



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/5/2004, by Louis S. Viverito

SYNOPSIS AS INTRODUCED:

20 ILCS 605/605-525	was 20 ILCS 605/46.55
20 ILCS 2310/2310-372	
20 ILCS 3105/16	from Ch. 127, par. 783b
30 ILCS 105/8.32	from Ch. 127, par. 144.32
30 ILCS 500/45-45	
30 ILCS 500/45-65	
30 ILCS 575/Act title	
30 ILCS 575/0.01	from Ch. 127, par. 132.600
30 ILCS 575/1	from Ch. 127, par. 132.601
30 ILCS 575/2	from Ch. 127, par. 132.602
30 ILCS 575/4	from Ch. 127, par. 132.604
30 ILCS 575/5	from Ch. 127, par. 132.605
30 ILCS 575/6	from Ch. 127, par. 132.606
30 ILCS 575/6a	from Ch. 127, par. 132.606a
30 ILCS 575/7	from Ch. 127, par. 132.607
30 ILCS 575/8	from Ch. 127, par. 132.608
30 ILCS 575/8a	from Ch. 127, par. 132.608a
30 ILCS 575/8b	from Ch. 127, par. 132.608b
30 ILCS 575/8f	
30 ILCS 575/9	from Ch. 127, par. 132.609
30 ILCS 750/9-4.3	from Ch. 127, par. 2709-4.3
40 ILCS 5/1-109.1	from Ch. 108 1/2, par. 1-109.1
40 ILCS 5/15-167.3	
70 ILCS 210/23.1	from Ch. 85, par. 1243.1
70 ILCS 3205/9	from Ch. 85, par. 6009
70 ILCS 3210/40	
110 ILCS 675/20-115	
230 ILCS 5/12.1	from Ch. 8, par. 37-12.1
230 ILCS 10/4	from Ch. 120, par. 2404
230 ILCS 10/11.2	
720 ILCS 5/33C-2	from Ch. 38, par. 33C-2
720 ILCS 5/33C-3	from Ch. 38, par. 33C-3
720 ILCS 5/33C-5	from Ch. 38, par. 33C-5
720 ILCS 5/33E-2	from Ch. 38, par. 33E-2
805 ILCS 5/14.05	from Ch. 32, par. 14.05

Amends the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. Adds veteran-owned business enterprises and establishes for them a goal of 3% of total State contracts. Extends repeal of the Act to September 6, 2008. Changes the short title. Amends the Build Illinois Act to authorize small business loans to veteran-owned small businesses. Makes conforming changes in other Acts. Effective immediately.

LRB093 20822 DRJ 46856 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

1 AN ACT concerning veteran-owned business enterprises.

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

4 Section 5. The Department of Commerce and Economic
5 Opportunity Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 605-525 as follows:

7 (20 ILCS 605/605-525) (was 20 ILCS 605/46.55)

8 Sec. 605-525. Minority Controlled and Female Controlled
9 Business Loan Board. There is hereby created a Minority
10 Controlled and Female Controlled Businesses Loan Board,
11 hereinafter referred to as the Board, consisting of 6 members
12 appointed by the Governor with the advice and consent of the
13 Senate. No more than 3 members shall be of the same political
14 party. For the initial appointments to the Board, 3 members
15 shall be appointed to serve a 2 year term and 3 members shall
16 be appointed to serve a 4 year term. Successor members shall
17 serve for terms of 4 years.

18 The Board shall maintain an office in each of the following
19 areas: Alexander or Pulaski County, East St. Louis, and the
20 City of Chicago. For the purpose of this Act, the terms
21 "minority person", "female", "minority owned business" and
22 "female owned business" shall have the definitions of those
23 terms provided in Section 2 of the Business Enterprise for
24 Minorities, Females, Veterans, and Persons with Disabilities
25 Act.

26 The Board shall have the authority to make direct grants
27 and low interest loans to minority controlled businesses and
28 female controlled businesses in East St. Louis, the City of
29 Chicago, and either Alexander County or Pulaski County from
30 appropriations for that purpose to the Department. The Board
31 shall establish and publish guidelines to be followed in making
32 the grants and loans.

1 Grant funds will be allowed to reimburse businesses for
2 expenses incurred in the preparation of proposals that are
3 accepted for loan assistance and to maintain administering
4 offices in each of the 4 target areas. Loan funds will be
5 awarded at a cost of no more than 3% per annum for up to 20
6 years to businesses that are existing or proposed.

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 Section 10. The Department of Public Health Powers and
9 Duties Law of the Civil Administrative Code of Illinois is
10 amended by changing Section 2310-372 as follows:

11 (20 ILCS 2310/2310-372)

12 Sec. 2310-372. Stroke Task Force.

13 (a) The Stroke Task Force is created within the Department
14 of Public Health.

15 (b) The task force shall be composed of the following
16 members:

17 (1) Nineteen members appointed by the Director of
18 Public Health from nominations submitted to the Director by
19 the following organizations, one member to represent each
20 organization: the American Stroke Association; the
21 National Stroke Association; the Illinois State Medical
22 Society; the Illinois Neurological Society; the Illinois
23 Academy of Family Physicians; the Illinois Chapter of the
24 American College of Emergency Physicians; the Illinois
25 Chapter of the American College of Cardiology; the Illinois
26 Nurses Association; the Illinois Hospital and Health
27 Systems Association; the Illinois Physical Therapy
28 Association; the Pharmaceutical Manufacturers Association;
29 the Illinois Rural Health Association; the Illinois
30 Chapter of AARP; the Illinois Association of
31 Rehabilitation Facilities; the Illinois Life Insurance
32 Council; the Illinois Public Health Association; the
33 Illinois Speech-Language Hearing Association; the American
34 Association of Neurological Surgeons; and the Illinois

1 Health Care Cost Containment Council.

2 (2) Five members appointed by the Governor as follows:
3 one stroke survivor; one licensed emergency medical
4 technician; one individual who (i) holds the degree of
5 Medical Doctor or Doctor of Philosophy and (ii) is a
6 teacher or researcher at a teaching or research university
7 located in Illinois; one individual who is a minority
8 person as defined in the Business Enterprise for
9 Minorities, Females, Veterans, and Persons with
10 Disabilities Act; and one member of the general public.

11 (3) The following ex officio members: the chairperson
12 of the Senate Public Health Committee; the minority
13 spokesperson of the Senate Public Health Committee; the
14 chairperson of the House Health Care Committee; and the
15 minority spokesperson of the House Health Care Committee.

16 The Director of Public Health shall serve as the
17 chairperson of the task force.

18 If a vacancy occurs in the task force membership, the
19 vacancy shall be filled in the same manner as the initial
20 appointment.

21 (c) Task force members shall serve without compensation,
22 but nonpublic members shall be reimbursed for their reasonable
23 travel expenses incurred in performing their duties in
24 connection with the task force.

25 (d) The task force shall adopt bylaws; shall meet at least
26 3 times each calendar year; and may establish committees as it
27 deems necessary. For purposes of task force meetings, a quorum
28 is the number of members present at a meeting. Meetings of the
29 task force are subject to the Open Meetings Act. The task force
30 must afford an opportunity for public comment at its meetings.

31 (e) The task force shall advise the Department of Public
32 Health with regard to setting priorities for improvements in
33 stroke prevention and treatment efforts, including, but not
34 limited to, the following:

35 (1) Developing and implementing a comprehensive
36 statewide public education program on stroke prevention,

1 targeted to high-risk populations and to geographic areas
2 where there is a high incidence of stroke.

3 (2) Identifying the signs and symptoms of stroke and
4 the action to be taken when these signs or symptoms occur.

5 (3) Recommending and disseminating guidelines on the
6 treatment of stroke patients, including emergency stroke
7 care.

8 (4) Ensuring that the public and health care providers
9 and institutions are sufficiently informed regarding the
10 most effective strategies for stroke prevention; and
11 assisting health care providers in using the most effective
12 treatment strategies for stroke.

13 (5) Addressing means by which guidelines may be revised
14 to remain current with developing treatment methodologies.

15 (f) The task force shall advise the Department of Public
16 Health concerning the awarding of grants to providers of
17 emergency medical services and to hospitals for the purpose of
18 improving care to stroke patients.

19 (g) The task force shall submit an annual report to the
20 Governor and the General Assembly by January 1 of each year,
21 beginning in 2003. The report must include, but need not be
22 limited to, the following:

23 (1) The task force's plans, actions, and
24 recommendations.

25 (2) An accounting of moneys spent for grants and for
26 other purposes.

27 (Source: P.A. 92-710, eff. 7-19-02.)

28 Section 15. The Capital Development Board Act is amended by
29 changing Section 16 as follows:

30 (20 ILCS 3105/16) (from Ch. 127, par. 783b)

31 Sec. 16. (a) In addition to any other power granted in this
32 Act to adopt rules or regulations, the Board may adopt
33 regulations or rules relating to the issuance or renewal of the
34 prequalification of an architect, engineer or contractor or the

1 suspension or modification of the prequalification of any such
2 person or entity including, without limitation, an interim or
3 emergency suspension or modification without a hearing founded
4 on any one or more of the bases set forth in this Section.

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

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

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

25 (c) If a prequalification is suspended or modified by the
26 Board without hearings for any reason set forth in this Section
27 or in Section 10-65 of the Illinois Administrative Procedure
28 Act, as amended, the Board shall within 30 days of the issuance
29 of an order of suspension or modification of a prequalification
30 initiate proceedings for the suspension or modification of or
31 other action upon the prequalification.

