If the analysis shows that the
21 actual annual cost is greater than the penalty, then the
22 penalty shall be increased to equal the actual cost.
23 Provided, however, to the extent that the owner of the
24 facility described in subsection (h) of this Section can
25 demonstrate that the failure was as a result of acts of God
26 (including fire, flood, earthquake, tornado, lightning,

1 hurricane, or other natural disaster); any amendment,
2 modification, or abrogation of any applicable law or
3 regulation that would prevent performance; war; invasion;
4 act of foreign enemies; hostilities (regardless of whether
5 war is declared); civil war; rebellion; revolution;
6 insurrection; military or usurped power or confiscation;
7 terrorist activities; civil disturbance; riots;
8 nationalization; sabotage; blockage; or embargo, the owner
9 of the facility described in subsection (h) of this Section
10 shall not be subject to a penalty if and only if (i) it
11 promptly provides notice of its failure to the Commission;
12 (ii) as soon as practicable and consistent with any order
13 or direction from the Commission, it submits to the
14 Commission proposed modifications to its carbon capture
15 and sequestration plan; and (iii) it carries out its
16 proposed modifications in the manner and time directed by
17 the Commission.

18 If the Commission finds that the facility has not
19 satisfied each of these requirements, then the facility
20 shall be subject to the penalty. If the owner of the clean
21 coal SNG facility captured and sequestered more than 90% of
22 the total carbon dioxide emissions that the facility would
23 otherwise emit, then the owner of the facility may credit
24 such additional amounts to reduce the amount of any future
25 penalty to be paid. The penalty resulting from the failure
26 to capture and sequester at least the minimum amount of

1 carbon dioxide shall not be passed on to a utility or its
2 customers.

3 If the clean coal SNG facility fails to meet the
4 requirements specified in this subsection (h-5), then the
5 Attorney General, on behalf of the People of the State of
6 Illinois, shall bring an action to enforce the obligations
7 related to the facility set forth in this subsection (h-5),
8 including any penalty payments owed, but not including the
9 physical obligation to capture and sequester at least 90%
10 of the total carbon dioxide emissions that the facility
11 would otherwise emit. Such action may be filed in any
12 circuit court in Illinois. By entering into a contract
13 pursuant to subsection (h) of this Section, the clean coal
14 SNG facility agrees to waive any objections to venue or to
15 the jurisdiction of the court with regard to the Attorney
16 General's action under this subsection (h-5).

17 Compliance with the sequestration requirements and any
18 penalty requirements specified in this subsection (h-5)
19 for the clean coal SNG facility shall be assessed annually
20 by the Commission, which may in its discretion retain an
21 expert to facilitate its assessment. If any expert is
22 retained by the Commission, then the clean coal SNG
23 facility shall pay for the expert's reasonable fees, and
24 such costs shall not be passed through to the utility or
25 its customers.

26 In addition, carbon dioxide emission credits received

1 by the clean coal SNG facility in connection with
2 sequestration of carbon dioxide from the facility must be
3 sold in a timely fashion with any revenue, less applicable
4 fees and expenses and any expenses required to be paid by
5 facility for carbon dioxide transportation or
6 sequestration, deposited into the reconciliation account
7 within 30 days after receipt of such funds by the owner of
8 the clean coal SNG facility.

9 The clean coal SNG facility is prohibited from
10 transporting or sequestering carbon dioxide unless the
11 owner of the carbon dioxide pipeline that transfers the
12 carbon dioxide from the facility and the owner of the
13 sequestration site where the carbon dioxide captured by the
14 facility is stored has acquired all applicable permits
15 under applicable State and federal laws, statutes, rules,
16 or regulations prior to the transfer or sequestration of
17 carbon dioxide. The responsibility for compliance with the
18 sequestration requirements specified in this subsection
19 (h-5) for the clean coal SNG facility shall reside solely
20 with the clean coal SNG facility, regardless of whether the
21 facility has contracted with another party to capture,
22 transport, or sequester carbon dioxide.

23 (C) If, in any year, the owner of a clean coal SNG
24 brownfield facility fails to demonstrate that the clean
25 coal SNG brownfield facility captured and sequestered at
26 least 85% of the total carbon dioxide emissions that the

1 facility would otherwise emit, then the owner of the clean
2 coal SNG brownfield facility must pay a penalty of \$20 per
3 ton of excess carbon emissions up to \$20,000,000, which
4 shall be deposited into the Energy Efficiency Trust Fund
5 and distributed pursuant to subsection (b) of Section 6-6
6 of the Renewable Energy, Energy Efficiency, and Coal
7 Resources Development Law of 1997. Provided, however, to
8 the extent that the owner of the clean coal SNG brownfield
9 facility can demonstrate that the failure was as a result
10 of acts of God (including fire, flood, earthquake, tornado,
11 lightning, hurricane, or other natural disaster); any
12 amendment, modification, or abrogation of any applicable
13 law or regulation that would prevent performance; war;
14 invasion; act of foreign enemies; hostilities (regardless
15 of whether war is declared); civil war; rebellion;
16 revolution; insurrection; military or usurped power or
17 confiscation; terrorist activities; civil disturbances;
18 riots; nationalization; sabotage; blockage; or embargo,
19 the owner of the clean coal SNG brownfield facility shall
20 not be subject to a penalty if and only if (i) it promptly
21 provides notice of its failure to the Commission; (ii) as
22 soon as practicable and consistent with any order or
23 direction from the Commission, it submits to the Commission
24 proposed modifications to its carbon capture and
25 sequestration plan; and (iii) it carries out its proposed
26 modifications in the manner and time directed by the

1 Commission. If the Commission finds that the facility has
2 not satisfied each of these requirements, then the facility
3 shall be subject to the penalty. If the owner of a clean
4 coal SNG brownfield facility demonstrates that the clean
5 coal SNG brownfield facility captured and sequestered more
6 than 85% of the total carbon emissions that the facility
7 would otherwise emit, the owner of the clean coal SNG
8 brownfield facility may credit such additional amounts to
9 reduce the amount of any future penalty to be paid. The
10 penalty resulting from the failure to capture and sequester
11 at least the minimum amount of carbon dioxide shall not be
12 passed on to a utility or its customers.

13 In addition to any penalty for the clean coal SNG
14 brownfield facility's failure to capture and sequester at
15 least its minimum sequestration requirement, the Attorney
16 General, on behalf of the People of the State of Illinois,
17 shall bring an action for specific performance of this
18 subsection (h-5). Such action may be filed in any circuit
19 court in Illinois. By entering into a sourcing agreement
20 pursuant to subsection (h-1) of this Section, the clean
21 coal SNG brownfield facility agrees to waive any objections
22 to venue or to the jurisdiction of the court with regard to
23 the Attorney General's action for specific performance
24 under this subsection (h-5).

25 Compliance with the sequestration requirements and
26 penalty requirements specified in this subsection (h-5)

1 for the clean coal SNG brownfield facility shall be
2 assessed annually by the Commission, which may in its
3 discretion retain an expert to facilitate its assessment.
4 If an expert is retained by the Commission, then the clean
5 coal SNG brownfield facility shall pay for the expert's
6 reasonable fees, and such costs shall not be passed through
7 to a utility or its customers. A SNG facility operating
8 pursuant to this subsection (h-5) shall not forfeit its
9 designation as a clean coal SNG facility or a clean coal
10 SNG brownfield facility if the facility fails to fully
11 comply with the applicable carbon sequestration
12 requirements in any given year, provided the requisite
13 offsets are purchased or requisite penalties are paid.

14 Responsibility for compliance with the sequestration
15 requirements specified in this subsection (h-5) for the
16 clean coal SNG brownfield facility shall reside solely with
17 the clean coal SNG brownfield facility regardless of
18 whether the facility has contracted with another party to
19 capture, transport, or sequester carbon dioxide.

20 (h-7) Sequestration permitting, oversight, and
21 investigations.

22 (1) No clean coal facility or clean coal SNG brownfield
23 facility may transport or sequester carbon dioxide unless
24 the Commission approves the method of carbon dioxide
25 transportation or sequestration. Such approval shall be
26 required regardless of whether the facility has contracted

1 with another to transport or sequester the carbon dioxide.
2 Nothing in this subsection (h-7) shall release the owner or
3 operator of a carbon dioxide sequestration site or carbon
4 dioxide pipeline from any other permitting requirements
5 under applicable State and federal laws, statutes, rules,
6 or regulations.

7 (2) The Commission shall review carbon dioxide
8 transportation and sequestration methods proposed by a
9 clean coal facility or a clean coal SNG brownfield facility
10 and shall approve those methods it deems reasonable and
11 cost-effective. For purposes of this review,
12 "cost-effective" means a commercially reasonable price for
13 similar carbon dioxide transportation or sequestration
14 techniques. In determining whether sequestration is
15 reasonable and cost-effective, the Commission may consult
16 with the Illinois State Geological Survey and retain third
17 parties to assist in its determination, provided that such
18 third parties shall not own or control any direct or
19 indirect interest in the facility that is proposing the
20 carbon dioxide transportation or the carbon dioxide
21 sequestration method and shall have no contractual
22 relationship with that facility. If a third party is
23 retained by the Commission, then the facility proposing the
24 carbon dioxide transportation or sequestration method
25 shall pay for the expert's reasonable fees, and these costs
26 shall not be passed through to a utility or its customers.

1 No later than 6 months prior to the date upon which the
2 owner intends to commence construction of a clean coal
3 facility or the clean coal SNG brownfield facility, the
4 owner of the facility shall file with the Commission a
5 carbon dioxide transportation or sequestration plan. The
6 Commission shall hold a public hearing within 30 days after
7 receipt of the facility's carbon dioxide transportation or
8 sequestration plan. The Commission shall post notice of the
9 review on its website upon submission of a carbon dioxide
10 transportation or sequestration method and shall accept
11 written public comments. The Commission shall take the
12 comments into account when making its decision.

13 The Commission may not approve a carbon dioxide
14 sequestration method if the owner or operator of the
15 sequestration site has not received (i) an Underground
16 Injection Control permit from the United States
17 Environmental Protection Agency, or from the Illinois
18 Environmental Protection Agency pursuant to the
19 Environmental Protection Act; (ii) an Underground
20 Injection Control permit from the Illinois Department of
21 Natural Resources pursuant to the Illinois Oil and Gas Act;
22 or (iii) an Underground Injection Control permit from the
23 United States Environmental Protection Agency or a permit
24 similar to items (i) or (ii) from the state in which the
25 sequestration site is located if the sequestration will
26 take place outside of Illinois. The Commission shall

1 approve or deny the carbon dioxide transportation or
2 sequestration method within 90 days after the receipt of
3 all required information.

4 (3) At least annually, the Illinois Environmental
5 Protection Agency shall inspect all carbon dioxide
6 sequestration sites in Illinois. The Illinois
7 Environmental Protection Agency may, as often as deemed
8 necessary, monitor and conduct investigations of those
9 sites. The owner or operator of the sequestration site must
10 cooperate with the Illinois Environmental Protection
11 Agency investigations of carbon dioxide sequestration
12 sites.

13 If the Illinois Environmental Protection Agency
14 determines at any time a site creates conditions that
15 warrant the issuance of a seal order under Section 34 of
16 the Environmental Protection Act, then the Illinois
17 Environmental Protection Agency shall seal the site
18 pursuant to the Environmental Protection Act. If the
19 Illinois Environmental Protection Agency determines at any
20 time a carbon dioxide sequestration site creates
21 conditions that warrant the institution of a civil action
22 for an injunction under Section 43 of the Environmental
23 Protection Act, then the Illinois Environmental Protection
24 Agency shall request the State's Attorney or the Attorney
25 General institute such action. The Illinois Environmental
26 Protection Agency shall provide notice of any such actions

1 as soon as possible on its website. The SNG facility shall
2 incur all reasonable costs associated with any such
3 inspection or monitoring of the sequestration sites, and
4 these costs shall not be recoverable from utilities or
5 their customers.

6 (4) (Blank).

7 (h-9) The clean coal SNG brownfield facility shall have the
8 right to recover prudently incurred increased costs or reduced
9 revenue resulting from any new or amendatory legislation or
10 other action. The State of Illinois pledges that the State will
11 not enact any law or take any action to:

12 (1) break, or repeal the authority for, sourcing
13 agreements approved by the Commission and entered into
14 between public utilities and the clean coal SNG brownfield
15 facility;

16 (2) deny public utilities full cost recovery for their
17 costs incurred under those sourcing agreements; or

18 (3) deny the clean coal SNG brownfield facility full
19 cost and revenue recovery as provided under those sourcing
20 agreements that are recoverable pursuant to subsection
21 (h-3) of this Section.

22 These pledges are for the benefit of the parties to those
23 sourcing agreements and the issuers and holders of bonds or
24 other obligations issued or incurred to finance or refinance
25 the clean coal SNG brownfield facility. The clean coal SNG
26 brownfield facility is authorized to include and refer to these

1 pledges in any financing agreement into which it may enter in
2 regard to those sourcing agreements.

3 The State of Illinois retains and reserves all other rights
4 to enact new or amendatory legislation or take any other
5 action, without impairment of the right of the clean coal SNG
6 brownfield facility to recover prudently incurred increased
7 costs or reduced revenue resulting from the new or amendatory
8 legislation or other action, including, but not limited to,
9 such legislation or other action that would (i) directly or
10 indirectly raise the costs the clean coal SNG brownfield
11 facility must incur; (ii) directly or indirectly place
12 additional restrictions, regulations, or requirements on the
13 clean coal SNG brownfield facility; (iii) prohibit
14 sequestration in general or prohibit a specific sequestration
15 method or project; or (iv) increase minimum sequestration
16 requirements for the clean coal SNG brownfield facility to the
17 extent technically feasible. The clean coal SNG brownfield
18 facility shall have the right to recover prudently incurred
19 increased costs or reduced revenue resulting from the new or
20 amendatory legislation or other action as described in this
21 subsection (h-9).

