

HB0986



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0986

Introduced 2/10/2009, by Rep. Kevin A. McCarthy

SYNOPSIS AS INTRODUCED:

30 ILCS 575/2

from Ch. 127, par. 132.602

Amends the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. In the definition of "disabled", adds Crohn's disease and ulcerative colitis to the list of conditions that may lead to a severe physical or mental disability and, thus, qualify under the definition. Effective immediately.

LRB096 08243 RCE 18350 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The Business Enterprise for Minorities,
5 Females, and Persons with Disabilities Act is amended by
6 changing Section 2 as follows:

7 (30 ILCS 575/2) (from Ch. 127, par. 132.602)

8 (Section scheduled to be repealed on June 30, 2010)

9 Sec. 2. Definitions.

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

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

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

16 (b) 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 (c) 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 (d) Native American or Alaskan Native (a person having
23 origins in any of the original peoples of North America).

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

4 (2.05) "Person with a disability" means a person who is a
5 citizen or lawful resident of the United States and is a person
6 qualifying as being disabled under subdivision (2.1) of this
7 subsection (A).

8 (2.1) "Disabled" means a severe physical or mental
9 disability that:

10 (a) results from:

11 amputation,

12 arthritis,

13 autism,

14 blindness,

15 burn injury,

16 cancer,

17 cerebral palsy,

18 Crohn's disease,

19 cystic fibrosis,

20 deafness,

21 head injury,

22 heart disease,

23 hemiplegia,

24 hemophilia,

25 respiratory or pulmonary dysfunction,

26 mental retardation,

1 mental illness,
2 multiple sclerosis,
3 muscular dystrophy,
4 musculoskeletal disorders,
5 neurological disorders, including stroke and epilepsy,
6 paraplegia,
7 quadriplegia and other spinal cord conditions,
8 sickle cell anemia,
9 ulcerative colitis,
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

1 it.

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

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

16 (4.2) "Council" means the Business Enterprise Council for
17 Minorities, Females, and Persons with Disabilities created
18 under Section 5 of this Act.

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

24 "State construction contracts" means all State contracts
25 entered into by a State agency or State university for the
26 repair, remodeling, renovation or construction of a building or

1 structure, or for the construction or maintenance of a highway
2 defined in Article 2 of the Illinois Highway Code.

3 (6) "State agencies" shall mean all departments, officers,
4 boards, commissions, institutions and bodies politic and
5 corporate of the State, but does not include the Board of
6 Trustees of the University of Illinois, the Board of Trustees
7 of Southern Illinois University, the Board of Trustees of
8 Chicago State University, the Board of Trustees of Eastern
9 Illinois University, the Board of Trustees of Governors State
10 University, the Board of Trustees of Illinois State University,
11 the Board of Trustees of Northeastern Illinois University, the
12 Board of Trustees of Northern Illinois University, the Board of
13 Trustees of Western Illinois University, municipalities or
14 other local governmental units, or other State constitutional
15 officers.

16 (7) "State universities" shall mean the Board of Trustees
17 of the University of Illinois, the Board of Trustees of
18 Southern Illinois University, the Board of Trustees of Chicago
19 State University, the Board of Trustees of Eastern Illinois
20 University, the Board of Trustees of Governors State
21 University, the Board of Trustees of Illinois State University,
22 the Board of Trustees of Northeastern Illinois University, the
23 Board of Trustees of Northern Illinois University, and the
24 Board of Trustees of Western Illinois University.

25 (8) "Certification" means a determination made by the
26 Council or by one delegated authority from the Council to make

1 certifications, or by a State agency with statutory authority
2 to make such a certification, that a business entity is a
3 business owned by a minority, female, or person with a
4 disability for whatever purpose.

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

21 (10) "Business concern or business" means a business that
22 has average annual gross sales over the 3 most recent calendar
23 years of less than \$31,400,000 as evidenced by the federal
24 income tax return of the business. A firm with gross sales in
25 excess of this cap may apply to the Council for certification
26 for a particular contract if the firm can demonstrate that the

1 contract would have significant impact on businesses owned by
2 minorities, females, or persons with disabilities as suppliers
3 or subcontractors or in employment of minorities, females, or
4 persons with disabilities.

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

14 (Source: P.A. 95-344, eff. 8-21-07.)

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