32 (Source: P.A. 92-16, eff. 6-28-01.)

33 Section 20. The State Finance Act is amended by changing
34 Section 8.32 as follows:

1 (30 ILCS 105/8.32) (from Ch. 127, par. 144.32)

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

15 (Source: P.A. 86-1482.)

16 Section 25. The Illinois Procurement Code is amended by
17 changing Sections 45-45 and 45-65 as follows:

18 (30 ILCS 500/45-45)

19 Sec. 45-45. Small businesses.

20 (a) Set-asides. The chief procurement officer has
21 authority to designate as small business set-asides a fair
22 proportion of construction, supply, and service contracts for
23 award to small businesses in Illinois. Advertisements for bids
24 or offers for those contracts shall specify designation as
25 small business set-asides. In awarding the contracts, only bids
26 or offers from qualified small businesses shall be considered.

27 (b) Small business. "Small business" means a business that
28 is independently owned and operated and that is not dominant in
29 its field of operation. The chief procurement officer shall
30 establish a detailed definition by rule, using in addition to
31 the foregoing criteria other criteria, including the number of
32 employees and the dollar volume of business. When computing the
33 size status of a bidder, annual sales and receipts of the
34 bidder and all of its affiliates shall be included. The maximum

1 number of employees and the maximum dollar volume that a small
2 business may have under the rules promulgated by the chief
3 procurement officer may vary from industry to industry to the
4 extent necessary to reflect differing characteristics of those
5 industries, subject to the following limitations:

6 (1) No wholesale business is a small business if its
7 annual sales for its most recently completed fiscal year
8 exceed \$7,500,000.

9 (2) No retail business or business selling services is
10 a small business if its annual sales and receipts exceed
11 \$1,500,000.

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

14 (4) No construction business is a small business if its
15 annual sales and receipts exceed \$10,000,000.

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

20 (d) Withdrawal of designation. A small business set-aside
21 designation may be withdrawn by the purchasing agency when
22 deemed in the best interests of the State. Upon withdrawal, all
23 bids or offers shall be rejected, and the bidders or offerors
24 shall be notified of the reason for rejection. The contract
25 shall then be awarded in accordance with this Code without the
26 designation of small business set-aside.

27 (e) Small business specialist. The chief procurement
28 officer shall designate a State purchasing officer who will be
29 responsible for engaging an experienced contract negotiator to
30 serve as its small business specialist, whose duties shall
31 include:

32 (1) Compiling and maintaining a comprehensive bidders
33 list of small businesses. In this duty, he or she shall
34 cooperate with the Federal Small Business Administration
35 in locating potential sources for various products and
36 services.

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

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

7 (4) Making recommendations to the chief procurement
8 officer for the simplification of specifications and terms
9 in order to increase the opportunities for small business
10 participation.

11 (5) Assisting in investigations by purchasing agencies
12 to determine the responsibility of bidders on small
13 business set-asides.

14 (f) Small business annual report. The State purchasing
15 officer designated under subsection (e) shall annually before
16 December 1 report in writing to the General Assembly concerning
17 the awarding of contracts to small businesses. The report shall
18 include the total value of awards made in the preceding fiscal
19 year under the designation of small business set-aside. The
20 report shall also include the total value of awards made to
21 businesses owned by minorities, females, and persons with
22 disabilities, as defined in the Business Enterprise for
23 Minorities, Females, Veterans, and Persons with Disabilities
24 Act, in the preceding fiscal year under the designation of
25 small business set-aside.

26 The requirement for reporting to the General Assembly shall
27 be satisfied by filing copies of the report as required by
28 Section 3.1 of the General Assembly Organization Act.

29 (Source: P.A. 92-60, eff. 7-12-01.)

30 (30 ILCS 500/45-65)

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

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

34 (2) the Illinois Mined Coal Act;

35 (3) the Steel Products Procurement Act;

1 (4) the Veterans Preference Act; and
2 (5) the Business Enterprise for Minorities, Females,
3 Veterans, and Persons with Disabilities Act.
4 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

5 Section 30. The Business Enterprise for Minorities,
6 Females, and Persons with Disabilities Act is amended by
7 changing the title of the Act and Sections 0.01, 1, 2, 4, 5, 6,
8 6a, 7, 8, 8a, 8b, 8f, and 9 as follows:

9 (30 ILCS 575/Act title)

10 An Act in relation to businesses owned by minorities,
11 females, veterans, and persons with disabilities.

12 (30 ILCS 575/0.01) (from Ch. 127, par. 132.600)

13 (Section scheduled to be repealed on September 6, 2004)

14 Sec. 0.01. Short title. This Act may be cited as the
15 Business Enterprise for Minorities, Females, Veterans, and
16 Persons with Disabilities Act.

17 (Source: P.A. 88-597, eff. 8-28-94.)

18 (30 ILCS 575/1) (from Ch. 127, par. 132.601)

19 (Section scheduled to be repealed on September 6, 2004)

20 Sec. 1. Purpose. The State of Illinois declares that it is
21 the public policy of the State to promote and encourage the
22 continuing economic development of minority and female owned
23 and operated businesses and that minority and female owned and
24 operated businesses participate in the State's procurement
25 process as both prime and subcontractors. The State of Illinois
26 has observed that the goals established in this Act have served
27 to increase the participation of minority and female businesses
28 in contracts awarded by the State. The State hereby declares
29 that the adoption of this amendatory Act of 1989 shall serve
30 the State's continuing interest in promoting open access in the
31 awarding of State contracts to disadvantaged small business
32 enterprises victimized by discriminatory practices.

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

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

16 The State of Illinois further declares that it is the
17 public policy of this State to promote and encourage the
18 continuous economic development of businesses owned by
19 veterans and that a 3% contracting goal is a narrowly tailored
20 means of promoting open access and thus the further growth and
21 development of those businesses.

22 (Source: P.A. 88-597, eff. 8-28-94.)

23 (30 ILCS 575/2) (from Ch. 127, par. 132.602)

24 (Section scheduled to be repealed on September 6, 2004)

25 Sec. 2. Definitions.

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

28 (1) "Minority person" shall mean a person who is a citizen
29 or lawful permanent resident of the United States and who is:

30 (a) African American (a person having origins in any of
31 the black racial groups in Africa);

32 (b) Hispanic (a person of Spanish or Portuguese culture
33 with origins in Mexico, South or Central America, or the
34 Caribbean Islands, regardless of race);

35 (c) Asian American (a person having origins in any of

1 the original peoples of the Far East, Southeast Asia, the
2 Indian Subcontinent or the Pacific Islands); or

3 (d) Native American or Alaskan Native (a person having
4 origins in any of the original peoples of North America).

5 (1.1) "Veteran" means a person who has served in active
6 duty as a member of the United States armed forces, and whose
7 separation from that service was not dishonorable; a member of
8 the Illinois National Guard, called to active military service
9 pursuant to an order of the President of the United States; or
10 a member of any reserve component of the Armed Forces of the
11 United States, called to active military service pursuant to an
12 order of the President of the United States.

13 (2) "Female" shall mean a person who is a citizen or lawful
14 permanent resident of the United States and who is of the
15 female gender.

16 (2.05) "Person with a disability" means a person who is a
17 citizen or lawful resident of the United States and is a person
18 qualifying as being disabled under subdivision (2.1) of this
19 subsection (A).

20 (2.1) "Disabled" means a severe physical or mental
21 disability that:

22 (a) results from:

23 amputation,

24 arthritis,

25 autism,

26 blindness,

27 burn injury,

28 cancer,

29 cerebral palsy,

30 cystic fibrosis,

31 deafness,

32 head injury,

33 heart disease,

34 hemiplegia,

35 hemophilia,

36 respiratory or pulmonary dysfunction,

1 mental retardation,
2 mental illness,
3 multiple sclerosis,
4 muscular dystrophy,
5 musculoskeletal disorders,
6 neurological disorders, including stroke and epilepsy,
7 paraplegia,
8 quadriplegia and other spinal cord conditions,
9 sickle cell anemia,
10 specific learning disabilities, or
11 end stage renal failure disease; and

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

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

21 (3) "Minority owned business" means a business concern
22 which is at least 51% owned by one or more minority persons, or
23 in the case of a corporation, at least 51% of the stock in
24 which is owned by one or more minority persons; and the
25 management and daily business operations of which are
26 controlled by one or more of the minority individuals who own
27 it.

28 (3.1) "Veteran owned business" or "business owned by
29 veterans" means a business concern which is at least 51% owned
30 by one or more veterans, or in the case of a corporation, at
31 least 51% of the stock in which is owned by one or more
32 veterans; and the management and daily business operations of
33 which are controlled by one or more of the veterans who own it.

34 (4) "Female owned business" means a business concern which
35 is at least 51% owned by one or more females, or, in the case of
36 a corporation, at least 51% of the stock in which is owned by

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

4 (4.1) "Business owned by a person with a disability" means
5 a business concern that is at least 51% owned by one or more
6 persons with a disability and the management and daily business
7 operations of which are controlled by one or more of the
8 persons with disabilities who own it. A not-for-profit agency
9 for persons with disabilities that is exempt from taxation
10 under Section 501 of the Internal Revenue Code of 1986 is also
11 considered a "business owned by a person with a disability".

12 (4.2) "Council" means the Business Enterprise Council for
13 Minorities, Females, Veterans, and Persons with Disabilities
14 created under Section 5 of this Act.

15 (5) "State contracts" shall mean all State contracts,
16 funded exclusively with State funds which are not subject to
17 federal reimbursement, whether competitively bid or negotiated
18 as defined by the Secretary of the Council and approved by the
19 Council.