22 (h-10) Contract costs for SNG incurred by an Illinois gas
23 utility are reasonable and prudent and recoverable through the
24 purchased gas adjustment clause and are not subject to review
25 or disallowance by the Commission. Contract costs are costs
26 incurred by the utility under the terms of a contract that

1 incorporates the terms stated in subsection (h) of this Section
2 as confirmed in writing by the Illinois Power Agency as set
3 forth in subsection (h) of this Section, which confirmation
4 shall be deemed conclusive, or as a consequence of or condition
5 to its performance under the contract, including (i) amounts
6 paid for SNG under the SNG contract and (ii) costs of
7 transportation and storage services of SNG purchased from
8 interstate pipelines under federally approved tariffs. The
9 Illinois gas utility shall initiate a clean coal SNG facility
10 rider mechanism that (A) shall be applicable to all customers
11 who receive transportation service from the utility, (B) shall
12 be designed to have an equal percentage impact on the
13 transportation services rates of each class of the utility's
14 total customers, and (C) shall accurately reflect the net
15 customer savings, if any, and above market costs, if any, under
16 the SNG contract. Any contract, the terms of which have been
17 confirmed in writing by the Illinois Power Agency as set forth
18 in subsection (h) of this Section and the performance of the
19 parties under such contract cannot be grounds for challenging
20 prudence or cost recovery by the utility through the purchased
21 gas adjustment clause, and in such cases, the Commission is
22 directed not to consider, and has no authority to consider, any
23 attempted challenges.

24 The contracts entered into by Illinois gas utilities
25 pursuant to subsection (h) of this Section shall provide that
26 the utility retains the right to terminate the contract without

1 further obligation or liability to any party if the contract
2 has been impaired as a result of any legislative,
3 administrative, judicial, or other governmental action that is
4 taken that eliminates all or part of the prudence protection of
5 this subsection (h-10) or denies the recoverability of all or
6 part of the contract costs through the purchased gas adjustment
7 clause. Should any Illinois gas utility exercise its right
8 under this subsection (h-10) to terminate the contract, all
9 contract costs incurred prior to termination are and will be
10 deemed reasonable, prudent, and recoverable as and when
11 incurred and not subject to review or disallowance by the
12 Commission. Any order, issued by the State requiring or
13 authorizing the discontinuation of the merchant function,
14 defined as the purchase and sale of natural gas by an Illinois
15 gas utility for the ultimate consumer in its service territory
16 shall include provisions necessary to prevent the impairment of
17 the value of any contract hereunder over its full term.

18 (h-11) All costs incurred by an Illinois gas utility in
19 procuring SNG from a clean coal SNG brownfield facility
20 pursuant to subsection (h-1) or a third-party marketer pursuant
21 to subsection (h-1) are reasonable and prudent and recoverable
22 through the purchased gas adjustment clause in conjunction with
23 a SNG brownfield facility rider mechanism and are not subject
24 to review or disallowance by the Commission; provided that if a
25 utility is required by law or otherwise elects to connect the
26 clean coal SNG brownfield facility to an interstate pipeline,

1 then the utility shall be entitled to recover pursuant to its
2 tariffs all just and reasonable costs that are prudently
3 incurred. Sourcing agreement costs are costs incurred by the
4 utility under the terms of a sourcing agreement that
5 incorporates the terms stated in subsection (h-1) of this
6 Section as approved by the Commission as set forth in
7 subsection (h-4) of this Section, which approval shall be
8 deemed conclusive, or as a consequence of or condition to its
9 performance under the contract, including (i) amounts paid for
10 SNG under the SNG contract and (ii) costs of transportation and
11 storage services of SNG purchased from interstate pipelines
12 under federally approved tariffs. Any sourcing agreement, the
13 terms of which have been approved by the Commission as set
14 forth in subsection (h-4) of this Section, and the performance
15 of the parties under the sourcing agreement cannot be grounds
16 for challenging prudence or cost recovery by the utility, and
17 in these cases, the Commission is directed not to consider, and
18 has no authority to consider, any attempted challenges.

19 (h-15) Reconciliation account. The clean coal SNG facility
20 shall establish a reconciliation account for the benefit of the
21 retail customers of the utilities that have entered into
22 contracts with the clean coal SNG facility pursuant to
23 subsection (h). The reconciliation account shall be maintained
24 and administered by an independent trustee that is mutually
25 agreed upon by the owners of the clean coal SNG facility, the
26 utilities, and the Commission in an interest-bearing account in

1 accordance with the following:

2 (1) The clean coal SNG facility shall conduct an
3 analysis annually within 60 days after receiving the
4 necessary cost information, which shall be provided by the
5 gas utility within 6 months after the end of the preceding
6 calendar year, to determine (i) the average annual contract
7 SNG cost, which shall be calculated as the total amount
8 paid for SNG purchased from the clean coal SNG facility
9 over the preceding 12 months, plus the cost to the utility
10 of the required transportation and storage services of SNG,
11 divided by the total number of MMBtus of SNG actually
12 purchased from the clean coal SNG facility in the preceding
13 12 months under the utility contract; (ii) the average
14 annual natural gas purchase cost, which shall be calculated
15 as the total annual supply costs paid for baseload natural
16 gas (excluding any SNG) purchased by such utility over the
17 preceding 12 months plus the costs of transportation and
18 storage services of such natural gas (excluding such costs
19 for SNG), divided by the total number of MMBtus of baseload
20 natural gas (excluding SNG) actually purchased by the
21 utility during the year; (iii) the cost differential, which
22 shall be the difference between the average annual contract
23 SNG cost and the average annual natural gas purchase cost;
24 and (iv) the revenue share target which shall be the cost
25 differential multiplied by the total amount of SNG
26 purchased over the preceding 12 months under such utility

1 contract.

2 (A) To the extent the annual average contract SNG
3 cost is less than the annual average natural gas
4 purchase cost, the utility shall credit an amount equal
5 to the revenue share target to the reconciliation
6 account. Such credit payment shall be made monthly
7 starting within 30 days after the completed analysis in
8 this subsection (h-15) and based on collections from
9 all customers via a line item charge in all customer
10 bills designed to have an equal percentage impact on
11 the transportation services of each class of
12 customers. Credit payments made pursuant to this
13 subparagraph (A) shall be deemed prudent and
14 reasonable and not subject to Commission prudence
15 review.

16 (B) To the extent the annual average contract SNG
17 cost is greater than the annual average natural gas
18 purchase cost, the reconciliation account shall be
19 used to provide a credit equal to the revenue share
20 target to the utilities to be used to reduce the
21 utility's natural gas costs through the purchased gas
22 adjustment clause. Such payment shall be made within 30
23 days after the completed analysis pursuant to this
24 subsection (h-15), but only to the extent that the
25 reconciliation account has a positive balance.

26 (2) At the conclusion of the term of the SNG contracts

1 pursuant to subsection (h) and the completion of the final
2 annual analysis pursuant to this subsection (h-15), to the
3 extent the facility owes any amount to retail customers,
4 amounts in the account shall be credited to retail
5 customers to the extent the owed amount is repaid; 50% of
6 any additional amount in the reconciliation account shall
7 be distributed to the utilities to be used to reduce the
8 utilities' natural gas costs through the purchase gas
9 adjustment clause with the remaining amount distributed to
10 the clean coal SNG facility. Such payment shall be made
11 within 30 days after the last completed analysis pursuant
12 to this subsection (h-15). If the facility has repaid all
13 owed amounts, if any, to retail customers and has
14 distributed 50% of any additional amount in the account to
15 the utilities, then the owners of the clean coal SNG
16 facility shall have no further obligation to the utility or
17 the retail customers.

18 If, at the conclusion of the term of the contracts
19 pursuant to subsection (h) and the completion of the final
20 annual analysis pursuant to this subsection (h-15), the
21 facility owes any amount to retail customers and the
22 account has been depleted, then the clean coal SNG facility
23 shall be liable for any remaining amount owed to the retail
24 customers. The clean coal SNG facility shall market the
25 daily production of SNG and distribute on a monthly basis
26 5% of the amounts collected with respect to such future

1 sales to the utilities in proportion to each utility's SNG
2 contract to be used to reduce the utility's natural gas
3 costs through the purchase gas adjustment clause; such
4 payments to the utility shall continue until either 15
5 years after the conclusion of the contract or such time as
6 the sum of such payments equals the remaining amount owed
7 to the retail customers at the end of the contract,
8 whichever is earlier. If the debt to the retail customers
9 is not repaid within 15 years after the conclusion of the
10 contract, then the owner of the clean coal SNG facility
11 must sell the facility, and all proceeds from that sale
12 must be used to repay any amount owed to the retail
13 customers under this subsection (h-15).

14 The retail customers shall have first priority in
15 recovering that debt above any creditors, except the
16 secured lenders to the extent that the secured lenders have
17 any secured debt outstanding, including any parent
18 companies or affiliates of the clean coal SNG facility.

19 (3) 50% of all additional net revenue, defined as
20 miscellaneous net revenue after cost allowance and above
21 the budgeted estimate established for revenue pursuant to
22 subsection (h), including sale of substitute natural gas
23 derived from the clean coal SNG facility above the
24 nameplate capacity of the facility and other by-products
25 produced by the facility, shall be credited to the
26 reconciliation account on an annual basis with such payment

1 made within 30 days after the end of each calendar year
2 during the term of the contract.

3 (4) The clean coal SNG facility shall each year,
4 starting in the facility's first year of commercial
5 operation, file with the Commission, in such form as the
6 Commission shall require, a report as to the reconciliation
7 account. The annual report must contain the following
8 information:

9 (A) the revenue share target amount;

10 (B) the amount credited or debited to the
11 reconciliation account during the year;

12 (C) the amount credited to the utilities to be used
13 to reduce the utilities natural gas costs though the
14 purchase gas adjustment clause;

15 (D) the total amount of reconciliation account at
16 the beginning and end of the year;

17 (E) the total amount of consumer savings to date;
18 and

19 (F) any additional information the Commission may
20 require.

21 When any report is erroneous or defective or appears to the
22 Commission to be erroneous or defective, the Commission may
23 notify the clean coal SNG facility to amend the report within
24 30 days; before or after the termination of the 30-day period,
25 the Commission may examine the trustee of the reconciliation
26 account or the officers, agents, employees, books, records, or

1 accounts of the clean coal SNG facility and correct such items
2 in the report as upon such examination the Commission may find
3 defective or erroneous. All reports shall be under oath.

4 All reports made to the Commission by the clean coal SNG
5 facility and the contents of the reports shall be open to
6 public inspection and shall be deemed a public record under the
7 Freedom of Information Act. Such reports shall be preserved in
8 the office of the Commission. The Commission shall publish an
9 annual summary of the reports prior to February 1 of the
10 following year. The annual summary shall be made available to
11 the public on the Commission's website and shall be submitted
12 to the General Assembly.

13 Any facility that fails to file the report required under
14 this paragraph (4) to the Commission within the time specified
15 or to make specific answer to any question propounded by the
16 Commission within 30 days after the time it is lawfully
17 required to do so, or within such further time not to exceed 90
18 days as may be allowed by the Commission in its discretion,
19 shall pay a penalty of \$500 to the Commission for each day it
20 is in default.

21 Any person who willfully makes any false report to the
22 Commission or to any member, officer, or employee thereof, any
23 person who willfully in a report withholds or fails to provide
24 material information to which the Commission is entitled under
25 this paragraph (4) and which information is either required to
26 be filed by statute, rule, regulation, order, or decision of

1 the Commission or has been requested by the Commission, and any
2 person who willfully aids or abets such person shall be guilty
3 of a Class A misdemeanor.

4 (h-20) The General Assembly authorizes the Illinois
5 Finance Authority to issue bonds to the maximum extent
6 permitted to finance coal gasification facilities described in
7 this Section, which constitute both "industrial projects"
8 under Article 801 of the Illinois Finance Authority Act and
9 "clean coal and energy projects" under Sections 825-65 through
10 825-75 of the Illinois Finance Authority Act.

11 Administrative costs incurred by the Illinois Finance
12 Authority in performance of this subsection (h-20) shall be
13 subject to reimbursement by the clean coal SNG facility on
14 terms as the Illinois Finance Authority and the clean coal SNG
15 facility may agree. The utility and its customers shall have no
16 obligation to reimburse the clean coal SNG facility or the
17 Illinois Finance Authority for any such costs.

18 (h-25) The State of Illinois pledges that the State may not
19 enact any law or take any action to (1) break or repeal the
20 authority for SNG purchase contracts entered into between
21 public gas utilities and the clean coal SNG facility pursuant
22 to subsection (h) of this Section or (2) deny public gas
23 utilities their full cost recovery for contract costs, as
24 defined in subsection (h-10), that are incurred under such SNG
25 purchase contracts. These pledges are for the benefit of the
26 parties to such SNG purchase contracts and the issuers and

1 holders of bonds or other obligations issued or incurred to
2 finance or refinance the clean coal SNG facility. The
3 beneficiaries are authorized to include and refer to these
4 pledges in any finance agreement into which they may enter in
5 regard to such contracts.

6 (h-30) The State of Illinois retains and reserves all other
7 rights to enact new or amendatory legislation or take any other
8 action, including, but not limited to, such legislation or
9 other action that would (1) directly or indirectly raise the
10 costs that the clean coal SNG facility must incur; (2) directly
11 or indirectly place additional restrictions, regulations, or
12 requirements on the clean coal SNG facility; (3) prohibit
13 sequestration in general or prohibit a specific sequestration
14 method or project; or (4) increase minimum sequestration
15 requirements.

