

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 20-60 as follows:

6 (30 ILCS 500/20-60)

7 Sec. 20-60. Duration of contracts.

8 (a) Maximum duration. A contract may be entered into for
9 any period of time deemed to be in the best interests of the
10 State but not exceeding 10 years. The length of a lease for
11 real property or capital improvements shall be in accordance
12 with the provisions of Section 40-25. A contract for bond or
13 mortgage insurance awarded by the Illinois Housing Development
14 Authority, however, may be entered into for any period of time
15 less than or equal to the maximum period of time that the
16 subject bond or mortgage may remain outstanding.

17 (b) Subject to appropriation. All contracts made or entered
18 into shall recite that they are subject to termination and
19 cancellation in any year for which the General Assembly fails
20 to make an appropriation to make payments under the terms of
21 the contract.

22 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

1 Section 10. The Business Enterprise for Minorities,
2 Females, and Persons with Disabilities Act is amended by
3 changing Section 2 as follows:

4 (30 ILCS 575/2) (from Ch. 127, par. 132.602)
5 (Section scheduled to be repealed on September 6, 2008)
6 Sec. 2. Definitions.

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

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

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

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

16 (c) Asian American (a person having origins in any of
17 the original peoples of the Far East, Southeast Asia, the
18 Indian Subcontinent or the Pacific Islands); or

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

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

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

1 qualifying as being disabled under subdivision (2.1) of this
2 subsection (A).

3 (2.1) "Disabled" means a severe physical or mental
4 disability that:

5 (a) results from:

6 amputation,

7 arthritis,

8 autism,

9 blindness,

10 burn injury,

11 cancer,

12 cerebral palsy,

13 cystic fibrosis,

14 deafness,

15 head injury,

16 heart disease,

17 hemiplegia,

18 hemophilia,

19 respiratory or pulmonary dysfunction,

20 mental retardation,

21 mental illness,

22 multiple sclerosis,

23 muscular dystrophy,

24 musculoskeletal disorders,

25 neurological disorders, including stroke and epilepsy,

26 paraplegia,

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

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

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

14 (3) "Minority owned business" means a business concern
15 which is at least 51% owned by one or more minority persons, or
16 in the case of a corporation, at least 51% of the stock in
17 which is owned by one or more minority persons; and the
18 management and daily business operations of which are
19 controlled by one or more of the minority individuals who own
20 it.

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

1 (4.1) "Business owned by a person with a disability" means
2 a business concern that is at least 51% owned by one or more
3 persons with a disability and the management and daily business
4 operations of which are controlled by one or more of the
5 persons with disabilities who own it. A not-for-profit agency
6 for persons with disabilities that is exempt from taxation
7 under Section 501 of the Internal Revenue Code of 1986 is also
8 considered a "business owned by a person with a disability".

9 (4.2) "Council" means the Business Enterprise Council for
10 Minorities, Females, and Persons with Disabilities created
11 under Section 5 of this Act.

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

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

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

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

9 (7) "State universities" shall mean the Board of Trustees
10 of the University of Illinois, the Board of Trustees of
11 Southern Illinois University, the Board of Trustees of Chicago
12 State University, the Board of Trustees of Eastern Illinois
13 University, the Board of Trustees of Governors State
14 University, the Board of Trustees of Illinois State University,
15 the Board of Trustees of Northeastern Illinois University, the
16 Board of Trustees of Northern Illinois University, and the
17 Board of Trustees of Western Illinois University.

18 (8) "Certification" means a determination made by the
19 Council or by one delegated authority from the Council to make
20 certifications, or by a State agency with statutory authority
21 to make such a certification, that a business entity is a
22 business owned by a minority, female, or person with a
23 disability for whatever purpose.

24 (9) "Control" means the exclusive or ultimate and sole
25 control of the business including, but not limited to, capital
26 investment and all other financial matters, property,

1 acquisitions, contract negotiations, legal matters,
2 officer-director-employee selection and comprehensive hiring,
3 operating responsibilities, cost-control matters, income and
4 dividend matters, financial transactions and rights of other
5 shareholders or joint partners. Control shall be real,
6 substantial and continuing, not pro forma. Control shall
7 include the power to direct or cause the direction of the
8 management and policies of the business and to make the
9 day-to-day as well as major decisions in matters of policy,
10 management and operations. Control shall be exemplified by
11 possessing the requisite knowledge and expertise to run the
12 particular business and control shall not include simple
13 majority or absentee ownership.

14 (10) "Business concern or business" means a business that
15 has average annual gross sales over the 3 most recent calendar
16 years of less than \$31,400,000 as evidenced by the federal
17 income tax return of the business. A firm with gross sales in
18 excess of this cap may apply to the Council for certification
19 for a particular contract if the firm can demonstrate that the
20 contract would have significant impact on businesses owned by
21 minorities, females, or persons with disabilities as suppliers
22 or subcontractors or in employment of minorities, females, or
23 persons with disabilities. ~~"Business concern or business"~~
24 ~~means a business which has annual gross sales for the most~~
25 ~~recent fiscal year of less than \$27,000,000, except that a firm~~
26 ~~with gross sales in excess of that amount may apply to the~~

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

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

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.