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

25 (6) "State agencies" shall mean all departments, officers,
26 boards, commissions, institutions and bodies politic and
27 corporate of the State, but does not include the Board of
28 Trustees of the University of Illinois, the Board of Trustees
29 of Southern Illinois University, the Board of Trustees of
30 Chicago State University, the Board of Trustees of Eastern
31 Illinois University, the Board of Trustees of Governors State
32 University, the Board of Trustees of Illinois State University,
33 the Board of Trustees of Northeastern Illinois University, the
34 Board of Trustees of Northern Illinois University, the Board of
35 Trustees of Western Illinois University, municipalities or
36 other local governmental units, or other State constitutional

1 officers.

2 (7) "State universities" shall mean the Board of Trustees
3 of the University of Illinois, the Board of Trustees of
4 Southern Illinois University, the Board of Trustees of Chicago
5 State University, the Board of Trustees of Eastern Illinois
6 University, the Board of Trustees of Governors State
7 University, the Board of Trustees of Illinois State University,
8 the Board of Trustees of Northeastern Illinois University, the
9 Board of Trustees of Northern Illinois University, and the
10 Board of Trustees of Western Illinois University.

11 (8) "Certification" means a determination made by the
12 Council or by one delegated authority from the Council to make
13 certifications, or by a State agency with statutory authority
14 to make such a certification, that a business entity is a
15 business owned by a minority, female, veteran, or person with a
16 disability for whatever purpose.

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

33 (10) "Business concern or business" means a business which
34 has annual gross sales for the most recent fiscal year of less
35 than \$27,000,000, except that a firm with gross sales in excess
36 of that amount may apply to the Council for certification for a

1 particular contract if the firm can demonstrate that the
2 contract would have significant impact on businesses owned by
3 minorities, females, veterans, or persons with disabilities as
4 suppliers or subcontractors or in employment of minorities,
5 females, veterans, or persons with disabilities.

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

16 (Source: P.A. 92-670, eff. 7-16-02.)

17 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

18 (Section scheduled to be repealed on September 6, 2004)

19 Sec. 4. Award of State contracts.

20 (a) Except as provided in subsection (b), not less than 12%
21 of the total dollar amount of State contracts, as defined by
22 the Secretary of the Council and approved by the Council, shall
23 be established as a goal to be awarded to businesses owned by
24 minorities, females, and persons with disabilities; provided,
25 however, that contracts representing at least five-twelfths of
26 the total amount of all State contracts awarded to businesses
27 owned by minorities, females, and persons with disabilities
28 pursuant to this Section shall be awarded to female owned
29 businesses, and that contracts representing at least one-sixth
30 of the total amount of all State contracts awarded to
31 businesses owned by minorities, females, and persons with
32 disabilities pursuant to this Section shall be awarded to
33 businesses owned by persons with disabilities.

34 The above percentage relates to the total dollar amount of
35 State contracts during each State fiscal year, calculated by

1 examining independently each type of contract for each agency
2 or university which lets such contracts. Only that percentage
3 of arrangements which represents the participation of
4 businesses owned by minorities, females, and persons with
5 disabilities on such contracts shall be included.

6 (b) In the case of State construction contracts, the
7 provisions of subsection (a) requiring a portion of State
8 contracts to be awarded to businesses owned and controlled by
9 persons with disabilities do not apply. Not less than 10% of
10 the total dollar amount of State construction contracts is
11 established as a goal to be awarded to minority and female
12 owned businesses, and contracts representing 50% of the amount
13 of all State construction contracts awarded to minority and
14 female owned businesses shall be awarded to female owned
15 businesses.

16 (c) Not less than 3% of the total dollar amount of State
17 contracts, as defined by the Secretary of the Council and
18 approved by the Council, shall be established as a goal to be
19 awarded to businesses owned by veterans.

20 (Source: P.A. 87-701; 88-597, eff. 8-28-94.)

21 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

22 (Section scheduled to be repealed on September 6, 2004)

23 Sec. 5. Business Enterprise Council.

24 (1) To help implement, monitor and enforce the goals of
25 this Act, there is created the Business Enterprise Council for
26 Minorities, Females, Veterans, and Persons with Disabilities,
27 hereinafter referred to as the Council, composed of the
28 Secretary of Human Services and the Directors of the Department
29 of Human Rights, the Department of Commerce and Economic
30 Opportunity ~~Community Affairs~~, the Department of Central
31 Management Services, the Department of Transportation and the
32 Capital Development Board, or their duly appointed
33 representatives. Ten individuals representing businesses that
34 are minority or female owned or owned by persons with
35 disabilities, 2 individuals representing businesses that are

1 owned by veterans, 2 individuals representing the business
2 community, and a representative of public universities shall be
3 appointed by the Governor. These members shall serve 2 year
4 terms and shall be eligible for reappointment. Any vacancy
5 occurring on the Council shall also be filled by the Governor.
6 Any member appointed to fill a vacancy occurring prior to the
7 expiration of the term for which his predecessor was appointed
8 shall be appointed for the remainder of such term. Members of
9 the Council shall serve without compensation but shall be
10 reimbursed for any ordinary and necessary expenses incurred in
11 the performance of their duties.

12 The Director of the Department of Central Management
13 Services shall serve as the Council chairperson and shall
14 select, subject to approval of the council, a Secretary
15 responsible for the operation of the program who shall serve as
16 the Division Manager of the Business Enterprise for Minorities,
17 Females, Veterans, and Persons with Disabilities Division of
18 the Department of Central Management Services.

19 The Director of each State agency and the chief executive
20 officer of each State university shall appoint a liaison to the
21 Council. The liaison shall be responsible for submitting to the
22 Council any reports and documents necessary under this Act.

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

24 (a) Devise a certification procedure to assure that
25 businesses taking advantage of this Act are legitimately
26 classified as businesses owned by minorities, females,
27 veterans, or persons with disabilities.

28 (b) Maintain a list of all businesses legitimately
29 classified as businesses owned by minorities, females,
30 veterans, or persons with disabilities to provide to State
31 agencies and State universities.

32 (c) Review rules and regulations for the
33 implementation of the program for businesses owned by
34 minorities, females, veterans, and persons with
35 disabilities.

36 (d) Review compliance plans submitted by each State

1 agency and State university pursuant to this Act.

2 (e) Make annual reports as provided in Section 8f to
3 the Governor and the General Assembly on the status of the
4 program.

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

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

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

23 (4) Any Council member who has direct financial or personal
24 interest in any measure pending before the Council shall
25 disclose this fact to the Council and refrain from
26 participating in the determination upon such measure.

27 (5) The Secretary shall have the following duties and
28 responsibilities:

29 (a) To be responsible for the day-to-day operation of
30 the Council.

31 (b) To serve as a coordinator for all of the State's
32 programs for businesses owned by minorities, females,
33 veterans, and persons with disabilities and as the
34 information and referral center for all State initiatives
35 for businesses owned by minorities, females, veterans, and
36 persons with disabilities.

1 (c) To establish an enforcement procedure whereby the
2 Council may recommend to the appropriate State legal
3 officer that the State exercise its legal remedies which
4 shall include (1) termination of the contract involved, (2)
5 prohibition of participation by the respondent in public
6 contracts for a period not to exceed one year, (3)
7 imposition of a penalty not to exceed any profit acquired
8 as a result of violation, or (4) any combination thereof.
9 Such procedures shall require prior approval by Council.

10 (d) To devise appropriate policies, regulations and
11 procedures for including participation by businesses owned
12 by minorities, females, veterans, and persons with
13 disabilities as prime contractors including, but not
14 limited to, (i) encouraging the inclusions of qualified
15 businesses owned by minorities, females, veterans, and
16 persons with disabilities on solicitation lists, (ii)
17 investigating the potential of blanket bonding programs
18 for small construction jobs, (iii) investigating and
19 making recommendations concerning the use of the sheltered
20 market process.

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

23 (f) To accept donations and, with the approval of the
24 Council or the Director of Central Management Services,
25 grants related to the purposes of this Act; to conduct
26 seminars related to the purpose of this Act and to charge
27 reasonable registration fees; and to sell directories,
28 vendor lists and other such information to interested
29 parties, except that forms necessary to become eligible for
30 the program shall be provided free of charge to a business
31 or individual applying for the program.

32 (Source: P.A. 88-377; 88-597, eff. 8-28-94; 89-507, eff.
33 7-1-97; revised 12-6-03.)

34 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

35 (Section scheduled to be repealed on September 6, 2004)

1 Sec. 6. Agency compliance plans. Each State agency and
2 State university under the jurisdiction of this Act shall file
3 with the Council an annual compliance plan which shall outline
4 the goals of the State agency or State university for
5 contracting with businesses owned by minorities, females,
6 veterans, and persons with disabilities for the then current
7 fiscal year, the manner in which the agency intends to reach
8 these goals and a timetable for reaching these goals. The
9 Council shall review and approve the plan of each State agency
10 and State university and may reject any plan that does not
11 comply with this Act or any rules or regulations promulgated
12 pursuant to this Act.

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

32 (b) Approval of the compliance plans shall include such
33 delegation of responsibilities to the requesting State agency
34 or State university as the Council deems necessary and
35 appropriate to fulfill the purpose of this Act. Such
36 responsibilities may include, but need not be limited to those

1 outlined in subsections (1), (2) and (3) of Section 7 and
2 paragraph (a) of Section 8.