16 (i) If a gas utility or an affiliate of a gas utility has
17 an ownership interest in any entity that produces or sells
18 synthetic natural gas, Article VII of this Act shall apply.

19 (Source: P.A. 100-391, eff. 8-25-17.)

20 Section 180. The Illinois Horse Racing Act of 1975 is
21 amended by changing Sections 12.1 and 12.2 as follows:

22 (230 ILCS 5/12.1) (from Ch. 8, par. 37-12.1)

23 Sec. 12.1. (a) The General Assembly finds that the Illinois
24 Racing Industry does not include a fair proportion of minority

1 or female workers.

2 Therefore, the General Assembly urges that the job training
3 institutes, trade associations and employers involved in the
4 Illinois Horse Racing Industry take affirmative action to
5 encourage equal employment opportunity to all workers
6 regardless of race, color, creed or sex.

7 Before an organization license, inter-track wagering
8 license or inter-track wagering location license can be
9 granted, the applicant for any such license shall execute and
10 file with the Board a good faith affirmative action plan to
11 recruit, train and upgrade minorities and females in all
12 classifications with the applicant for license. One year after
13 issuance of any such license, and each year thereafter, the
14 licensee shall file a report with the Board evidencing and
15 certifying compliance with the originally filed affirmative
16 action plan.

17 (b) At least 10% of the total amount of all State contracts
18 for the infrastructure improvement of any race track grounds in
19 this State shall be let to minority-owned businesses, ~~or~~
20 women-owned businesses, veteran-owned businesses, or
21 businesses owned by persons with a disability. "State
22 contract", "minority-owned business" ~~and~~ "women-owned
23 business", "veteran-owned business", and "business owned by a
24 person with a disability" shall have the meanings ascribed to
25 them under the Business Enterprise for Minorities, Women,
26 Veterans, and Persons with Disabilities Act.

1 (Source: P.A. 100-391, eff. 8-25-17.)

2 (230 ILCS 5/12.2)

3 Sec. 12.2. Business enterprise program.

4 (a) For the purposes of this Section, the terms "minority",
5 "minority-owned business", "woman", "women-owned business",
6 "veteran", "veteran-owned business", "person with a
7 disability", and "business owned by a person with a disability"
8 have the meanings ascribed to them in the Business Enterprise
9 for Minorities, Women, Veterans, and Persons with Disabilities
10 Act.

11 (b) The Board shall, by rule, establish goals for the award
12 of contracts by each organization licensee or inter-track
13 wagering licensee to businesses owned by minorities, women,
14 veterans, and persons with disabilities, expressed as
15 percentages of an organization licensee's or inter-track
16 wagering licensee's total dollar amount of contracts awarded
17 during each calendar year. Each organization licensee or
18 inter-track wagering licensee must make every effort to meet
19 the goals established by the Board pursuant to this Section.
20 When setting the goals for the award of contracts, the Board
21 shall not include contracts where: (1) licensees are purchasing
22 goods or services from vendors or suppliers or in markets where
23 there are no or a limited number of minority-owned businesses,
24 women-owned businesses, veteran-owned businesses, or
25 businesses owned by persons with disabilities that would be

1 sufficient to satisfy the goal; (2) there are no or a limited
2 number of suppliers licensed by the Board; (3) the licensee or
3 its parent company owns a company that provides the goods or
4 services; or (4) the goods or services are provided to the
5 licensee by a publicly traded company.

6 (c) Each organization licensee or inter-track wagering
7 licensee shall file with the Board an annual report of its
8 utilization of minority-owned businesses, women-owned
9 businesses, veteran-owned businesses, and businesses owned by
10 persons with disabilities during the preceding calendar year.
11 The reports shall include a self-evaluation of the efforts of
12 the organization licensee or inter-track wagering licensee to
13 meet its goals under this Section.

14 (d) The organization licensee or inter-track wagering
15 licensee shall have the right to request a waiver from the
16 requirements of this Section. The Board shall grant the waiver
17 where the organization licensee or inter-track wagering
18 licensee demonstrates that there has been made a good faith
19 effort to comply with the goals for participation by
20 minority-owned businesses, women-owned businesses,
21 veteran-owned businesses, and businesses owned by persons with
22 disabilities.

23 (e) If the Board determines that its goals and policies are
24 not being met by any organization licensee or inter-track
25 wagering licensee, then the Board may:

26 (1) adopt remedies for such violations; and

1 (2) recommend that the organization licensee or
2 inter-track wagering licensee provide additional
3 opportunities for participation by minority-owned
4 businesses, women-owned businesses, veteran-owned
5 businesses, and businesses owned by persons with
6 disabilities; such recommendations may include, but shall
7 not be limited to:

8 (A) assurances of stronger and better focused
9 solicitation efforts to obtain more minority-owned
10 businesses, women-owned businesses, veteran-owned
11 businesses, and businesses owned by persons with
12 disabilities as potential sources of supply;

13 (B) division of job or project requirements, when
14 economically feasible, into tasks or quantities to
15 permit participation of minority-owned businesses,
16 women-owned businesses, veteran-owned businesses, and
17 businesses owned by persons with disabilities;

18 (C) elimination of extended experience or
19 capitalization requirements, when programmatically
20 feasible, to permit participation of minority-owned
21 businesses, women-owned businesses, veteran-owned
22 businesses, and businesses owned by persons with
23 disabilities;

24 (D) identification of specific proposed contracts
25 as particularly attractive or appropriate for
26 participation by minority-owned businesses,

1 women-owned businesses, veteran-owned businesses, and
2 businesses owned by persons with disabilities, such
3 identification to result from and be coupled with the
4 efforts of items (A) through (C); and

5 (E) implementation of regulations established for
6 the use of the sheltered market process.

7 (f) The Board shall file, no later than March 1 of each
8 year, an annual report that shall detail the level of
9 achievement toward the goals specified in this Section over the
10 3 most recent fiscal years. The annual report shall include,
11 but need not be limited to:

12 (1) a summary detailing expenditures subject to the
13 goals, the actual goals specified, and the goals attained
14 by each organization licensee or inter-track wagering
15 licensee;

16 (2) a summary of the number of contracts awarded and
17 the average contract amount by each organization licensee
18 or inter-track wagering licensee;

19 (3) an analysis of the level of overall goal
20 achievement concerning purchases from minority-owned
21 businesses, women-owned businesses, veteran-owned
22 businesses, and businesses owned by persons with
23 disabilities;

24 (4) an analysis of the number of minority-owned
25 businesses, women-owned businesses, veteran-owned
26 businesses, and businesses owned by persons with

1 disabilities that are certified under the program as well
2 as the number of those businesses that received State
3 procurement contracts; and

4 (5) (blank).

5 (Source: P.A. 99-78, eff. 7-20-15; 99-891, eff. 1-1-17;
6 100-391, eff. 8-25-17.)

7 Section 185. The Riverboat Gambling Act is amended by
8 changing Sections 4, 7, 7.6, and 11.2 as follows:

9 (230 ILCS 10/4) (from Ch. 120, par. 2404)

10 Sec. 4. Definitions. As used in this Act:

11 (a) "Board" means the Illinois Gaming Board.

12 (b) "Occupational license" means a license issued by the
13 Board to a person or entity to perform an occupation which the
14 Board has identified as requiring a license to engage in
15 riverboat gambling in Illinois.

16 (c) "Gambling game" includes, but is not limited to,
17 baccarat, twenty-one, poker, craps, slot machine, video game of
18 chance, roulette wheel, klondike table, punchboard, faro
19 layout, keno layout, numbers ticket, push card, jar ticket, or
20 pull tab which is authorized by the Board as a wagering device
21 under this Act.

22 (d) "Riverboat" means a self-propelled excursion boat, a
23 permanently moored barge, or permanently moored barges that are
24 permanently fixed together to operate as one vessel, on which

1 lawful gambling is authorized and licensed as provided in this
2 Act.

3 (e) "Managers license" means a license issued by the Board
4 to a person or entity to manage gambling operations conducted
5 by the State pursuant to Section 7.3.

6 (f) "Dock" means the location where a riverboat moors for
7 the purpose of embarking passengers for and disembarking
8 passengers from the riverboat.

9 (g) "Gross receipts" means the total amount of money
10 exchanged for the purchase of chips, tokens or electronic cards
11 by riverboat patrons.

12 (h) "Adjusted gross receipts" means the gross receipts less
13 winnings paid to wagerers.

14 (i) "Cheat" means to alter the selection of criteria which
15 determine the result of a gambling game or the amount or
16 frequency of payment in a gambling game.

17 (j) (Blank).

18 (k) "Gambling operation" means the conduct of authorized
19 gambling games upon a riverboat.

20 (l) "License bid" means the lump sum amount of money that
21 an applicant bids and agrees to pay the State in return for an
22 owners license that is re-issued on or after July 1, 2003.

23 (m) The terms "minority person", "woman", "veteran", and
24 "person with a disability" shall have the same meaning as
25 defined in Section 2 of the Business Enterprise for Minorities,
26 Women, Veterans, and Persons with Disabilities Act.

1 (Source: P.A. 100-391, eff. 8-25-17.)

2 (230 ILCS 10/7) (from Ch. 120, par. 2407)

3 Sec. 7. Owners licenses.

4 (a) The Board shall issue owners licenses to persons, firms
5 or corporations which apply for such licenses upon payment to
6 the Board of the non-refundable license fee set by the Board,
7 upon payment of a \$25,000 license fee for the first year of
8 operation and a \$5,000 license fee for each succeeding year and
9 upon a determination by the Board that the applicant is
10 eligible for an owners license pursuant to this Act and the
11 rules of the Board. From the effective date of this amendatory
12 Act of the 95th General Assembly until (i) 3 years after the
13 effective date of this amendatory Act of the 95th General
14 Assembly, (ii) the date any organization licensee begins to
15 operate a slot machine or video game of chance under the
16 Illinois Horse Racing Act of 1975 or this Act, (iii) the date
17 that payments begin under subsection (c-5) of Section 13 of the
18 Act, or (iv) the wagering tax imposed under Section 13 of this
19 Act is increased by law to reflect a tax rate that is at least
20 as stringent or more stringent than the tax rate contained in
21 subsection (a-3) of Section 13, whichever occurs first, as a
22 condition of licensure and as an alternative source of payment
23 for those funds payable under subsection (c-5) of Section 13 of
24 the Riverboat Gambling Act, any owners licensee that holds or
25 receives its owners license on or after the effective date of

1 this amendatory Act of the 94th General Assembly, other than an
2 owners licensee operating a riverboat with adjusted gross
3 receipts in calendar year 2004 of less than \$200,000,000, must
4 pay into the Horse Racing Equity Trust Fund, in addition to any
5 other payments required under this Act, an amount equal to 3%
6 of the adjusted gross receipts received by the owners licensee.
7 The payments required under this Section shall be made by the
8 owners licensee to the State Treasurer no later than 3:00
9 o'clock p.m. of the day after the day when the adjusted gross
10 receipts were received by the owners licensee. A person, firm
11 or corporation is ineligible to receive an owners license if:

12 (1) the person has been convicted of a felony under the
13 laws of this State, any other state, or the United States;

14 (2) the person has been convicted of any violation of
15 Article 28 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, or substantially similar laws of any other
17 jurisdiction;

18 (3) the person has submitted an application for a
19 license under this Act which contains false information;

20 (4) the person is a member of the Board;

21 (5) a person defined in (1), (2), (3) or (4) is an
22 officer, director or managerial employee of the firm or
23 corporation;

24 (6) the firm or corporation employs a person defined in
25 (1), (2), (3) or (4) who participates in the management or
26 operation of gambling operations authorized under this

1 Act;

2 (7) (blank); or

3 (8) a license of the person, firm or corporation issued
4 under this Act, or a license to own or operate gambling
5 facilities in any other jurisdiction, has been revoked.

6 The Board is expressly prohibited from making changes to
7 the requirement that licensees make payment into the Horse
8 Racing Equity Trust Fund without the express authority of the
9 Illinois General Assembly and making any other rule to
10 implement or interpret this amendatory Act of the 95th General
11 Assembly. For the purposes of this paragraph, "rules" is given
12 the meaning given to that term in Section 1-70 of the Illinois
13 Administrative Procedure Act.

14 (b) In determining whether to grant an owners license to an
15 applicant, the Board shall consider:

16 (1) the character, reputation, experience and
17 financial integrity of the applicants and of any other or
18 separate person that either:

19 (A) controls, directly or indirectly, such
20 applicant, or

21 (B) is controlled, directly or indirectly, by such
22 applicant or by a person which controls, directly or
23 indirectly, such applicant;

24 (2) the facilities or proposed facilities for the
25 conduct of riverboat gambling;

26 (3) the highest prospective total revenue to be derived

1 by the State from the conduct of riverboat gambling;

2 (4) the extent to which the ownership of the applicant
3 reflects the diversity of the State by including minority
4 persons, women, veterans, and persons with a disability and
5 the good faith affirmative action plan of each applicant to
6 recruit, train and upgrade minority persons, women,
7 veterans, and persons with a disability in all employment
8 classifications;

9 (4.5) the extent to which the ownership of the
10 applicant includes veterans of service in the armed forces
11 of the United States, and the good faith affirmative action
12 plan of each applicant to recruit, train, and upgrade
13 veterans of service in the armed forces of the United
14 States in all employment classifications;

15 (5) the financial ability of the applicant to purchase
16 and maintain adequate liability and casualty insurance;

17 (6) whether the applicant has adequate capitalization
18 to provide and maintain, for the duration of a license, a
19 riverboat;

20 (7) the extent to which the applicant exceeds or meets
21 other standards for the issuance of an owners license which
22 the Board may adopt by rule; and

23 (8) The amount of the applicant's license bid.