3 (c) Each State agency and State university under the
4 jurisdiction of this Act shall file with the Council an annual
5 report of its utilization of businesses owned by minorities,
6 females, veterans, and persons with disabilities during the
7 preceding fiscal year including lapse period spending and a
8 mid-fiscal year report of its utilization to date for the then
9 current fiscal year. The reports shall include a
10 self-evaluation of the efforts of the State agency or State
11 university to meet its goals under the Act.

12 (d) Notwithstanding any provisions to the contrary in this
13 Act, any State agency or State university which administers a
14 construction program, for which federal law or regulations
15 establish standards and procedures for the utilization of
16 minority, veteran, disadvantaged, and female-owned business,
17 shall implement a disadvantaged business enterprise program to
18 include minority, veteran, disadvantaged and female-owned
19 businesses, using the federal standards and procedures for the
20 establishment of goals and utilization procedures for the
21 State-funded, as well as the federally assisted, portions of
22 the program. In such cases, these goals shall not exceed those
23 established pursuant to the relevant federal statutes or
24 regulations. Notwithstanding the provisions of Section 8b, the
25 Illinois Department of Transportation is authorized to
26 establish sheltered markets for the State-funded portions of
27 the program consistent with federal law and regulations.
28 Additionally, a compliance plan which is filed by such State
29 agency or State university pursuant to this Act, which
30 incorporates equivalent terms and conditions of its
31 federally-approved compliance plan, shall be deemed approved
32 under this Act.

33 (Source: P.A. 88-377; 88-597, eff. 8-28-94.)

34 (30 ILCS 575/6a) (from Ch. 127, par. 132.606a)

35 (Section scheduled to be repealed on September 6, 2004)

1 Sec. 6a. Notice of contracts to Council. Except in case of
2 emergency as defined in the Illinois Purchasing Act, or as
3 authorized by rule promulgated by the Department of Central
4 Management Services, each agency and State university under the
5 jurisdiction of this Act shall notify the Secretary of the
6 Council of proposed contracts for professional and artistic
7 services and provide the information in the form and detail as
8 required by rule promulgated by the Department of Central
9 Management Services. Notification may be made through direct
10 written communication to the Secretary to be received at least
11 14 days before execution of the contract (or the solicitation
12 response date, if applicable) or by advertising in the official
13 State newspaper for at least 3 days, the last of which must be
14 at least 10 days after the first publication. The agency or
15 university must consider any vendor referred by the Secretary
16 before execution of the contract. The provisions of this
17 Section shall not apply to any State agency or State university
18 that has awarded contracts for professional and artistic
19 services to businesses owned by minorities, females, veterans,
20 and persons with disabilities totalling in the aggregate
21 \$5,000,000 or more during the preceding fiscal year.

22 (Source: P.A. 87-628; 88-377; 88-597, eff. 8-28-94.)

23 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

24 (Section scheduled to be repealed on September 6, 2004)

25 Sec. 7. Exemptions and waivers.

26 (1) Individual contract exemptions. The Council, on its own
27 initiative or at the request of the affected agency or
28 university, may permit an individual contract or contract
29 package, (related contracts being bid or awarded
30 simultaneously for the same project or improvements) be made
31 wholly or partially exempt from State contracting goals for
32 businesses owned by minorities, females, veterans, and persons
33 with disabilities prior to the advertisement for bids or
34 solicitation of proposals whenever there has been a
35 determination, reduced to writing and based on the best

1 information available at the time of the determination, that
2 there is an insufficient number of businesses owned by
3 minorities, females, veterans, and persons with disabilities
4 to ensure adequate competition and an expectation of reasonable
5 prices on bids or proposals solicited for the individual
6 contract or contract package in question.

7 (2) Class exemptions. (a) Creation. The Council, on its own
8 initiative or at the request of the affected agency or
9 university, may permit an entire class of contracts be made
10 exempt from State contracting goals for businesses owned by
11 minorities, females, veterans, and persons with disabilities
12 whenever there has been a determination, reduced to writing and
13 based on the best information available at the time of the
14 determination, that there is an insufficient number of
15 qualified businesses owned by minorities, females, veterans,
16 and persons with disabilities to ensure adequate competition
17 and an expectation of reasonable prices on bids or proposals
18 within that class.

19 (b) Limitation. Any such class exemption shall not be
20 permitted for a period of more than one year at a time.

21 (3) Waivers. Where a particular contract requires a
22 contractor to meet a goal established pursuant to this Act, the
23 contractor shall have the right to request a waiver from such
24 requirements. The Council shall grant the waiver where the
25 contractor demonstrates that there has been made a good faith
26 effort to comply with the goals for participation by businesses
27 owned by minorities, females, veterans, and persons with
28 disabilities.

29 (4) Conflict with other laws. In the event that any State
30 contract, which otherwise would be subject to the provisions of
31 this Act, is or becomes subject to federal laws or regulations
32 which conflict with the provisions of this Act or actions of
33 the State taken pursuant hereto, the provisions of the federal
34 laws or regulations shall apply and the contract shall be
35 interpreted and enforced accordingly.

36 (Source: P.A. 88-597, eff. 8-28-94.)

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

2 (Section scheduled to be repealed on September 6, 2004)

3 Sec. 8. Enforcement. The Council shall make such findings,
4 recommendations and proposals to the Governor as are necessary
5 and appropriate to enforce this Act. If, as a result of its
6 monitoring activities, the Council determines that its goals
7 and policies are not being met by any State agency or State
8 university, the Council may recommend any or all of the
9 following actions:

10 (a) Establish enforcement procedures whereby the Council
11 may recommend to the appropriate State agency, State
12 university, or law enforcement officer that legal or
13 administrative remedies be initiated for violations of
14 contract provisions or rules issued hereunder or by a
15 contracting State agency or State university. State agencies
16 and State universities shall be authorized to adopt remedies
17 for such violations which shall include (1) termination of the
18 contract involved, (2) prohibition of participation of the
19 respondents in public contracts for a period not to exceed one
20 year, (3) imposition of a penalty not to exceed any profit
21 acquired as a result of violation, or (4) any combination
22 thereof.

23 (b) If the Council concludes that a compliance plan
24 submitted under Section 6 is unlikely to produce the
25 participation goals for businesses owned by minorities,
26 females, veterans, and persons with disabilities within the
27 then current fiscal year, the Council may recommend that the
28 State agency or State university revise its plan to provide
29 additional opportunities for participation by businesses owned
30 by minorities, females, veterans, and persons with
31 disabilities. Such recommended revisions may include, but
32 shall not be limited to, the following:

33 (i) assurances of stronger and better focused
34 solicitation efforts to obtain more businesses owned by
35 minorities, females, veterans, and persons with

1 disabilities as potential sources of supply;

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

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

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

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

19 (Source: P.A. 88-377; 88-597, eff. 8-28-94.)

20 (30 ILCS 575/8a) (from Ch. 127, par. 132.608a)

21 (Section scheduled to be repealed on September 6, 2004)

22 Sec. 8a. Advance and progress payments. Any contract
23 awarded to a business owned by a minority, female, veteran, or
24 person with a disability pursuant to this Act may contain a
25 provision for advance or progress payments, or both, except
26 that a State construction contract awarded to a minority,
27 veteran, or female owned business pursuant to this Act may
28 contain a provision for progress payments but may not contain a
29 provision for advance payments.

30 (Source: P.A. 88-597, eff. 8-28-94.)

31 (30 ILCS 575/8b) (from Ch. 127, par. 132.608b)

32 (Section scheduled to be repealed on September 6, 2004)

33 Sec. 8b. Scheduled council meetings; sheltered market. The
34 Council shall conduct regular meetings to carry out its

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

12 "Sheltered market" shall mean a procurement procedure
13 whereby certain contracts are selected and specifically set
14 aside for businesses owned by minorities, females, veterans,
15 and persons with disabilities on a competitive bid or
16 negotiated basis.

17 As part of the annual report which the Council must file
18 pursuant to paragraph (e) of subsection (2) of Section 5, the
19 Council shall report on any findings made pursuant to this
20 Section.

21 (Source: P.A. 88-597, eff. 8-28-94.)

22 (30 ILCS 575/8f)

23 (Section scheduled to be repealed on September 6, 2004)

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

29 (1) a summary detailing State appropriations subject
30 to the goals, the actual goals specified, and the goals
31 attained by each State agency and State university;

32 (2) a summary of the number of contracts awarded and
33 the average contract amount by each State agency and State
34 university;

35 (3) an analysis of the level of overall goal

1 achievement concerning purchases from minority businesses,
2 female-owned businesses, veteran-owned businesses, and
3 businesses owned by persons with disabilities;

4 (4) an analysis of the number of businesses owned by
5 minorities, females, veterans, and persons with
6 disabilities that are certified under the program as well
7 as the number of those businesses that received State
8 procurement contracts; and

9 (5) a summary of the number of contracts awarded to
10 businesses with annual gross sales of less than \$1,000,000;
11 of \$1,000,000 or more, but less than \$5,000,000; of
12 \$5,000,000 or more, but less than \$10,000,000; and of
13 \$10,000,000 or more.

14 (Source: P.A. 88-597, eff. 8-28-94.)

15 (30 ILCS 575/9) (from Ch. 127, par. 132.609)

16 (Section scheduled to be repealed on September 6, 2004)

17 Sec. 9. This Act is repealed September 6, 2008 ~~2004~~.

18 (Source: P.A. 91-392, eff. 7-30-99; 91-476, eff. 8-11-99.)

19 Section 35. The Build Illinois Act is amended by changing
20 Section 9-4.3 as follows:

21 (30 ILCS 750/9-4.3) (from Ch. 127, par. 2709-4.3)

22 Sec. 9-4.3. Minority, female, veteran, and disability
23 loans.

24 (a) In the making of loans for minority, female, veteran,
25 or disability small businesses, as defined below, the
26 Department is authorized to employ different criteria in lieu
27 of the general provisions of subsections (b), (d), (e), (f),
28 (h), and (i) of Section 9-4.

29 Minority, female, veteran, or disability small businesses,
30 for the purpose of this Section, shall be defined as small
31 businesses that are, in the Department's judgment, at least 51%
32 owned and managed by one or more persons who are minority,
33 female, veterans, or disabled.

1 (b) Loans made pursuant to this Section:

2 (1) Shall not exceed \$50,000 or 50% of the business
3 project costs unless the Director of the Department
4 determines that a waiver of these limits is required to
5 meet the purposes of this Act.

6 (2) Shall only be made if, in the Department's
7 judgment, the number of jobs to be created or retained is
8 reasonable in relation to the loan funds requested.

9 (3) Shall be protected by security. Financial
10 assistance may be secured by first, second or subordinate
11 mortgage positions on real or personal property, by royalty
12 payments, by personal notes or guarantees, or by any other
13 security satisfactory to the Department to secure
14 repayment. Security valuation requirements, as determined
15 by the Department, for the purposes of this Section, may be
16 less than required for similar loans not covered by this
17 Section, provided the applicants demonstrate adequate
18 business experience, entrepreneurial training or
19 combination thereof, as determined by the Department.

20 (4) Shall be in such principal amount and form and
21 contain such terms and provisions with respect to security,
22 insurance, reporting, delinquency charges, default
23 remedies, and other matters as the Department shall
24 determine appropriate to protect the public interest and
25 consistent with the purposes of this Section. The terms and
26 provisions may be less than required for similar loans not
27 covered by this Section.

28 (Source: P.A. 87-1177; 88-422.)

29 Section 40. The Illinois Pension Code is amended by
30 changing Sections 1-109.1 and 15-167.3 as follows:

31 (40 ILCS 5/1-109.1) (from Ch. 108 1/2, par. 1-109.1)

32 Sec. 1-109.1. Allocation and Delegation of Fiduciary
33 Duties.

34 (1) Subject to the provisions of Section 22A-113 of this

1 Code and subsections (2) and (3) of this Section, the board of
2 trustees of a retirement system or pension fund established
3 under this Code may:

4 (a) Appoint one or more investment managers as
5 fiduciaries to manage (including the power to acquire and
6 dispose of) any assets of the retirement system or pension
7 fund; and

8 (b) Allocate duties among themselves and designate
9 others as fiduciaries to carry out specific fiduciary
10 activities other than the management of the assets of the
11 retirement system or pension fund.

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

28 (3) Pursuant to subsections (h) and (i) of Section 6 of
29 Article VII of the Illinois Constitution, the investment
30 authority of boards of trustees of retirement systems and
31 pension funds established under this Code is declared to be a
32 subject of exclusive State jurisdiction, and the concurrent
33 exercise by a home rule unit of any power affecting such
34 investment authority is hereby specifically denied and
35 preempted.

36 (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 \$400,000,000 on January 1, 1993 and is a "minority owned
4 business" or "female owned business" as those terms are defined
5 in the Business Enterprise for Minorities, Females, Veterans,
6 and Persons with Disabilities Act.

7 It is hereby declared to be the public policy of the State
8 of Illinois to encourage the trustees of public employee
9 retirement systems to use emerging investment managers in
10 managing their system's assets to the greatest extent feasible
11 within the bounds of financial and fiduciary prudence, and to
12 take affirmative steps to remove any barriers to the full
13 participation of emerging investment managers in investment
14 opportunities afforded by those retirement systems.

15 Each retirement system subject to this Code shall prepare a
16 report to be submitted to the Governor and the General Assembly
17 by September 1 of each year. The report shall identify the
18 emerging investment managers used by the system, the percentage
19 of the system's assets under the investment control of emerging
20 investment managers, and the actions it has undertaken to
21 increase the use of emerging investment managers, including
22 encouraging other investment managers to use emerging
23 investment managers as subcontractors when the opportunity
24 arises.

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

28 (Source: P.A. 92-16, eff. 6-28-01.)

29 (40 ILCS 5/15-167.3)

30 Sec. 15-167.3. To use emerging investment managers,
31 minority-owned businesses, female-owned businesses, and
32 businesses owned by persons with disabilities in managing the
33 System's assets.

34 (a) For the purposes of this Section:

35 "Emerging investment manager" means a qualified investment

1 adviser that manages an investment portfolio of at least
2 \$10,000,000 but less than \$500,000,000 and is a minority-owned
3 business, female-owned business, or business owned by a person
4 with a disability, as those terms are defined in this Section.

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

11 "Female owned business" means a business concern that is at
12 least 51% owned by one or more females or, in the case of a
13 corporation, at least 51% of the stock in which is owned by one
14 or more females; and the management and daily business
15 operations of which are controlled by one or more of the
16 females who own it.

17 "Business owned by a person with a disability" means a
18 business concern that is at least 51% owned by one or more
19 persons with disabilities and the management and daily business
20 operations of which are controlled by one or more of the
21 persons with disabilities who own it.

22 "Minority person", "female", and "person with a
23 disability" have the meanings given them in the Business
24 Enterprise for Minorities, Females, Veterans, and Persons with
25 Disabilities Act.

26 (b) It is hereby declared to be the public policy of the
27 State of Illinois to encourage the trustees of the System to
28 use emerging investment managers, minority-owned businesses,
29 female-owned businesses, and businesses owned by persons with
30 disabilities in managing the System's assets to the greatest
31 extent feasible within the bounds of financial and fiduciary
32 prudence, and to take affirmative steps to remove any barriers
33 to the full participation of emerging investment managers,
34 minority-owned businesses, female-owned businesses, and
35 businesses owned by persons with disabilities in investment
36 opportunities afforded by the System.

1 (c) The System shall prepare a report to be submitted to
2 the Governor and the General Assembly by September 1 of each
3 year. The report shall identify the emerging investment
4 managers, minority-owned businesses, female-owned businesses,
5 and businesses owned by persons with disabilities used by the
6 System, the percentage of the System's assets under the
7 investment control of those managers and businesses, and the
8 actions the System has undertaken to increase the use of those
9 managers and businesses, including encouraging other
10 investment managers to use emerging investment managers,
11 minority-owned businesses, female-owned businesses, and
12 businesses owned by persons with disabilities as
13 subcontractors when the opportunity arises.

14 (d) With respect to this System, this Section supersedes
15 the provisions of subsection (4) of Section 1-109.1 of this
16 Code.

17 (Source: P.A. 92-749, eff. 8-2-02.)

18 Section 45. The Metropolitan Pier and Exposition Authority
19 Act is amended by changing Section 23.1 as follows:

20 (70 ILCS 210/23.1) (from Ch. 85, par. 1243.1)

21 Sec. 23.1. Affirmative action.

22 (a) The Authority shall, within 90 days after the effective
23 date of this amendatory Act of 1984, establish and maintain an
24 affirmative action program designed to promote equal
25 employment opportunity and eliminate the effects of past
26 discrimination. Such program shall include a plan, including
27 timetables where appropriate, which shall specify goals and
28 methods for increasing participation by women and minorities in
29 employment by the Authority and by parties which contract with
30 the Authority. The Authority shall submit a detailed plan with
31 the General Assembly prior to September 1 of each year. Such
32 program shall also establish procedures and sanctions
33 (including debarment), which the Authority shall enforce to
34 ensure compliance with the plan established pursuant to this

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

12 (b) The Authority shall adopt and maintain minority and
13 female owned business enterprise procurement programs under
14 the affirmative action program described in subsection (a) for
15 any and all work undertaken by the Authority. That work shall
16 include, but is not limited to, the purchase of professional
17 services, construction services, supplies, materials, and
18 equipment. The programs shall establish goals of awarding not
19 less than 25% of the annual dollar value of all contracts,
20 purchase orders, or other agreements (collectively referred to
21 as "contracts") to minority owned businesses and 5% of the
22 annual dollar value of all contracts to female owned
23 businesses. Without limiting the generality of the foregoing,
24 the programs shall require in connection with the
25 prequalification or consideration of vendors for professional
26 service contracts, construction contracts, and contracts for
27 supplies, materials, equipment, and services that each
28 proposer or bidder submit as part of his or her proposal or bid
29 a commitment detailing how he or she will expend 25% or more of
30 the dollar value of his or her contracts with one or more
31 minority owned businesses and 5% or more of the dollar value
32 with one or more female owned businesses. Bids or proposals
33 that do not include such detailed commitments are not
34 responsive and shall be rejected unless the Authority deems it
35 appropriate to grant a waiver of these requirements. In
36 addition the Authority may, in connection with the selection of

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

29 (c) The Authority shall adopt and maintain an affirmative
30 action program in connection with the hiring of minorities and
31 women on the Expansion Project and on any and all construction
32 projects undertaken by the Authority. The program shall be
33 designed to promote equal employment opportunity and shall
34 specify the goals and methods for increasing the participation
35 of minorities and women in a representative mix of job
36 classifications required to perform the respective contracts

1 awarded by the Authority.