24 (c) Each owners license shall specify the place where
25 riverboats shall operate and dock.

26 (d) Each applicant shall submit with his application, on

1 forms provided by the Board, 2 sets of his fingerprints.

2 (e) The Board may issue up to 10 licenses authorizing the
3 holders of such licenses to own riverboats. In the application
4 for an owners license, the applicant shall state the dock at
5 which the riverboat is based and the water on which the
6 riverboat will be located. The Board shall issue 5 licenses to
7 become effective not earlier than January 1, 1991. Three of
8 such licenses shall authorize riverboat gambling on the
9 Mississippi River, or, with approval by the municipality in
10 which the riverboat was docked on August 7, 2003 and with Board
11 approval, be authorized to relocate to a new location, in a
12 municipality that (1) borders on the Mississippi River or is
13 within 5 miles of the city limits of a municipality that
14 borders on the Mississippi River and (2), on August 7, 2003,
15 had a riverboat conducting riverboat gambling operations
16 pursuant to a license issued under this Act; one of which shall
17 authorize riverboat gambling from a home dock in the city of
18 East St. Louis. One other license shall authorize riverboat
19 gambling on the Illinois River south of Marshall County. The
20 Board shall issue one additional license to become effective
21 not earlier than March 1, 1992, which shall authorize riverboat
22 gambling on the Des Plaines River in Will County. The Board may
23 issue 4 additional licenses to become effective not earlier
24 than March 1, 1992. In determining the water upon which
25 riverboats will operate, the Board shall consider the economic
26 benefit which riverboat gambling confers on the State, and

1 shall seek to assure that all regions of the State share in the
2 economic benefits of riverboat gambling.

3 In granting all licenses, the Board may give favorable
4 consideration to economically depressed areas of the State, to
5 applicants presenting plans which provide for significant
6 economic development over a large geographic area, and to
7 applicants who currently operate non-gambling riverboats in
8 Illinois. The Board shall review all applications for owners
9 licenses, and shall inform each applicant of the Board's
10 decision. The Board may grant an owners license to an applicant
11 that has not submitted the highest license bid, but if it does
12 not select the highest bidder, the Board shall issue a written
13 decision explaining why another applicant was selected and
14 identifying the factors set forth in this Section that favored
15 the winning bidder.

16 In addition to any other revocation powers granted to the
17 Board under this Act, the Board may revoke the owners license
18 of a licensee which fails to begin conducting gambling within
19 15 months of receipt of the Board's approval of the application
20 if the Board determines that license revocation is in the best
21 interests of the State.

22 (f) The first 10 owners licenses issued under this Act
23 shall permit the holder to own up to 2 riverboats and equipment
24 thereon for a period of 3 years after the effective date of the
25 license. Holders of the first 10 owners licenses must pay the
26 annual license fee for each of the 3 years during which they

1 are authorized to own riverboats.

2 (g) Upon the termination, expiration, or revocation of each
3 of the first 10 licenses, which shall be issued for a 3 year
4 period, all licenses are renewable annually upon payment of the
5 fee and a determination by the Board that the licensee
6 continues to meet all of the requirements of this Act and the
7 Board's rules. However, for licenses renewed on or after May 1,
8 1998, renewal shall be for a period of 4 years, unless the
9 Board sets a shorter period.

10 (h) An owners license shall entitle the licensee to own up
11 to 2 riverboats. A licensee shall limit the number of gambling
12 participants to 1,200 for any such owners license. A licensee
13 may operate both of its riverboats concurrently, provided that
14 the total number of gambling participants on both riverboats
15 does not exceed 1,200. Riverboats licensed to operate on the
16 Mississippi River and the Illinois River south of Marshall
17 County shall have an authorized capacity of at least 500
18 persons. Any other riverboat licensed under this Act shall have
19 an authorized capacity of at least 400 persons.

20 (i) A licensed owner is authorized to apply to the Board
21 for and, if approved therefor, to receive all licenses from the
22 Board necessary for the operation of a riverboat, including a
23 liquor license, a license to prepare and serve food for human
24 consumption, and other necessary licenses. All use, occupation
25 and excise taxes which apply to the sale of food and beverages
26 in this State and all taxes imposed on the sale or use of

1 tangible personal property apply to such sales aboard the
2 riverboat.

3 (j) The Board may issue or re-issue a license authorizing a
4 riverboat to dock in a municipality or approve a relocation
5 under Section 11.2 only if, prior to the issuance or
6 re-issuance of the license or approval, the governing body of
7 the municipality in which the riverboat will dock has by a
8 majority vote approved the docking of riverboats in the
9 municipality. The Board may issue or re-issue a license
10 authorizing a riverboat to dock in areas of a county outside
11 any municipality or approve a relocation under Section 11.2
12 only if, prior to the issuance or re-issuance of the license or
13 approval, the governing body of the county has by a majority
14 vote approved of the docking of riverboats within such areas.
15 (Source: P.A. 100-391, eff. 8-25-17; 100-1152, eff. 12-14-18.)

16 (230 ILCS 10/7.6)

17 Sec. 7.6. Business enterprise program.

18 (a) For the purposes of this Section, the terms "minority",
19 "minority-owned business", "woman", "women-owned business",
20 "person with a disability", "veteran", "veteran-owned
21 business", and "business owned by a person with a disability"
22 have the meanings ascribed to them in the Business Enterprise
23 for Minorities, Women, Veterans, and Persons with Disabilities
24 Act.

25 (b) The Board shall, by rule, establish goals for the award

1 of contracts by each owners licensee to businesses owned by
2 minorities, women, veterans, and persons with disabilities,
3 expressed as percentages of an owners licensee's total dollar
4 amount of contracts awarded during each calendar year. Each
5 owners licensee must make every effort to meet the goals
6 established by the Board pursuant to this Section. When setting
7 the goals for the award of contracts, the Board shall not
8 include contracts where: (1) any purchasing mandates would be
9 dependent upon the availability of minority-owned businesses,
10 women-owned businesses, veteran-owned businesses, and
11 businesses owned by persons with disabilities ready, willing,
12 and able with capacity to provide quality goods and services to
13 a gaming operation at reasonable prices; (2) there are no or a
14 limited number of licensed suppliers as defined by this Act for
15 the goods or services provided to the licensee; (3) the
16 licensee or its parent company owns a company that provides the
17 goods or services; or (4) the goods or services are provided to
18 the licensee by a publicly traded company.

19 (c) Each owners licensee shall file with the Board an
20 annual report of its utilization of minority-owned businesses,
21 women-owned businesses, veteran-owned businesses, and
22 businesses owned by persons with disabilities during the
23 preceding calendar year. The reports shall include a
24 self-evaluation of the efforts of the owners licensee to meet
25 its goals under this Section.

26 (c-5) The Board shall, by rule, establish goals for the

1 award of contracts by each owners licensee to businesses owned
2 by veterans of service in the armed forces of the United
3 States, expressed as percentages of an owners licensee's total
4 dollar amount of contracts awarded during each calendar year.
5 When setting the goals for the award of contracts, the Board
6 shall not include contracts where: (1) any purchasing mandates
7 would be dependent upon the availability of veteran-owned
8 businesses ready, willing, and able with capacity to provide
9 quality goods and services to a gaming operation at reasonable
10 prices; (2) there are no or a limited number of licensed
11 suppliers as defined in this Act for the goods or services
12 provided to the licensee; (3) the licensee or its parent
13 company owns a company that provides the goods or services; or
14 (4) the goods or services are provided to the licensee by a
15 publicly traded company.

16 Each owners licensee shall file with the Board an annual
17 report of its utilization of veteran-owned businesses during
18 the preceding calendar year. The reports shall include a
19 self-evaluation of the efforts of the owners licensee to meet
20 its goals under this Section.

21 (d) The owners licensee shall have the right to request a
22 waiver from the requirements of this Section. The Board shall
23 grant the waiver where the owners licensee demonstrates that
24 there has been made a good faith effort to comply with the
25 goals for participation by minority-owned businesses,
26 women-owned businesses, businesses owned by persons with

1 disabilities, and veteran-owned businesses.

2 (e) If the Board determines that its goals and policies are
3 not being met by any owners licensee, then the Board may:

4 (1) adopt remedies for such violations; and

5 (2) recommend that the owners licensee provide
6 additional opportunities for participation by
7 minority-owned businesses, women-owned businesses,
8 businesses owned by persons with disabilities, and
9 veteran-owned businesses; such recommendations may
10 include, but shall not be limited to:

11 (A) assurances of stronger and better focused
12 solicitation efforts to obtain more minority-owned
13 businesses, women-owned businesses, businesses owned
14 by persons with disabilities, and veteran-owned
15 businesses as potential sources of supply;

16 (B) division of job or project requirements, when
17 economically feasible, into tasks or quantities to
18 permit participation of minority-owned businesses,
19 women-owned businesses, businesses owned by persons
20 with disabilities, and veteran-owned businesses;

21 (C) elimination of extended experience or
22 capitalization requirements, when programmatically
23 feasible, to permit participation of minority-owned
24 businesses, women-owned businesses, businesses owned
25 by persons with disabilities, and veteran-owned
26 businesses;

1 (D) identification of specific proposed contracts
2 as particularly attractive or appropriate for
3 participation by minority-owned businesses,
4 women-owned businesses, businesses owned by persons
5 with disabilities, and veteran-owned businesses, such
6 identification to result from and be coupled with the
7 efforts of items (A) through (C); and

8 (E) implementation of regulations established for
9 the use of the sheltered market process.

10 (f) The Board shall file, no later than March 1 of each
11 year, an annual report that shall detail the level of
12 achievement toward the goals specified in this Section over the
13 3 most recent fiscal years. The annual report shall include,
14 but need not be limited to:

15 (1) a summary detailing expenditures subject to the
16 goals, the actual goals specified, and the goals attained
17 by each owners licensee; and

18 (2) an analysis of the level of overall goal
19 achievement concerning purchases from minority-owned
20 businesses, women-owned businesses, businesses owned by
21 persons with disabilities, and veteran-owned businesses.

22 (Source: P.A. 99-78, eff. 7-20-15; 100-391, eff. 8-25-17;
23 100-1152, eff. 12-14-18.)

24 (230 ILCS 10/11.2)

25 Sec. 11.2. Relocation of riverboat home dock.

1 (a) A licensee that was not conducting riverboat gambling
2 on January 1, 1998 may apply to the Board for renewal and
3 approval of relocation to a new home dock location authorized
4 under Section 3(c) and the Board shall grant the application
5 and approval upon receipt by the licensee of approval from the
6 new municipality or county, as the case may be, in which the
7 licensee wishes to relocate pursuant to Section 7(j).

8 (b) Any licensee that relocates its home dock pursuant to
9 this Section shall attain a level of at least 20% minority
10 person and woman ownership, at least 16% and 4% respectively,
11 within a time period prescribed by the Board, but not to exceed
12 12 months from the date the licensee begins conducting gambling
13 at the new home dock location. The 12-month period shall be
14 extended by the amount of time necessary to conduct a
15 background investigation pursuant to Section 6. For the
16 purposes of this Section, the terms "woman" and "minority
17 person" have the meanings provided in Section 2 of the Business
18 Enterprise for Minorities, Women, Veterans, and Persons with
19 Disabilities Act.

20 (Source: P.A. 100-391, eff. 8-25-17.)

21 Section 190. The Quincy Veterans' Home Rehabilitation and
22 Rebuilding Act is amended by changing Sections 5, 15, 30, and
23 46 as follows:

24 (330 ILCS 21/5)

1 (Section scheduled to be repealed on July 17, 2023)

2 Sec. 5. Legislative policy. It is the intent of the
3 General Assembly that the Capital Development Board or the
4 Department of Veterans' Affairs be allowed to use the
5 design-build delivery method for public projects to renovate,
6 restore, rehabilitate, or rebuild the Quincy Veterans' Home, if
7 it is shown to be in the State's best interests for that
8 particular project. It shall be the policy of the Capital
9 Development Board and the Department of Veterans' Affairs in
10 the procurement of design-build services to publicly announce
11 all requirements for design-build services for the Quincy
12 Veterans' Home and to procure these services on the basis of
13 demonstrated competence and qualifications and with due regard
14 for the principles of competitive selection.

15 The Capital Development Board and the Department of
16 Veterans' Affairs shall, prior to issuing requests for
17 proposals, promulgate and publish procedures for the
18 solicitation and award of contracts pursuant to this Act.

19 The Capital Development Board and the Department of
20 Veterans' Affairs shall, for each public project or projects
21 permitted under this Act, make a written determination,
22 including a description as to the particular advantages of the
23 design-build procurement method, that it is in the best
24 interests of this State to enter into a design-build contract
25 for the project or projects. In making that determination, the
26 following factors shall be considered:

1 (1) The probability that the design-build procurement
2 method will be in the best interests of the State by
3 providing a material savings of time or cost over the
4 design-bid-build or other delivery system.

5 (2) The type and size of the project and its
6 suitability to the design-build procurement method.

7 (3) The ability of the State construction agency to
8 define and provide comprehensive scope and performance
9 criteria for the project.

10 No State construction agency may use a design-build
11 procurement method unless the agency determines in writing that
12 the project will comply with the disadvantaged business and
13 equal employment practices of the State as established in the
14 Business Enterprise for Minorities, Women, Veterans, and
15 Persons with Disabilities Act and Section 2-105 of the Illinois
16 Human Rights Act.