2 (d) In connection with the Expansion Project, the Authority
3 shall incorporate the following elements into its minority and
4 female owned business procurement programs to the extent
5 feasible: (1) a major contractors program that permits minority
6 owned businesses and female owned businesses to bear
7 significant responsibility and risk for a portion of the
8 project; (2) a mentor/protege program that provides financial,
9 technical, managerial, equipment, and personnel support to
10 minority owned businesses and female owned businesses; (3) an
11 emerging firms program that includes minority owned businesses
12 and female owned businesses that would not otherwise qualify
13 for the project due to inexperience or limited resources; (4) a
14 small projects program that includes participation by smaller
15 minority owned businesses and female owned businesses on jobs
16 where the total dollar value is \$5,000,000 or less; and (5) a
17 set-aside program that will identify contracts requiring the
18 expenditure of funds less than \$50,000 for bids to be submitted
19 solely by minority owned businesses and female owned
20 businesses.

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

32 (f) McCormick Place Advisory Board. There is created a
33 McCormick Place Advisory Board composed as follows: 2 members
34 shall be appointed by the Mayor of Chicago; 2 members shall be
35 appointed by the Governor; 2 members shall be State Senators
36 appointed by the President of the Senate; 2 members shall be

1 State Senators appointed by the Minority Leader of the Senate;
2 2 members shall be State Representatives appointed by the
3 Speaker of the House of Representatives; and 2 members shall be
4 State Representatives appointed by the Minority Leader of the
5 House of Representatives. The terms of all previously appointed
6 members of the Advisory Board expire on the effective date of
7 this amendatory Act of the 92nd General Assembly. A State
8 Senator or State Representative member may appoint a designee
9 to serve on the McCormick Place Advisory Board in his or her
10 absence.

11 A "member of a minority group" shall mean a person who is a
12 citizen or lawful permanent resident of the United States and
13 who is

14 (1) Black (a person having origins in any of the black
15 racial groups in Africa);

16 (2) Hispanic (a person of Spanish or Portuguese culture
17 with origins in Mexico, South or Central America, or the
18 Caribbean Islands, regardless of race);

19 (3) Asian American (a person having origins in any of
20 the original peoples of the Far East, Southeast Asia, the
21 Indian Subcontinent, or the Pacific Islands); or

22 (4) American Indian or Alaskan Native (a person having
23 origins in any of the original peoples of North America).

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

32 Members of the McCormick Place Advisory Board shall serve
33 without compensation but, at the Authority's discretion, shall
34 be reimbursed for necessary expenses in connection with the
35 performance of their duties.

36 The McCormick Place Advisory Board shall meet quarterly, or

1 as needed, shall produce any reports it deems necessary, and
2 shall:

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

5 (2) Work with the Authority regarding potential means
6 for providing increased economic opportunities to
7 minorities and women produced indirectly or directly from
8 the construction and operation of the Expansion Project;

9 (3) Work with the Authority to minimize any potential
10 impact on the area surrounding the McCormick Place
11 Expansion Project, including any impact on minority or
12 female owned businesses, resulting from the construction
13 and operation of the Expansion Project;

14 (4) Work with the Authority to find candidates for
15 building trades apprenticeships, for employment in the
16 hospitality industry, and to identify job training
17 programs;

18 (5) Work with the Authority to implement the provisions
19 of subsections (a) through (e) of this Section in the
20 construction of the Expansion Project, including the
21 Authority's goal of awarding not less than 25% and 5% of
22 the annual dollar value of contracts to minority and female
23 owned businesses, the outreach program for minorities and
24 women, and the mentor/protege program for providing
25 assistance to minority and female owned businesses.

26 (Source: P.A. 91-422, eff. 1-1-00; 92-16, eff. 6-28-01; 92-208,
27 eff. 8-2-01.)

28 Section 50. The Illinois Sports Facilities Authority Act is
29 amended by changing Section 9 as follows:

30 (70 ILCS 3205/9) (from Ch. 85, par. 6009)

31 Sec. 9. Duties. In addition to the powers set forth
32 elsewhere in this Act, subject to the terms of any agreements
33 with the holders of the Authority's bonds or notes, the
34 Authority shall:

1 (1) Comply with all zoning, building, and land use
2 controls of the municipality within which is located any
3 stadium facility owned by the Authority or for which the
4 Authority provides financial assistance.

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

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

28 (4) Create and maintain a separate financial reserve
29 for repair and replacement of capital assets of any
30 facility owned by the Authority or for which the Authority
31 provides financial assistance and deposit into this
32 reserve not less than \$1,000,000 per year for each such
33 facility beginning at such time as the Authority and the
34 tenant, or the Authority and a governmental owner of a
35 facility, as applicable, shall agree.

36 (5) In connection with prequalification of general

1 contractors for the construction of a new stadium facility
2 or the reconstruction, renovation, remodeling, extension,
3 or improvement of all or substantially all of an existing
4 facility, the Authority shall require submission of a
5 commitment detailing how the general contractor will
6 expend 25% or more of the dollar value of the general
7 contract with one or more minority business enterprises and
8 5% or more of the dollar value with one or more female
9 business enterprises. This commitment may be met by
10 contractor's status as a minority business enterprise or
11 female business enterprise, by a joint venture or by
12 subcontracting a portion of the work with or by purchasing
13 materials for the work from one or more such enterprises,
14 or by any combination thereof. Any contract with the
15 general contractor for construction of the new stadium
16 facility and any contract for the reconstruction,
17 renovation, remodeling, adding to, extension or
18 improvement of all or substantially all of an existing
19 facility shall require the general contractor to meet the
20 foregoing obligations and shall require monthly reporting
21 to the Authority with respect to the status of the
22 implementation of the contractor's affirmative action plan
23 and compliance with that plan. This report shall be filed
24 with the General Assembly. The Authority shall establish
25 and maintain an affirmative action program designed to
26 promote equal employment opportunity which specifies the
27 goals and methods for increasing participation by
28 minorities and women in a representative mix of job
29 classifications required to perform the respective
30 contracts. The Authority shall file a report before March 1
31 of each year with the General Assembly detailing its
32 implementation of this paragraph. The terms "minority
33 business enterprise" and "female business enterprise"
34 shall have the same meanings as "minority owned business"
35 and "female owned business", respectively, as defined in
36 the Business Enterprise for Minorities, Females, Veterans,

1 and Persons with Disabilities Act.

2 (6) Provide for the construction of any new facility
3 pursuant to one or more contracts which require delivery of
4 a completed facility at a fixed maximum price to be insured
5 or guaranteed by a third party determined by the Authority
6 to be financially capable of causing completion of such
7 construction of the new facility.

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

24 An assistance agreement may not provide, directly or
25 indirectly, for the payment to the Chicago Park District of
26 more than a total of \$10,000,000 on account of the District's
27 loss of property or revenue in connection with the renovation
28 of a facility pursuant to the assistance agreement.

29 (Source: P.A. 91-935, eff. 6-1-01; 92-16, eff. 6-28-01.)

30 Section 55. The Downstate Illinois Sports Facilities
31 Authority Act is amended by changing Section 40 as follows:

32 (70 ILCS 3210/40)

33 Sec. 40. Duties.

34 (a) In addition to the powers set forth elsewhere in this

1 Act, subject to the terms of any agreements with the holders of
2 the Authority's evidences of indebtedness, the Authority shall
3 do the following:

4 (1) Comply with all zoning, building, and land use
5 controls of the municipality within which is located any
6 stadium facility owned by the Authority or for which the
7 Authority provides financial assistance.

8 (2) Enter into a loan agreement with an owner of a
9 facility to finance the acquisition, construction,
10 maintenance, or rehabilitation of the facility. The
11 agreement shall contain appropriate and reasonable
12 provisions with respect to termination, default, and legal
13 remedies. The loan may be at below-market interest rates.

14 (3) Create and maintain a financial reserve for repair
15 and replacement of capital assets.

16 (b) In a loan agreement for the construction of a new
17 facility, in connection with prequalification of general
18 contractors for construction of the facility, the Authority
19 shall require that the owner of the facility require submission
20 of a commitment detailing how the general contractor will
21 expend 25% or more of the dollar value of the general contract
22 with one or more minority business enterprises and 5% or more
23 of the dollar value with one or more female business
24 enterprises. This commitment may be met by contractor's status
25 as a minority business enterprise or female business
26 enterprise, by a joint venture, or by subcontracting a portion
27 of the work with or by purchasing materials for the work from
28 one or more such enterprises, or by any combination thereof.
29 Any contract with the general contractor for construction of
30 the new facility shall require the general contractor to meet
31 the foregoing obligations and shall require monthly reporting
32 to the Authority with respect to the status of the
33 implementation of the contractor's affirmative action plan and
34 compliance with that plan. This report shall be filed with the
35 General Assembly. The Authority shall require that the facility
36 owner establish and maintain an affirmative action program

1 designed to promote equal employment opportunity and that
2 specifies the goals and methods for increasing participation by
3 minorities and women in a representative mix of job
4 classifications required to perform the respective contracts.
5 The Authority shall file a report before March 1 of each year
6 with the General Assembly detailing its implementation of this
7 subsection. The terms "minority business enterprise" and
8 "female business enterprise" have the meanings provided in the
9 Business Enterprise for Minorities, Females, Veterans, and
10 Persons with Disabilities Act.

11 (c) With respect to a facility owned or to be owned by the
12 Authority, enter or have entered into a management agreement
13 with a tenant of the Authority to operate the facility that
14 requires the tenant to operate the facility for a period at
15 least as long as the term of any bonds issued to finance the
16 development, establishment, construction, erection,
17 acquisition, repair, reconstruction, remodeling, adding to,
18 extension, improvement, equipping, operation, and maintenance
19 of the facility. Such agreement shall contain appropriate and
20 reasonable provisions with respect to termination, default,
21 and legal remedies.

22 (Source: P.A. 93-227, eff. 1-1-04.)

23 Section 60. The Illinois State University Law is amended by
24 changing Section 20-115 as follows:

25 (110 ILCS 675/20-115)

26 Sec. 20-115. Illinois Institute for Entrepreneurship
27 Education.

28 (a) There is created, effective July 1, 1997, within the
29 State at Illinois State University, the Illinois Institute for
30 Entrepreneurship Education, hereinafter referred to as the
31 Institute.

32 (b) The Institute created under this Section shall commence
33 its operations on July 1, 1997 and shall have a board composed
34 of 15 members representative of education, commerce and

1 industry, government, or labor, appointed as follows: 2 members
2 shall be appointees of the Governor, one of whom shall be a
3 minority or female person as defined in Section 2 of the
4 Business Enterprise for Minorities, Females, Veterans, and
5 Persons with Disabilities Act; one member shall be an appointee
6 of the President of the Senate; one member shall be an
7 appointee of the Minority Leader of the Senate; one member
8 shall be an appointee of the Speaker of the House of
9 Representatives; one member shall be an appointee of the
10 Minority Leader of the House of Representatives; 2 members
11 shall be appointees of Illinois State University; one member
12 shall be an appointee of the Board of Higher Education; one
13 member shall be an appointee of the State Board of Education;
14 one member shall be an appointee of the Department of Commerce
15 and Economic Opportunity ~~Community Affairs~~; one member shall be
16 an appointee of the Illinois chapter of Economics America; and
17 3 members shall be appointed by majority vote of the other 12
18 appointed members to represent business owner-entrepreneurs.
19 Each member shall have expertise and experience in the area of
20 entrepreneurship education, including small business and
21 entrepreneurship. The majority of voting members must be from
22 the private sector. The members initially appointed to the
23 board of the Institute created under this Section shall be
24 appointed to take office on July 1, 1997 and shall by lot
25 determine the length of their respective terms as follows: 5
26 members shall be selected by lot to serve terms of one year, 5
27 members shall be selected by lot to serve terms of 2 years, and
28 5 members shall be selected by lot to serve terms of 3 years.
29 Subsequent appointees shall each serve terms of 3 years. The
30 board shall annually select a chairperson from among its
31 members. Each board member shall serve without compensation but
32 shall be reimbursed for expenses incurred in the performance of
33 his or her duties.

34 (c) The purpose of the Institute shall be to foster the
35 growth and development of entrepreneurship education in the
36 State of Illinois. The Institute shall help remedy the

1 deficiencies in the preparation of entrepreneurship education
2 teachers, increase the quality and quantity of
3 entrepreneurship education programs, improve instructional
4 materials, and prepare personnel to serve as leaders and
5 consultants in the field of entrepreneurship education and
6 economic development. The Institute shall promote
7 entrepreneurship as a career option, promote and support the
8 development of innovative entrepreneurship education materials
9 and delivery systems, promote business, industry, and
10 education partnerships, promote collaboration and involvement
11 in entrepreneurship education programs, encourage and support
12 in-service and preservice teacher education programs within
13 various educational systems, and develop and distribute
14 relevant materials. The Institute shall provide a framework
15 under which the public and private sectors may work together
16 toward entrepreneurship education goals. These goals shall be
17 achieved by bringing together programs that have an impact on
18 entrepreneurship education to achieve coordination among
19 agencies and greater efficiency in the expenditure of funds.

20 (d) Beginning July 1, 1997, the Institute shall have the
21 following powers subject to State and Illinois State University
22 Board of Trustees regulations and guidelines:

23 (1) To employ and determine the compensation of an
24 executive director and such staff as it deems necessary;

25 (2) To own property and expend and receive funds and
26 generate funds;

27 (3) To enter into agreements with public and private
28 entities in the furtherance of its purpose; and

29 (4) To request and receive the cooperation and
30 assistance of all State departments and agencies in the
31 furtherance of its purpose.

32 (e) The board of the Institute shall be a policy making
33 body with the responsibility for planning and developing
34 Institute programs. The Institute, through the Board of
35 Trustees of Illinois State University, shall annually report to
36 the Governor and General Assembly by January 31 as to its

1 activities and operations, including its findings and
2 recommendations.

3 (f) Beginning on July 1, 1997, the Institute created under
4 this Section shall be deemed designated by law as the successor
5 to the Illinois Institute for Entrepreneurship Education,
6 previously created and existing under Section 2-11.5 of the
7 Public Community College Act until its abolition on July 1,
8 1997 as provided in that Section. On July 1, 1997, all
9 financial and other records of the Institute so abolished and
10 all of its property, whether real or personal, including but
11 not limited to all inventory and equipment, shall be deemed
12 transferred by operation of law to the Illinois Institute for
13 Entrepreneurship Education created under this Section 20-115.
14 The Illinois Institute for Entrepreneurship Education created
15 under this Section 20-115 shall have, with respect to the
16 predecessor Institute so abolished, all authority, powers, and
17 duties of a successor agency under Section 10-15 of the
18 Successor Agency Act.

19 (Source: P.A. 90-278, eff. 7-31-97; revised 12-6-03.)

20 Section 65. The Illinois Horse Racing Act of 1975 is
21 amended by changing Section 12.1 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
25 or female workers.

26 Therefore, the General Assembly urges that the job training
27 institutes, trade associations and employers involved in the
28 Illinois Horse Racing Industry take affirmative action to
29 encourage equal employment opportunity to all workers
30 regardless of race, color, creed or sex.

31 Before an organization license, inter-track wagering
32 license or inter-track wagering location license can be
33 granted, the applicant for any such license shall execute and
34 file with the Board a good faith affirmative action plan to

1 recruit, train and upgrade minorities and females in all
2 classifications with the applicant for license. One year after
3 issuance of any such license, and each year thereafter, the
4 licensee shall file a report with the Board evidencing and
5 certifying compliance with the originally filed affirmative
6 action plan.

7 (b) At least 10% of the total amount of all State contracts
8 for the infrastructure improvement of any race track grounds in
9 this State shall be let to minority owned businesses or female
10 owned businesses. "State contract", "minority owned business"
11 and "female owned business" shall have the meanings ascribed to
12 them under the Business Enterprise for Minorities, Females,
13 Veterans, and Persons with Disabilities Act.

14 (Source: P.A. 92-16, eff. 6-28-01.)

15 Section 70. The Riverboat Gambling Act is amended by
16 changing Sections 4 and 11.2 as follows:

17 (230 ILCS 10/4) (from Ch. 120, par. 2404)

18 Sec. 4. Definitions. As used in this Act:

19 (a) "Board" means the Illinois Gaming Board.

20 (b) "Occupational license" means a license issued by the
21 Board to a person or entity to perform an occupation which the
22 Board has identified as requiring a license to engage in
23 riverboat gambling in Illinois.

24 (c) "Gambling game" includes, but is not limited to,
25 baccarat, twenty-one, poker, craps, slot machine, video game of
26 chance, roulette wheel, klondike table, punchboard, faro
27 layout, keno layout, numbers ticket, push card, jar ticket, or
28 pull tab which is authorized by the Board as a wagering device
29 under this Act.

30 (d) "Riverboat" means a self-propelled excursion boat, a
31 permanently moored barge, or permanently moored barges that are
32 permanently fixed together to operate as one vessel, on which
33 lawful gambling is authorized and licensed as provided in this
34 Act.

1 (e) "Managers license" means a license issued by the Board
2 to a person or entity to manage gambling operations conducted
3 by the State pursuant to Section 7.3 ~~7.2~~.

4 (f) "Dock" means the location where a riverboat moors for
5 the purpose of embarking passengers for and disembarking
6 passengers from the riverboat.

7 (g) "Gross receipts" means the total amount of money
8 exchanged for the purchase of chips, tokens or electronic cards
9 by riverboat patrons.

10 (h) "Adjusted gross receipts" means the gross receipts less
11 winnings paid to wagerers.

12 (i) "Cheat" means to alter the selection of criteria which
13 determine the result of a gambling game or the amount or
14 frequency of payment in a gambling game.

15 (j) "Department" means the Department of Revenue.

16 (k) "Gambling operation" means the conduct of authorized
17 gambling games upon a riverboat.

18 (l) "License bid" means the lump sum amount of money that
19 an applicant bids and agrees to pay the State in return for an
20 owners license that is re-issued on or after July 1, 2003.

21 (m) The terms "minority person" and "female" shall have the
22 same meaning as defined in Section 2 of the Business Enterprise
23 for Minorities, Females, Veterans, and Persons with
24 Disabilities Act.

25 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;
26 revisory 1-28-04.)

27 (230 ILCS 10/11.2)

28 Sec. 11.2. Relocation of riverboat home dock.

29 (a) A licensee that was not conducting riverboat gambling
30 on January 1, 1998 may apply to the Board for renewal and
31 approval of relocation to a new home dock location authorized
32 under Section 3(c) and the Board shall grant the application
33 and approval upon receipt by the licensee of approval from the
34 new municipality or county, as the case may be, in which the
35 licensee wishes to relocate pursuant to Section 7(j).