17 The Capital Development Board or the Department of
18 Veterans' Affairs shall, within 15 days after the initial
19 determination, provide an advisory copy to the Procurement
20 Policy Board and maintain the full record of determination for
21 5 years.

22 (Source: P.A. 100-610, eff. 7-17-18.)

23 (330 ILCS 21/15)

24 (Section scheduled to be repealed on July 17, 2023)

25 Sec. 15. Solicitation of proposals.

1 (a) When the State construction agency elects to use the
2 design-build delivery method, it must issue a notice of intent
3 to receive requests for proposals for the project at least 14
4 days before issuing the request for proposal. The State
5 construction agency must publish the advance notice in the
6 official procurement bulletin of the State or the professional
7 services bulletin of the State construction agency, if any. The
8 agency is encouraged to use publication of the notice in
9 related construction industry service publications. A brief
10 description of the proposed procurement must be included in the
11 notice. The State construction agency must provide a copy of
12 the request for proposal to any party requesting a copy.

13 (b) The request for proposal shall be prepared for each
14 project and must contain, without limitation, the following
15 information:

16 (1) The name of the State construction agency.

17 (2) A preliminary schedule for the completion of the
18 contract.

19 (3) The proposed budget for the project, the source of
20 funds, and the currently available funds at the time the
21 request for proposal is submitted.

22 (4) Prequalification criteria for design-build
23 entities wishing to submit proposals. The State
24 construction agency shall include, at a minimum, its normal
25 prequalification, licensing, registration, and other
26 requirements, but nothing contained herein precludes the

1 use of additional prequalification criteria by the State
2 construction agency.

3 (5) Material requirements of the contract, including,
4 but not limited to, the proposed terms and conditions,
5 required performance and payment bonds, insurance, and the
6 entity's plan to comply with the utilization goals for
7 business enterprises established in the Business
8 Enterprise for Minorities, Women, Veterans, and Persons
9 with Disabilities Act, and with Section 2-105 of the
10 Illinois Human Rights Act.

11 (6) The performance criteria.

12 (7) The evaluation criteria for each phase of the
13 solicitation.

14 (8) The number of entities that will be considered for
15 the technical and cost evaluation phase.

16 (c) The State construction agency may include any other
17 relevant information that it chooses to supply. The
18 design-build entity shall be entitled to rely upon the accuracy
19 of this documentation in the development of its proposal.

20 (d) The date that proposals are due must be at least 21
21 calendar days after the date of the issuance of the request for
22 proposal. In the event the cost of the project is estimated to
23 exceed \$10,000,000, then the proposal due date must be at least
24 28 calendar days after the date of the issuance of the request
25 for proposal. The State construction agency shall include in
26 the request for proposal a minimum of 30 days to develop the

1 Phase II submissions after the selection of entities from the
2 Phase I evaluation is completed.

3 (Source: P.A. 100-610, eff. 7-17-18.)

4 (330 ILCS 21/30)

5 (Section scheduled to be repealed on July 17, 2023)

6 Sec. 30. Procedures for selection.

7 (a) The State construction agency must use a two-phase
8 procedure for the selection of the successful design-build
9 entity. Phase I of the procedure will evaluate and shortlist
10 the design-build entities based on qualifications, and Phase II
11 will evaluate the technical and cost proposals.

12 (b) The State construction agency shall include in the
13 request for proposal the evaluating factors to be used in Phase
14 I. These factors are in addition to any prequalification
15 requirements of design-build entities that the agency has set
16 forth. Each request for proposal shall establish the relative
17 importance assigned to each evaluation factor and subfactor,
18 including any weighting of criteria to be employed by the State
19 construction agency. The State construction agency must
20 maintain a record of the evaluation scoring to be disclosed in
21 the event of a protest regarding the solicitation.

22 The State construction agency shall include the following
23 criteria in every Phase I evaluation of design-build entities:

24 (1) experience of personnel; (2) successful experience with
25 similar project types; (3) financial capability; (4)

1 timeliness of past performance; (5) experience with similarly
2 sized projects; (6) successful reference checks of the firm;
3 (7) commitment to assign personnel for the duration of the
4 project and qualifications of the entity's consultants; and (8)
5 ability or past performance in meeting or exhausting good faith
6 efforts to meet the utilization goals for business enterprises
7 established in the Business Enterprise for Minorities, Women,
8 Veterans, and Persons with Disabilities Act and with Section
9 2-105 of the Illinois Human Rights Act. The State construction
10 agency may include any additional relevant criteria in Phase I
11 that it deems necessary for a proper qualification review.

12 The State construction agency may not consider any
13 design-build entity for evaluation or award if the entity has
14 any pecuniary interest in the project or has other
15 relationships or circumstances, including, but not limited to,
16 long-term leasehold, mutual performance, or development
17 contracts with the State construction agency, that may give the
18 design-build entity a financial or tangible advantage over
19 other design-build entities in the preparation, evaluation, or
20 performance of the design-build contract or that create the
21 appearance of impropriety. No proposal shall be considered that
22 does not include an entity's plan to comply with the
23 requirements established in the Business Enterprise for
24 Minorities, Women, Veterans, and Persons with Disabilities
25 Act, for both the design and construction areas of performance,
26 and with Section 2-105 of the Illinois Human Rights Act.

1 Upon completion of the qualifications evaluation, the
2 State construction agency shall create a shortlist of the most
3 highly qualified design-build entities. The State construction
4 agency, in its discretion, is not required to shortlist the
5 maximum number of entities as identified for Phase II
6 evaluation, so long as no less than 2 design-build entities nor
7 more than 6 design-build entities are selected to submit Phase
8 II proposals.

9 The State construction agency shall notify the entities
10 selected for the shortlist in writing. This notification shall
11 commence the period for the preparation of the Phase II
12 technical and cost evaluations. The State construction agency
13 must allow sufficient time for the shortlist entities to
14 prepare their Phase II submittals considering the scope and
15 detail requested by the State agency.

16 (c) The State construction agency shall include in the
17 request for proposal the evaluating factors to be used in the
18 technical and cost submission components of Phase II. Each
19 request for proposal shall establish, for both the technical
20 and cost submission components of Phase II, the relative
21 importance assigned to each evaluation factor and subfactor,
22 including any weighting of criteria to be employed by the State
23 construction agency. The State construction agency must
24 maintain a record of the evaluation scoring to be disclosed in
25 the event of a protest regarding the solicitation.

26 The State construction agency shall include the following

1 criteria in every Phase II technical evaluation of design-build
2 entities: (1) compliance with objectives of the project; (2)
3 compliance of proposed services to the request for proposal
4 requirements; (3) quality of products or materials proposed;
5 (4) quality of design parameters; (5) design concepts; (6)
6 innovation in meeting the scope and performance criteria; and
7 (7) constructability of the proposed project. The State
8 construction agency may include any additional relevant
9 technical evaluation factors it deems necessary for proper
10 selection.

11 The State construction agency shall include the following
12 criteria in every Phase II cost evaluation: the total project
13 cost, the construction costs, and the time of completion. The
14 State construction agency may include any additional relevant
15 technical evaluation factors it deems necessary for proper
16 selection. The total project cost criteria weighting ~~weighing~~
17 factor shall be 25%.

18 The State construction agency shall directly employ or
19 retain a licensed design professional to evaluate the technical
20 and cost submissions to determine if the technical submissions
21 are in accordance with generally accepted industry standards.

22 Upon completion of the technical submissions and cost
23 submissions evaluation, the State construction agency may
24 award the design-build contract to the highest overall ranked
25 entity.

26 (Source: P.A. 100-610, eff. 7-17-18; revised 10-3-18.)

1 (330 ILCS 21/46)

2 (Section scheduled to be repealed on July 17, 2023)

3 Sec. 46. Reports and evaluation. At the end of every
4 6-month period following the contract award, and again prior to
5 final contract payout and closure, a selected design-build
6 entity shall detail, in a written report submitted to the State
7 agency, its efforts and success in implementing the entity's
8 plan to comply with the utilization goals for business
9 enterprises established in the Business Enterprise for
10 Minorities, Women, Veterans, and Persons with Disabilities Act
11 and Section 2-105 of the Illinois Human Rights Act. If the
12 entity's performance in implementing the plan falls short of
13 the performance measures and outcomes set forth in the plans
14 submitted by the entity during the proposal process, the entity
15 shall, in a detailed written report, inform the General
16 Assembly and the Governor whether and to what degree each
17 design-build contract authorized under this Act promoted the
18 utilization goals for business enterprises established in the
19 Business Enterprise for Minorities, Women, Veterans, and
20 Persons with Disabilities Act and Section 2-105 of the Illinois
21 Human Rights Act.

22 (Source: P.A. 100-610, eff. 7-17-18.)

23 Section 195. The Environmental Protection Act is amended by
24 changing Section 14.7 as follows:

1 (415 ILCS 5/14.7)

2 Sec. 14.7. Preservation of community water supplies.

3 (a) The Agency shall adopt rules governing certain
4 corrosion prevention projects carried out on community water
5 supplies. Those rules shall not apply to buried pipelines
6 including, but not limited to, pipes, mains, and joints. The
7 rules shall exclude routine maintenance activities of
8 community water supplies including, but not limited to, the use
9 of protective coatings applied by the owner's utility personnel
10 during the course of performing routine maintenance
11 activities. The activities may include, but not be limited to,
12 the painting of fire hydrants; routine over-coat painting of
13 interior and exterior building surfaces such as floors, doors,
14 windows, and ceilings; and routine touch-up and over-coat
15 application of protective coatings typically found on water
16 utility pumps, pipes, tanks, and other water treatment plant
17 appurtenances and utility owned structures. Those rules shall
18 include:

19 (1) standards for ensuring that community water
20 supplies carry out corrosion prevention and mitigation
21 methods according to corrosion prevention industry
22 standards adopted by the Agency;

23 (2) requirements that community water supplies use:

24 (A) protective coatings personnel to carry out
25 corrosion prevention and mitigation methods on exposed

1 water treatment tanks, exposed non-concrete water
2 treatment structures, exposed water treatment pipe
3 galleys; exposed pumps; and generators; the Agency
4 shall not limit to protective coatings personnel any
5 other work relating to prevention and mitigation
6 methods on any other water treatment appurtenances
7 where protective coatings are utilized for corrosion
8 control and prevention to prolong the life of the water
9 utility asset; and

10 (B) inspectors to ensure that best practices and
11 standards are adhered to on each corrosion prevention
12 project; and

13 (3) standards to prevent environmental degradation
14 that might occur as a result of carrying out corrosion
15 prevention and mitigation methods including, but not
16 limited to, standards to prevent the improper handling and
17 containment of hazardous materials, especially lead paint,
18 removed from the exterior of a community water supply.

19 In adopting rules under this subsection (a), the Agency
20 shall obtain input from corrosion industry experts
21 specializing in the training of personnel to carry out
22 corrosion prevention and mitigation methods.

23 (b) As used in this Section:

24 "Community water supply" has the meaning ascribed to that
25 term in Section 3.145 of this Act.

26 "Corrosion" means a naturally occurring phenomenon

1 commonly defined as the deterioration of a metal that results
2 from a chemical or electrochemical reaction with its
3 environment.

4 "Corrosion prevention and mitigation methods" means the
5 preparation, application, installation, removal, or general
6 maintenance as necessary of a protective coating system,
7 including any or more of the following:

8 (A) surface preparation and coating application on
9 the exterior or interior of a community water supply;

10 or

11 (B) shop painting of structural steel fabricated
12 for installation as part of a community water supply.

13 "Corrosion prevention project" means carrying out
14 corrosion prevention and mitigation methods. "Corrosion
15 prevention project" does not include clean-up related to
16 surface preparation.

17 "Protective coatings personnel" means personnel employed
18 or retained by a contractor providing services covered by this
19 Section to carry out corrosion prevention or mitigation methods
20 or inspections.

21 (c) This Section shall apply to only those projects
22 receiving 100% funding from the State.

23 (d) Each contract procured pursuant to the Illinois
24 Procurement Code for the provision of services covered by this
25 Section (1) shall comply with applicable provisions of the
26 Illinois Procurement Code and (2) shall include provisions for

1 reporting participation by minority persons, women, and
2 veterans, as defined by Section 2 of the Business Enterprise
3 for Minorities, Women, Veterans, and Persons with Disabilities
4 Act; ~~women, as defined by Section 2 of the Business Enterprise~~
5 ~~for Minorities, Women, and Persons with Disabilities Act; and~~
6 ~~veterans, as defined by Section 45-57 of the Illinois~~
7 ~~Procurement Code~~, in apprenticeship and training programs in
8 which the contractor or his or her subcontractors participate.
9 The requirements of this Section do not apply to an individual
10 licensed under the Professional Engineering Practice Act of
11 1989 or the Structural Engineering Act of 1989.

12 (Source: P.A. 99-923, eff. 7-1-17; 100-391, eff. 8-25-17.)

13 Section 200. The Public Private Agreements for the Illiana
14 Expressway Act is amended by changing Section 20 as follows:

15 (605 ILCS 130/20)

16 Sec. 20. Procurement; request for proposals process.

17 (a) Notwithstanding any provision of law to the contrary,
18 the Department on behalf of the State shall select a contractor
19 through a competitive request for proposals process governed by
20 the Illinois Procurement Code and rules adopted under that Code
21 and this Act.

22 (b) The competitive request for proposals process shall, at
23 a minimum, solicit statements of qualification and proposals
24 from offerors.