1 (b) Any licensee that relocates its home dock pursuant to
2 this Section shall attain a level of at least 20% minority
3 person and female ownership, at least 16% and 4% respectively,
4 within a time period prescribed by the Board, but not to exceed
5 12 months from the date the licensee begins conducting gambling
6 at the new home dock location. The 12-month period shall be
7 extended by the amount of time necessary to conduct a
8 background investigation pursuant to Section 6. For the
9 purposes of this Section, the terms "female" and "minority
10 person" have the meanings provided in Section 2 of the Business
11 Enterprise for Minorities, Females, Veterans, and Persons with
12 Disabilities Act.

13 (Source: P.A. 91-40, eff. 6-25-99.)

14 Section 75. The Criminal Code of 1961 is amended by
15 changing Sections 33C-2, 33C-3, 33C-5, and 33E-2 as follows:

16 (720 ILCS 5/33C-2) (from Ch. 38, par. 33C-2)

17 Sec. 33C-2. Willfully making a false statement. A person
18 who, in the course of business, willfully makes a false
19 statement whether by affidavit, report or other
20 representation, to an official or employee of a State agency or
21 the ~~Minority and Female~~ Business Enterprise Council for
22 Minorities, Females, Veterans, and Persons with Disabilities
23 for the purpose of influencing the certification or denial of
24 certification of any business entity as a minority owned
25 business or female owned business commits a Class 2 felony.

26 (Source: P.A. 84-192.)

27 (720 ILCS 5/33C-3) (from Ch. 38, par. 33C-3)

28 Sec. 33C-3. Willfully obstructing or impeding an official
29 or employee of any agency in his investigation. Any person who,
30 in the course of business, willfully obstructs or impedes an
31 official or employee of any State agency or the ~~Minority and~~
32 ~~Female~~ Business Enterprise Council for Minorities, Females,
33 Veterans, and Persons with Disabilities who is investigating

1 the qualifications of a business entity which has requested
2 certification as a minority owned business or a female owned
3 business commits a Class 2 felony.

4 (Source: P.A. 84-192.)

5 (720 ILCS 5/33C-5) (from Ch. 38, par. 33C-5)

6 Sec. 33C-5. Definitions. As used in this Article, "minority
7 owned business", "female owned business", "State agency" and
8 "certification" shall have the meanings ascribed to them in
9 Section 2 of the Business Enterprise for Minorities, Females,
10 Veterans, and Persons with Disabilities Act.

11 (Source: P.A. 92-16, eff. 6-28-01.)

12 (720 ILCS 5/33E-2) (from Ch. 38, par. 33E-2)

13 Sec. 33E-2. Definitions. In this Act:

14 (a) "Public contract" means any contract for goods,
15 services or construction let to any person with or without bid
16 by any unit of State or local government.

17 (b) "Unit of State or local government" means the State,
18 any unit of state government or agency thereof, any county or
19 municipal government or committee or agency thereof, or any
20 other entity which is funded by or expends tax dollars or the
21 proceeds of publicly guaranteed bonds.

22 (c) "Change order" means a change in a contract term other
23 than as specifically provided for in the contract which
24 authorizes or necessitates any increase or decrease in the cost
25 of the contract or the time to completion.

26 (d) "Person" means any individual, firm, partnership,
27 corporation, joint venture or other entity, but does not
28 include a unit of State or local government.

29 (e) "Person employed by any unit of State or local
30 government" means any employee of a unit of State or local
31 government and any person defined in subsection (d) who is
32 authorized by such unit of State or local government to act on
33 its behalf in relation to any public contract.

34 (f) "Sheltered market" has the meaning ascribed to it in

1 Section 8b of the Business Enterprise for Minorities, Females,
2 Veterans, and Persons with Disabilities Act.

3 (g) "Kickback" means any money, fee, commission, credit,
4 gift, gratuity, thing of value, or compensation of any kind
5 which is provided, directly or indirectly, to any prime
6 contractor, prime contractor employee, subcontractor, or
7 subcontractor employee for the purpose of improperly obtaining
8 or rewarding favorable treatment in connection with a prime
9 contract or in connection with a subcontract relating to a
10 prime contract.

11 (h) "Prime contractor" means any person who has entered
12 into a public contract.

13 (i) "Prime contractor employee" means any officer,
14 partner, employee, or agent of a prime contractor.

15 (i-5) "Stringing" means knowingly structuring a contract
16 or job order to avoid the contract or job order being subject
17 to competitive bidding requirements.

18 (j) "Subcontract" means a contract or contractual action
19 entered into by a prime contractor or subcontractor for the
20 purpose of obtaining goods or services of any kind under a
21 prime contract.

22 (k) "Subcontractor" (1) means any person, other than the
23 prime contractor, who offers to furnish or furnishes any goods
24 or services of any kind under a prime contract or a subcontract
25 entered into in connection with such prime contract; and (2)
26 includes any person who offers to furnish or furnishes goods or
27 services to the prime contractor or a higher tier
28 subcontractor.

29 (l) "Subcontractor employee" means any officer, partner,
30 employee, or agent of a subcontractor.

31 (Source: P.A. 92-16, eff. 6-28-01.)

32 Section 80. The Business Corporation Act of 1983 is amended
33 by changing Section 14.05 as follows:

34 (805 ILCS 5/14.05) (from Ch. 32, par. 14.05)

1 Sec. 14.05. Annual report of domestic or foreign
2 corporation. Each domestic corporation organized under any
3 general law or special act of this State authorizing the
4 corporation to issue shares, other than homestead
5 associations, building and loan associations, banks and
6 insurance companies (which includes a syndicate or limited
7 syndicate regulated under Article V 1/2 of the Illinois
8 Insurance Code or member of a group of underwriters regulated
9 under Article V of that Code), and each foreign corporation
10 (except members of a group of underwriters regulated under
11 Article V of the Illinois Insurance Code) authorized to
12 transact business in this State, shall file, within the time
13 prescribed by this Act, an annual report setting forth:

14 (a) The name of the corporation.

15 (b) The address, including street and number, or rural
16 route number, of its registered office in this State, and
17 the name of its registered agent at that address.

18 (c) The address, including street and number, or rural
19 route number, of its principal office.

20 (d) The names and respective addresses, including
21 street and number, or rural route number, of its directors
22 and officers.

23 (e) A statement of the aggregate number of shares which
24 the corporation has authority to issue, itemized by classes
25 and series, if any, within a class.

26 (f) A statement of the aggregate number of issued
27 shares, itemized by classes, and series, if any, within a
28 class.

29 (g) A statement, expressed in dollars, of the amount of
30 paid-in capital of the corporation as defined in this Act.

31 (h) Either a statement that (1) all the property of the
32 corporation is located in this State and all of its
33 business is transacted at or from places of business in
34 this State, or the corporation elects to pay the annual
35 franchise tax on the basis of its entire paid-in capital,
36 or (2) a statement, expressed in dollars, of the value of

1 all the property owned by the corporation, wherever
2 located, and the value of the property located within this
3 State, and a statement, expressed in dollars, of the gross
4 amount of business transacted by the corporation and the
5 gross amount thereof transacted by the corporation at or
6 from places of business in this State as of the close of
7 its fiscal year on or immediately preceding the last day of
8 the third month prior to the anniversary month or in the
9 case of a corporation which has established an extended
10 filing month, as of the close of its fiscal year on or
11 immediately preceding the last day of the third month prior
12 to the extended filing month; however, in the case of a
13 domestic corporation that has not completed its first
14 fiscal year, the statement with respect to property owned
15 shall be as of the last day of the third month preceding
16 the anniversary month and the statement with respect to
17 business transacted shall be furnished for the period
18 between the date of incorporation and the last day of the
19 third month preceding the anniversary month. In the case of
20 a foreign corporation that has not been authorized to
21 transact business in this State for a period of 12 months
22 and has not commenced transacting business prior to
23 obtaining authority, the statement with respect to
24 property owned shall be as of the last day of the third
25 month preceding the anniversary month and the statement
26 with respect to business transacted shall be furnished for
27 the period between the date of its authorization to
28 transact business in this State and the last day of the
29 third month preceding the anniversary month. If the data
30 referenced in item (2) of this subsection is not completed,
31 the franchise tax provided for in this Act shall be
32 computed on the basis of the entire paid-in capital.

33 (i) A statement, including the basis therefor, of
34 status as a "minority owned business" or as a "female owned
35 business" as those terms are defined in the Business
36 Enterprise for Minorities, Females, Veterans, and Persons

1 with Disabilities Act.

2 (j) Additional information as may be necessary or
3 appropriate in order to enable the Secretary of State to
4 administer this Act and to verify the proper amount of fees
5 and franchise taxes payable by the corporation.

6 The annual report shall be made on forms prescribed and
7 furnished by the Secretary of State, and the information
8 therein required by paragraphs (a) through (d), both inclusive,
9 of this Section, shall be given as of the date of the execution
10 of the annual report and the information therein required by
11 paragraphs (e), (f) and (g) of this Section shall be given as
12 of the last day of the third month preceding the anniversary
13 month, except that the information required by paragraphs (e),
14 (f) and (g) shall, in the case of a corporation which has
15 established an extended filing month, be given in its final
16 transition annual report and each subsequent annual report as
17 of the close of its fiscal year immediately preceding its
18 extended filing month. It shall be executed by the corporation
19 by its president, a vice-president, secretary, assistant
20 secretary, treasurer or other officer duly authorized by the
21 board of directors of the corporation to execute those reports,
22 and verified by him or her, or, if the corporation is in the
23 hands of a receiver or trustee, it shall be executed on behalf
24 of the corporation and verified by the receiver or trustee.

25 (Source: P.A. 92-16, eff. 6-28-01; 92-33, eff. 7-1-01; 93-59,
26 7-1-03.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.