1 (c) The competitive request for proposals process shall, at
2 a minimum, take into account the following criteria:

3 (1) The offeror's plans for the Illiana Expressway
4 project;

5 (2) The offeror's current and past business practices;

6 (3) The offeror's poor or inadequate past performance
7 in developing, financing, constructing, managing, or
8 operating highways or other public assets;

9 (4) The offeror's ability to meet and past performance
10 in meeting or exhausting good faith efforts to meet the
11 utilization goals for business enterprises established in
12 the Business Enterprise for Minorities, Women, Veterans,
13 and Persons with Disabilities Act;

14 (5) The offeror's ability to comply with and past
15 performance in complying with Section 2-105 of the Illinois
16 Human Rights Act; and

17 (6) The offeror's plans to comply with the Business
18 Enterprise for Minorities, Women, Veterans, and Persons
19 with Disabilities Act and Section 2-105 of the Illinois
20 Human Rights Act.

21 (d) The Department shall retain the services of an advisor
22 or advisors with significant experience in the development,
23 financing, construction, management, or operation of public
24 assets to assist in the preparation of the request for
25 proposals.

26 (e) The Department shall not include terms in the request

1 for proposals that provide an advantage, whether directly or
2 indirectly, to any contractor presently providing goods,
3 services, or equipment to the Department.

4 (f) The Department shall select at least 2 offerors as
5 finalists. The Department shall submit the offerors'
6 statements of qualification and proposals to the Commission on
7 Government Forecasting and Accountability and the Procurement
8 Policy Board, which shall, within 30 days of the submission,
9 complete a review of the statements of qualification and
10 proposals and, jointly or separately, report on, at a minimum,
11 the satisfaction of the criteria contained in the request for
12 proposals, the qualifications of the offerors, and the value of
13 the proposals to the State. The Department shall not select an
14 offeror as the contractor for the Illiana Expressway project
15 until it has received and considered the findings of the
16 Commission on Government Forecasting and Accountability and
17 the Procurement Policy Board as set forth in their respective
18 reports.

19 (g) Before awarding a public private agreement to an
20 offeror, the Department shall schedule and hold a public
21 hearing or hearings on the proposed public private agreement
22 and publish notice of the hearing or hearings at least 7 days
23 before the hearing and in accordance with Section 4-219 of the
24 Illinois Highway Code. The notice must include the following:

25 (1) the date, time, and place of the hearing and the
26 address of the Department;

- 1 (2) the subject matter of the hearing;
- 2 (3) a description of the agreement that may be awarded;
- 3 and
- 4 (4) the recommendation that has been made to select an
- 5 offeror as the contractor for the Illiana Expressway
- 6 project.

7 At the hearing, the Department shall allow the public to be

8 heard on the subject of the hearing.

9 (h) After the procedures required in this Section have been

10 completed, the Department shall make a determination as to

11 whether the offeror should be designated as the contractor for

12 the Illiana Expressway project and shall submit the decision to

13 the Governor and to the Governor's Office of Management and

14 Budget. After review of the Department's determination, the

15 Governor may accept or reject the determination. If the

16 Governor accepts the determination of the Department, the

17 Governor shall designate the offeror for the Illiana Expressway

18 project.

19 (Source: P.A. 100-391, eff. 8-25-17.)

20 Section 205. The Public-Private Agreements for the South

21 Suburban Airport Act is amended by changing Section 2-30 as

22 follows:

23 (620 ILCS 75/2-30)

24 Sec. 2-30. Request for proposals process to enter into

1 public-private agreements.

2 (a) Notwithstanding any provisions of the Illinois
3 Procurement Code, the Department, on behalf of the State, shall
4 select a contractor through a competitive request for proposals
5 process governed by Section 2-30 of this Act. The Department
6 will consult with the chief procurement officer for
7 construction or construction-related activities designated
8 pursuant to clause (2) of Section 1-15.15 of the Illinois
9 Procurement Code on the competitive request for proposals
10 process, and the Secretary will determine, in consultation with
11 the chief procurement officer, which procedures to adopt and
12 apply to the competitive request for proposals process in order
13 to ensure an open, transparent, and efficient process that
14 accomplishes the purposes of this Act.

15 (b) The competitive request for proposals process shall, at
16 a minimum, solicit statements of qualification and proposals
17 from offerors.

18 (c) The competitive request for proposals process shall, at
19 a minimum, take into account the following criteria:

20 (1) the offeror's plans for the South Suburban Airport
21 project;

22 (2) the offeror's current and past business practices;

23 (3) the offeror's poor or inadequate past performance
24 in developing, financing, constructing, managing, or
25 operating airports or other public assets;

26 (4) the offeror's ability to meet the utilization goals

1 for business enterprises established in the Business
2 Enterprise for Minorities, Women, Veterans, and Persons
3 with Disabilities Act;

4 (5) the offeror's ability to comply with Section 2-105
5 of the Illinois Human Rights Act; and

6 (6) the offeror's plans to comply with the Business
7 Enterprise for Minorities, Women, Veterans, and Persons
8 with Disabilities Act and Section 2-105 of the Illinois
9 Human Rights Act.

10 (d) The Department shall retain the services of an advisor
11 or advisors with significant experience in the development,
12 financing, construction, management, or operation of public
13 assets to assist in the preparation of the request for
14 proposals.

15 (e) The Department shall not include terms in the request
16 for proposals that provide an advantage, whether directly or
17 indirectly, to any contractor presently providing goods,
18 services, or equipment to the Department.

19 (f) The Department shall select one or more offerors as
20 finalists. The Department shall submit the offeror's
21 statements of qualification and proposals to the Commission on
22 Government Forecasting and Accountability and the Procurement
23 Policy Board, which shall, within 30 days after the submission,
24 complete a review of the statements of qualification and
25 proposals and, jointly or separately, report on, at a minimum,
26 the satisfaction of the criteria contained in the request for

1 proposals, the qualifications of the offerors, and the value of
2 the proposals to the State. The Department shall not select an
3 offeror as the contractor for the South Suburban Airport
4 project until it has received and considered the findings of
5 the Commission on Government Forecasting and Accountability
6 and the Procurement Policy Board as set forth in their
7 respective reports.

8 (g) Before awarding a public-private agreement to an
9 offeror, the Department shall schedule and hold a public
10 hearing or hearings on the proposed public-private agreement
11 and publish notice of the hearing or hearings at least 7 days
12 before the hearing. The notice shall include the following:

13 (1) the date, time, and place of the hearing and the
14 address of the Department;

15 (2) the subject matter of the hearing;

16 (3) a description of the agreement that may be awarded;

17 and

18 (4) the recommendation that has been made to select an
19 offeror as the contractor for the South Suburban Airport
20 project.

21 At the hearing, the Department shall allow the public to be
22 heard on the subject of the hearing.

23 (h) After the procedures required in this Section have been
24 completed, the Department shall make a determination as to
25 whether the offeror should be designated as the contractor for
26 the South Suburban Airport project and shall submit the

1 decision to the Governor and to the Governor's Office of
2 Management and Budget. After review of the Department's
3 determination, the Governor may accept or reject the
4 determination. If the Governor accepts the determination of the
5 Department, the Governor shall designate the offeror for the
6 South Suburban Airport project.

7 (Source: P.A. 100-391, eff. 8-25-17.)

8 Section 210. The Public-Private Partnerships for
9 Transportation Act is amended by changing Section 25 as
10 follows:

11 (630 ILCS 5/25)

12 Sec. 25. Design-build procurement.

13 (a) This Section 25 shall apply only to transportation
14 projects for which the Department or the Authority intends to
15 execute a design-build agreement, in which case the Department
16 or the Authority shall abide by the requirements and procedures
17 of this Section 25 in addition to other applicable requirements
18 and procedures set forth in this Act.

19 (b) (1) The transportation agency must issue a notice of
20 intent to receive proposals for the project at least 14 days
21 before issuing the request for the qualifications. The
22 transportation agency must publish the advance notice in a
23 daily newspaper of general circulation in the county where the
24 transportation agency is located. The transportation agency is

1 encouraged to use publication of the notice in related
2 construction industry service publications. A brief
3 description of the proposed procurement must be included in the
4 notice. The transportation agency must provide a copy of the
5 request for qualifications to any party requesting a copy.

6 (2) The request for qualifications shall be prepared for
7 each project and must contain, without limitation, the
8 following information: (i) the name of the transportation
9 agency; (ii) a preliminary schedule for the completion of the
10 contract; (iii) the proposed budget for the project and the
11 source of funds, to the extent not already reflected in the
12 Department's Multi-Year Highway Improvement Program; (iv) the
13 shortlisting process for entities or groups of entities such as
14 unincorporated joint ventures wishing to submit proposals (the
15 transportation agency shall include, at a minimum, its normal
16 prequalification, licensing, registration, and other
17 requirements, but nothing contained herein precludes the use of
18 additional criteria by the transportation agency); (v) a
19 summary of anticipated material requirements of the contract,
20 including but not limited to, the proposed terms and
21 conditions, required performance and payment bonds, insurance,
22 and the utilization goals established by the transportation
23 agency for minority and women business enterprises and
24 compliance with Section 2-105 of the Illinois Human Rights Act;
25 and (vi) the anticipated number of entities that will be
26 shortlisted for the request for proposals phase.

1 (3) The transportation agency may include any other
2 relevant information in the request for qualifications that it
3 chooses to supply. The private entity shall be entitled to rely
4 upon the accuracy of this documentation in the development of
5 its statement of qualifications and its proposal only to the
6 extent expressly warranted by the transportation agency.

7 (4) The date that statements of qualifications are due must
8 be at least 21 calendar days after the date of the issuance of
9 the request for qualifications. In the event the cost of the
10 project is estimated to exceed \$12,000,000, then the statement
11 of qualifications due date must be at least 28 calendar days
12 after the date of the issuance of the request for
13 qualifications. The transportation agency shall include in the
14 request for proposals a minimum of 30 days to develop the
15 proposals after the selection of entities from the evaluation
16 of the statements of qualifications is completed.

17 (c)(1) The transportation agency shall develop, with the
18 assistance of a licensed design professional, the request for
19 qualifications and the request for proposals, which shall
20 include scope and performance criteria. The scope and
21 performance criteria must be in sufficient detail and contain
22 adequate information to reasonably apprise the private
23 entities of the transportation agency's overall programmatic
24 needs and goals, including criteria and preliminary design
25 plans, general budget parameters, schedule, and delivery
26 requirements.

1 (2) Each request for qualifications and request for
2 proposals shall also include a description of the level of
3 design to be provided in the proposals. This description must
4 include the scope and type of renderings, drawings, and
5 specifications that, at a minimum, will be required by the
6 transportation agency to be produced by the private entities.

7 (3) The scope and performance criteria shall be prepared by
8 a design professional who is an employee of the transportation
9 agency, or the transportation agency may contract with an
10 independent design professional selected under the
11 Architectural, Engineering, and Land Surveying Qualifications
12 Based Selection Act to provide these services.

13 (4) The design professional that prepares the scope and
14 performance criteria is prohibited from participating in any
15 private entity proposal for the project.

16 (d)(1) The transportation agency must use a two phase
17 procedure for the selection of the successful design-build
18 entity. The request for qualifications phase will evaluate and
19 shortlist the private entities based on qualifications, and the
20 request for proposals will evaluate the technical and cost
21 proposals.

22 (2) The transportation agency shall include in the request
23 for qualifications the evaluating factors to be used in the
24 request for qualifications phase. These factors are in addition
25 to any prequalification requirements of private entities that
26 the transportation agency has set forth. Each request for

1 qualifications shall establish the relative importance
2 assigned to each evaluation factor, including any weighting of
3 criteria to be employed by the transportation agency. The
4 transportation agency must maintain a record of the evaluation
5 scoring to be disclosed in event of a protest regarding the
6 solicitation.

7 The transportation agency shall include the following
8 criteria in every request for qualifications phase evaluation
9 of private entities: (i) experience of personnel; (ii)
10 successful experience with similar project types; (iii)
11 financial capability; (iv) timeliness of past performance; (v)
12 experience with similarly sized projects; (vi) successful
13 reference checks of the firm; (vii) commitment to assign
14 personnel for the duration of the project and qualifications of
15 the entity's consultants; and (viii) ability or past
16 performance in meeting or exhausting good faith efforts to meet
17 the utilization goals for business enterprises established in
18 the Business Enterprise for Minorities, Women, Veterans, and
19 Persons with Disabilities Act and in complying with Section
20 2-105 of the Illinois Human Rights Act. No proposal shall be
21 considered that does not include an entity's plan to comply
22 with the requirements regarding minority and women business
23 enterprises and economically disadvantaged firms established
24 by the transportation agency and with Section 2-105 of the
25 Illinois Human Rights Act. The transportation agency may
26 include any additional relevant criteria in the request for

1 qualifications phase that it deems necessary for a proper
2 qualification review.

3 Upon completion of the qualifications evaluation, the
4 transportation agency shall create a shortlist of the most
5 highly qualified private entities.

6 The transportation agency shall notify the entities
7 selected for the shortlist in writing. This notification shall
8 commence the period for the preparation of the request for
9 proposals phase technical and cost evaluations. The
10 transportation agency must allow sufficient time for the
11 shortlist entities to prepare their proposals considering the
12 scope and detail requested by the transportation agency.

13 (3) The transportation agency shall include in the request
14 for proposals the evaluating factors to be used in the
15 technical and cost submission components. Each request for
16 proposals shall establish, for both the technical and cost
17 submission components, the relative importance assigned to
18 each evaluation factor, including any weighting of criteria to
19 be employed by the transportation agency. The transportation
20 agency must maintain a record of the evaluation scoring to be
21 disclosed in event of a protest regarding the solicitation.

22 The transportation agency shall include the following
23 criteria in every request for proposals phase technical
24 evaluation of private entities: (i) compliance with objectives
25 of the project; (ii) compliance of proposed services to the
26 request for proposal requirements; (iii) compliance with the

1 request for proposal requirements of products or materials
2 proposed; (iv) quality of design parameters; and (v) design
3 concepts. The transportation agency may include any additional
4 relevant technical evaluation factors it deems necessary for
5 proper selection.

6 The transportation agency shall include the following
7 criteria in every request for proposals phase cost evaluation:
8 the total project cost and the time of completion. The
9 transportation agency may include any additional relevant
10 technical evaluation factors it deems necessary for proper
11 selection. The guaranteed maximum project cost criteria
12 weighing factor shall not exceed 30%.

13 The transportation agency shall directly employ or retain a
14 licensed design professional to evaluate the technical and cost
15 submissions to determine if the technical submissions are in
16 accordance with generally accepted industry standards.

17 (e) Statements of qualifications and proposals must be
18 properly identified and sealed. Statements of qualifications
19 and proposals may not be reviewed until after the deadline for
20 submission has passed as set forth in the request for
21 qualifications or the request for proposals. All private
22 entities submitting statements of qualifications or proposals
23 shall be disclosed after the deadline for submission, and all
24 private entities who are selected for request for proposals
25 phase evaluation shall also be disclosed at the time of that
26 determination.

1 Design-build proposals shall include a bid bond in the form
2 and security as designated in the request for proposals.
3 Proposals shall also contain a separate sealed envelope with
4 the cost information within the overall proposal submission.
5 Proposals shall include a list of all design professionals and
6 other entities to which any work identified in Section 30-30 of
7 the Illinois Procurement Code as a subdivision of construction
8 work may be subcontracted during the performance of the
9 contract to the extent known at the time of proposal. If the
10 information is not known at the time of proposal, then the
11 design-build agreement shall require the identification prior
12 to a previously unlisted subcontractor commencing work on the
13 transportation project.

14 Statements of qualifications and proposals must meet all
15 material requirements of the request for qualifications or
16 request for proposals, or else they may be rejected as
17 non-responsive. The transportation agency shall have the right
18 to reject any and all statements of qualifications and
19 proposals.

20 The private entity's proprietary intellectual property
21 contained in the drawings and specifications of any
22 unsuccessful statement of qualifications or proposal shall
23 remain the property of the private entity.

24 The transportation agency shall review the statements of
25 qualifications and the proposals for compliance with the
26 performance criteria and evaluation factors.

1 Statements of qualifications and proposals may be
2 withdrawn prior to the due date and time for submissions for
3 any cause. After evaluation begins by the transportation
4 agency, clear and convincing evidence of error is required for
5 withdrawal.

6 (Source: P.A. 100-391, eff. 8-25-17.)

7 Section 215. The Criminal Code of 2012 is amended by
8 changing Sections 17-10.2, 17-10.3, 33E-2, and 33E-6 as
9 follows:

10 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

11 Sec. 17-10.2. Businesses owned by minorities, women
12 ~~females~~, veterans, and persons with disabilities; fraudulent
13 contracts with governmental units.

14 (a) In this Section:

15 "Minority person" means a person who is any of the
16 following:

17 (1) American Indian or Alaska Native (a person having
18 origins in any of the original peoples of North and South
19 America, including Central America, and who maintains
20 tribal affiliation or community attachment).

21 (2) Asian (a person having origins in any of the
22 original peoples of the Far East, Southeast Asia, or the
23 Indian subcontinent, including, but not limited to,
24 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,

1 the Philippine Islands, Thailand, and Vietnam).

2 (3) Black or African American (a person having origins
3 in any of the black racial groups of Africa). Terms such as
4 "Haitian" or "Negro" can be used in addition to "Black or
5 African American".

6 (4) Hispanic or Latino (a person of Cuban, Mexican,
7 Puerto Rican, South or Central American, or other Spanish
8 culture or origin, regardless of race).

9 (5) Native Hawaiian or Other Pacific Islander (a person
10 having origins in any of the original peoples of Hawaii,
11 Guam, Samoa, or other Pacific Islands).

12 "Woman" ~~"Female"~~ means a person who is of the female
13 gender.

14 "Person with a disability" means a person who is a
15 person qualifying as having a disability.

16 "Veteran" means a person who (i) has been a member of
17 the armed forces of the United States or, while a citizen
18 of the United States, was a member of the armed forces of
19 allies of the United States in time of hostilities with a
20 foreign country and (ii) has served under one or more of
21 the following conditions: (a) the veteran served a total of
22 at least 6 months; (b) the veteran served for the duration
23 of hostilities regardless of the length of the engagement;
24 (c) the veteran was discharged on the basis of hardship; or
25 (d) the veteran was released from active duty because of a
26 service connected disability and was discharged under

1 honorable conditions.

2 "Disability" means a severe physical or mental
3 disability that: (1) results from: amputation, arthritis,
4 autism, blindness, burn injury, cancer, cerebral palsy,
5 cystic fibrosis, deafness, head injury, heart disease,
6 hemiplegia, hemophilia, respiratory or pulmonary
7 dysfunction, an intellectual disability, mental illness,
8 multiple sclerosis, muscular dystrophy, musculoskeletal
9 disorders, neurological disorders, including stroke and
10 epilepsy, paraplegia, quadriplegia and other spinal cord
11 conditions, sickle cell anemia, specific learning
12 disabilities, or end stage renal failure disease; and (2)
13 substantially limits one or more of the person's major life
14 activities.

15 "Minority-owned business" means a business which is at
16 least 51% owned by one or more minority persons, or in the
17 case of a corporation, at least 51% of the stock in which
18 is owned by one or more minority persons; and the
19 management and daily business operations of which are
20 controlled by one or more of the minority individuals who
21 own it.

22 "Women-owned business" means a business which is at
23 least 51% owned by one or more women, or, in the case of a
24 corporation, at least 51% of the stock in which is owned by
25 one or more women; and the management and daily business
26 operations of which are controlled by one or more of the

1 women who own it.

2 "Business owned by a person with a disability" means a
3 business that is at least 51% owned by one or more persons
4 with a disability and the management and daily business
5 operations of which are controlled by one or more of the
6 persons with disabilities who own it. A not-for-profit
7 agency for persons with disabilities that is exempt from
8 taxation under Section 501 of the Internal Revenue Code of
9 1986 is also considered a "business owned by a person with
10 a disability.

11 "Veteran-owned business" means a business which is at
12 least 51% owned by one or more veterans, or, in the case of
13 a corporation, at least 51% of the stock in which is owned
14 by one or more veterans; and the management and daily
15 business operations of which are controlled by one or more
16 of the veterans who own it.

17 ~~"Minority owned business" means a business concern~~
18 ~~that is at least 51% owned by one or more minority persons,~~
19 ~~or in the case of a corporation, at least 51% of the stock~~
20 ~~in which is owned by one or more minority persons; and the~~
21 ~~management and daily business operations of which are~~
22 ~~controlled by one or more of the minority individuals who~~
23 ~~own it.~~

24 ~~"Female owned business" means a business concern that~~
25 ~~is at least 51% owned by one or more females, or, in the~~
26 ~~case of a corporation, at least 51% of the stock in which~~

1 ~~is owned by one or more females; and the management and~~
2 ~~daily business operations of which are controlled by one or~~
3 ~~more of the females who own it.~~

4 ~~"Business owned by a person with a disability" means a~~
5 ~~business concern that is at least 51% owned by one or more~~
6 ~~persons with a disability and the management and daily~~
7 ~~business operations of which are controlled by one or more~~
8 ~~of the persons with disabilities who own it. A~~
9 ~~not for profit agency for persons with disabilities that~~
10 ~~is exempt from taxation under Section 501 of the Internal~~
11 ~~Revenue Code of 1986 is also considered a "business owned~~
12 ~~by a person with a disability".~~

13 "Governmental unit" means the State, a unit of local
14 government, or school district.

15 "Armed forces of the United States" means the United
16 States Army, Navy, Air Force, Marine Corps, Coast Guard, or
17 service in active duty as defined under 38 U.S.C. Section
18 101. Service in the Merchant Marine that constitutes active
19 duty under Section 401 of federal Public Act 95-202 shall
20 also be considered service in the armed forces for purposes
21 of this Section.

22 "Time of hostilities with a foreign country" means any
23 period of time in the past, present, or future during which
24 a declaration of war by the United States Congress has been
25 or is in effect or during which an emergency condition has
26 been or is in effect that is recognized by the issuance of

1 a Presidential proclamation or a Presidential executive
2 order and in which the armed forces expeditionary medal or
3 other campaign service medals are awarded according to
4 Presidential executive order.

5 (b) In addition to any other penalties imposed by law or by
6 an ordinance or resolution of a unit of local government or
7 school district, any individual or entity that knowingly
8 obtains, or knowingly assists another to obtain, a contract
9 with a governmental unit, or a subcontract or written
10 commitment for a subcontract under a contract with a
11 governmental unit, by falsely representing that the individual
12 or entity, or the individual or entity assisted, is a minority
13 owned business, female owned business, or business owned by a
14 person with a disability is guilty of a Class 2 felony,
15 regardless of whether the preference for awarding the contract
16 to a minority owned business, female owned business, or
17 business owned by a person with a disability was established by
18 statute or by local ordinance or resolution.

19 (c) In addition to any other penalties authorized by law,
20 the court shall order that an individual or entity convicted of
21 a violation of this Section must pay to the governmental unit
22 that awarded the contract a penalty equal to one and one-half
23 times the amount of the contract obtained because of the false
24 representation.

25 (Source: P.A. 99-143, eff. 7-27-15.)

1 (720 ILCS 5/17-10.3)

2 Sec. 17-10.3. Deception relating to certification of
3 disadvantaged business enterprises.

4 (a) Fraudulently obtaining or retaining certification. A
5 person who, in the course of business, fraudulently obtains or
6 retains certification as a minority-owned business,
7 women-owned business, ~~service disabled veteran owned small~~
8 ~~business, or veteran-owned small business,~~ or a business owned
9 by a person with a disability commits a Class 2 felony.

10 (b) Willfully making a false statement. A person who, in
11 the course of business, willfully makes a false statement
12 whether by affidavit, report or other representation, to an
13 official or employee of a State agency or the Business
14 Enterprise Council for Minorities, Women, Veterans, and
15 Persons with Disabilities for the purpose of influencing the
16 certification or denial of certification of any business entity
17 as a minority-owned business, women-owned business,
18 ~~service disabled veteran owned small business, or~~
19 ~~veteran-owned small business,~~ or a business owned by a person
20 with a disability commits a Class 2 felony.

21 (c) Willfully obstructing or impeding an official or
22 employee of any agency in his or her investigation. Any person
23 who, in the course of business, willfully obstructs or impedes
24 an official or employee of any State agency or the Business
25 Enterprise Council for Minorities, Women, Veterans, and
26 Persons with Disabilities who is investigating the

1 qualifications of a business entity which has requested
2 certification as a minority-owned business, women-owned
3 business, ~~service disabled veteran owned small business, or~~
4 veteran-owned ~~small~~ business, or a business owned by a person
5 with a disability commits a Class 2 felony.

6 (d) Fraudulently obtaining public moneys reserved for
7 disadvantaged business enterprises. Any person who, in the
8 course of business, fraudulently obtains public moneys
9 reserved for, or allocated or available to, minority-owned
10 businesses, women-owned businesses, ~~service disabled~~
11 ~~veteran-owned small businesses, or~~ veteran-owned ~~small~~
12 businesses, or businesses owned by persons with a disability
13 commits a Class 2 felony.

14 (e) Definitions. As used in this Article, "minority-owned
15 business", "women-owned business", "veteran-owned business",
16 "business owned by a person with a disability", "State agency"
17 with respect to minority-owned businesses, ~~and~~ women-owned
18 businesses, veteran-owned businesses, businesses owned by
19 persons with disabilities, and "certification" with respect to
20 minority-owned businesses, ~~and~~ women-owned businesses,
21 veteran-owned businesses, and businesses owned by persons with
22 a disability shall have the meanings ascribed to them in
23 Section 2 of the Business Enterprise for Minorities, Women,
24 Veterans, and Persons with Disabilities Act. ~~As used in this~~
25 ~~Article, "service disabled veteran owned small business",~~
26 ~~"veteran owned small business", "State agency" with respect to~~

1 ~~service-disabled veteran-owned small businesses and~~
2 ~~veteran-owned small businesses, and "certification" with~~
3 ~~respect to service-disabled veteran-owned small businesses and~~
4 ~~veteran-owned small businesses have the same meanings as in~~
5 ~~Section 45-57 of the Illinois Procurement Code.~~

6 (Source: P.A. 100-391, eff. 8-25-17.)

7 (720 ILCS 5/33E-2) (from Ch. 38, par. 33E-2)

8 Sec. 33E-2. Definitions. In this Act:

9 (a) "Public contract" means any contract for goods,
10 services or construction let to any person with or without bid
11 by any unit of State or local government.

12 (b) "Unit of State or local government" means the State,
13 any unit of state government or agency thereof, any county or
14 municipal government or committee or agency thereof, or any
15 other entity which is funded by or expends tax dollars or the
16 proceeds of publicly guaranteed bonds.

17 (c) "Change order" means a change in a contract term other
18 than as specifically provided for in the contract which
19 authorizes or necessitates any increase or decrease in the cost
20 of the contract or the time to completion.

21 (d) "Person" means any individual, firm, partnership,
22 corporation, joint venture or other entity, but does not
23 include a unit of State or local government.

24 (e) "Person employed by any unit of State or local
25 government" means any employee of a unit of State or local

1 government and any person defined in subsection (d) who is
2 authorized by such unit of State or local government to act on
3 its behalf in relation to any public contract.

4 (f) "Sheltered market" has the meaning ascribed to it in
5 Section 8b of the Business Enterprise for Minorities, Women,
6 Veterans, and Persons with Disabilities Act; ~~except that, with~~
7 ~~respect to State contracts set aside for award to~~
8 ~~service disabled veteran owned small businesses and~~
9 ~~veteran owned small businesses pursuant to Section 45-57 of the~~
10 ~~Illinois Procurement Code, "sheltered market" means~~
11 ~~procurements pursuant to that Section.~~

12 (g) "Kickback" means any money, fee, commission, credit,
13 gift, gratuity, thing of value, or compensation of any kind
14 which is provided, directly or indirectly, to any prime
15 contractor, prime contractor employee, subcontractor, or
16 subcontractor employee for the purpose of improperly obtaining
17 or rewarding favorable treatment in connection with a prime
18 contract or in connection with a subcontract relating to a
19 prime contract.

20 (h) "Prime contractor" means any person who has entered
21 into a public contract.

22 (i) "Prime contractor employee" means any officer,
23 partner, employee, or agent of a prime contractor.

24 (i-5) "Stringing" means knowingly structuring a contract
25 or job order to avoid the contract or job order being subject
26 to competitive bidding requirements.

1 (j) "Subcontract" means a contract or contractual action
2 entered into by a prime contractor or subcontractor for the
3 purpose of obtaining goods or services of any kind under a
4 prime contract.

5 (k) "Subcontractor" (1) means any person, other than the
6 prime contractor, who offers to furnish or furnishes any goods
7 or services of any kind under a prime contract or a subcontract
8 entered into in connection with such prime contract; and (2)
9 includes any person who offers to furnish or furnishes goods or
10 services to the prime contractor or a higher tier
11 subcontractor.

12 (l) "Subcontractor employee" means any officer, partner,
13 employee, or agent of a subcontractor.

14 (Source: P.A. 100-391, eff. 8-25-17.)

15 (720 ILCS 5/33E-6) (from Ch. 38, par. 33E-6)

16 Sec. 33E-6. Interference with contract submission and
17 award by public official.

18 (a) Any person who is an official of or employed by any
19 unit of State or local government who knowingly conveys, either
20 directly or indirectly, outside of the publicly available
21 official invitation to bid, pre-bid conference, solicitation
22 for contracts procedure or such procedure used in any sheltered
23 market procurement adopted pursuant to law or ordinance by that
24 unit of government, to any person any information concerning
25 the specifications for such contract or the identity of any

1 particular potential subcontractors, when inclusion of such
2 information concerning the specifications or contractors in
3 the bid or offer would influence the likelihood of acceptance
4 of such bid or offer, commits a Class 4 felony. It shall not
5 constitute a violation of this subsection to convey information
6 intended to clarify plans or specifications regarding a public
7 contract where such disclosure of information is also made
8 generally available to the public.

9 (b) Any person who is an official of or employed by any
10 unit of State or local government who, either directly or
11 indirectly, knowingly informs a bidder or offeror that the bid
12 or offer will be accepted or executed only if specified
13 individuals are included as subcontractors commits a Class 3
14 felony.

15 (c) It shall not constitute a violation of subsection (a)
16 of this Section where any person who is an official of or
17 employed by any unit of State or local government follows
18 procedures established ~~(i)~~ by federal, State or local minority,
19 woman, veteran, or person with a disability ~~or female~~ owned
20 business enterprise programs ~~or (ii) pursuant to Section 45-57~~
21 ~~of the Illinois Procurement Code.~~

22 (d) Any bidder or offeror who is the recipient of
23 communications from the unit of government which he reasonably
24 believes to be proscribed by subsections (a) or (b), and fails
25 to inform either the Attorney General or the State's Attorney
26 for the county in which the unit of government is located,

1 commits a Class A misdemeanor.

2 (e) Any public official who knowingly awards a contract
3 based on criteria which were not publicly disseminated via the
4 invitation to bid, when such invitation to bid is required by
5 law or ordinance, the pre-bid conference, or any solicitation
6 for contracts procedure or such procedure used in any sheltered
7 market procurement procedure adopted pursuant to statute or
8 ordinance, commits a Class 3 felony.

9 (f) It shall not constitute a violation of subsection (a)
10 for any person who is an official of or employed by any unit of
11 State or local government to provide to any person a copy of
12 the transcript or other summary of any pre-bid conference where
13 such transcript or summary is also made generally available to
14 the public.

15 (Source: P.A. 97-260, eff. 8-5-11.)

16 Section 220. The Business Corporation Act of 1983 is
17 amended by changing Section 14.05 as follows:

18 (805 ILCS 5/14.05) (from Ch. 32, par. 14.05)

19 Sec. 14.05. Annual report of domestic or foreign
20 corporation. Each domestic corporation organized under any
21 general law or special act of this State authorizing the
22 corporation to issue shares, other than homestead
23 associations, building and loan associations, banks and
24 insurance companies (which includes a syndicate or limited

1 syndicate regulated under Article V 1/2 of the Illinois
2 Insurance Code or member of a group of underwriters regulated
3 under Article V of that Code), and each foreign corporation
4 (except members of a group of underwriters regulated under
5 Article V of the Illinois Insurance Code) authorized to
6 transact business in this State, shall file, within the time
7 prescribed by this Act, an annual report setting forth:

8 (a) The name of the corporation.

9 (b) The address, including street and number, or rural
10 route number, of its registered office in this State, and
11 the name of its registered agent at that address.

12 (c) The address, including street and number, or rural
13 route number, of its principal office.

14 (d) The names and respective addresses, including
15 street and number, or rural route number, of its directors
16 and officers.

17 (e) A statement of the aggregate number of shares which
18 the corporation has authority to issue, itemized by classes
19 and series, if any, within a class.

20 (f) A statement of the aggregate number of issued
21 shares, itemized by classes, and series, if any, within a
22 class.

23 (g) A statement, expressed in dollars, of the amount of
24 paid-in capital of the corporation as defined in this Act.

25 (h) Either a statement that (1) all the property of the
26 corporation is located in this State and all of its

1 business is transacted at or from places of business in
2 this State, or the corporation elects to pay the annual
3 franchise tax on the basis of its entire paid-in capital,
4 or (2) a statement, expressed in dollars, of the value of
5 all the property owned by the corporation, wherever
6 located, and the value of the property located within this
7 State, and a statement, expressed in dollars, of the gross
8 amount of business transacted by the corporation and the
9 gross amount thereof transacted by the corporation at or
10 from places of business in this State as of the close of
11 its fiscal year on or immediately preceding the last day of
12 the third month prior to the anniversary month or in the
13 case of a corporation which has established an extended
14 filing month, as of the close of its fiscal year on or
15 immediately preceding the last day of the third month prior
16 to the extended filing month; however, in the case of a
17 domestic corporation that has not completed its first
18 fiscal year, the statement with respect to property owned
19 shall be as of the last day of the third month preceding
20 the anniversary month and the statement with respect to
21 business transacted shall be furnished for the period
22 between the date of incorporation and the last day of the
23 third month preceding the anniversary month. In the case of
24 a foreign corporation that has not been authorized to
25 transact business in this State for a period of 12 months
26 and has not commenced transacting business prior to

1 obtaining authority, the statement with respect to
2 property owned shall be as of the last day of the third
3 month preceding the anniversary month and the statement
4 with respect to business transacted shall be furnished for
5 the period between the date of its authorization to
6 transact business in this State and the last day of the
7 third month preceding the anniversary month. If the data
8 referenced in item (2) of this subsection is not completed,
9 the franchise tax provided for in this Act shall be
10 computed on the basis of the entire paid-in capital.

11 (i) A statement, including the basis therefor, of
12 status as a "minority-owned business" or as a "women-owned
13 business" as those terms are defined in the Business
14 Enterprise for Minorities, Women, Veterans, and Persons
15 with Disabilities Act.

16 (j) Additional information as may be necessary or
17 appropriate in order to enable the Secretary of State to
18 administer this Act and to verify the proper amount of fees
19 and franchise taxes payable by the corporation.

20 The annual report shall be made on forms prescribed and
21 furnished by the Secretary of State, and the information
22 therein required by paragraphs (a) through (d), both inclusive,
23 of this Section, shall be given as of the date of the execution
24 of the annual report and the information therein required by
25 paragraphs (e), (f), and (g) of this Section shall be given as
26 of the last day of the third month preceding the anniversary

1 month, except that the information required by paragraphs (e),
2 (f), and (g) shall, in the case of a corporation which has
3 established an extended filing month, be given in its final
4 transition annual report and each subsequent annual report as
5 of the close of its fiscal year on or immediately preceding the
6 last day of the third month prior to its extended filing month.
7 It shall be executed by the corporation by its president, a
8 vice-president, secretary, assistant secretary, treasurer or
9 other officer duly authorized by the board of directors of the
10 corporation to execute those reports, and verified by him or
11 her, or, if the corporation is in the hands of a receiver or
12 trustee, it shall be executed on behalf of the corporation and
13 verified by the receiver or trustee.

14 (Source: P.A. 100-391, eff. 8-25-17; 100-486, eff. 1-1-18;
15 100-863, eff. 8-14-18.)

16 Section 999. Effective date. This Act takes effect upon
17 becoming law.

1	INDEX	
2	Statutes amended in order of appearance	
3	15 ILCS 205/9	
4	15 ILCS 305/19	
5	15 ILCS 405/23.9	
6	15 ILCS 405/23.10	
7	15 ILCS 505/30	
8	20 ILCS 605/605-1020	
9	20 ILCS 655/4	from Ch. 67 1/2, par. 604
10	20 ILCS 1605/9.1	
11	20 ILCS 2705/2705-585	
12	20 ILCS 3105/16	from Ch. 127, par. 783b
13	20 ILCS 3501/835-10	
14	20 ILCS 3860/20	
15	20 ILCS 3948/20	
16	30 ILCS 5/2-16	
17	30 ILCS 105/8.32	from Ch. 127, par. 144.32
18	30 ILCS 105/45	
19	30 ILCS 330/8	from Ch. 127, par. 658
20	30 ILCS 330/15.5	
21	30 ILCS 425/5	from Ch. 127, par. 2805
22	30 ILCS 425/8.3	
23	30 ILCS 500/15-25	
24	30 ILCS 500/30-30	
25	30 ILCS 500/45-45	

1	30 ILCS 500/45-58 new	
2	30 ILCS 500/45-65	
3	30 ILCS 500/45-57 rep.	
4	30 ILCS 537/5	
5	30 ILCS 537/15	
6	30 ILCS 537/30	
7	30 ILCS 537/46	
8	30 ILCS 571/25	
9	30 ILCS 571/37	
10	30 ILCS 575/0.01	from Ch. 127, par. 132.600
11	30 ILCS 575/1	from Ch. 127, par. 132.601
12	30 ILCS 575/2	
13	30 ILCS 575/4	from Ch. 127, par. 132.604
14	30 ILCS 575/4f	
15	30 ILCS 575/5	from Ch. 127, par. 132.605
16	30 ILCS 575/6	from Ch. 127, par. 132.606
17	30 ILCS 575/6a	from Ch. 127, par. 132.606a
18	30 ILCS 575/7	from Ch. 127, par. 132.607
19	30 ILCS 575/8	from Ch. 127, par. 132.608
20	30 ILCS 575/8a	from Ch. 127, par. 132.608a
21	30 ILCS 575/8b	from Ch. 127, par. 132.608b
22	30 ILCS 575/8f	
23	30 ILCS 575/8g	
24	30 ILCS 575/8h	
25	35 ILCS 5/220	
26	35 ILCS 16/30	

1	35 ILCS 16/45	
2	35 ILCS 17/10-30	
3	35 ILCS 17/10-50	
4	40 ILCS 5/1-109.1	from Ch. 108 1/2, par. 1-109.1
5	40 ILCS 5/1-113.21	
6	40 ILCS 5/1-113.22	
7	55 ILCS 5/5-1134	
8	65 ILCS 115/10-5.3	
9	70 ILCS 210/10.2	
10	70 ILCS 210/23.1	from Ch. 85, par. 1243.1
11	70 ILCS 3205/9	from Ch. 85, par. 6009
12	70 ILCS 3210/40	
13	70 ILCS 3605/12c	
14	105 ILCS 5/10-20.44	
15	110 ILCS 62/3	
16	110 ILCS 62/5-10	
17	110 ILCS 675/20-115	
18	220 ILCS 5/9-220	from Ch. 111 2/3, par. 9-220
19	230 ILCS 5/12.1	from Ch. 8, par. 37-12.1
20	230 ILCS 5/12.2	
21	230 ILCS 10/4	from Ch. 120, par. 2404
22	230 ILCS 10/7	from Ch. 120, par. 2407
23	230 ILCS 10/7.6	
24	230 ILCS 10/11.2	
25	330 ILCS 21/5	
26	330 ILCS 21/15	

- 1 330 ILCS 21/30
- 2 330 ILCS 21/46
- 3 415 ILCS 5/14.7
- 4 605 ILCS 130/20
- 5 620 ILCS 75/2-30
- 6 630 ILCS 5/25
- 7 720 ILCS 5/17-10.2 was 720 ILCS 5/17-29
- 8 720 ILCS 5/17-10.3
- 9 720 ILCS 5/33E-2 from Ch. 38, par. 33E-2
- 10 720 ILCS 5/33E-6 from Ch. 38, par. 33E-6
- 11 805 ILCS 5/14.05 from Ch. 32, par. 14.05