



Sen. Dale A. Righter

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1 AMENDMENT TO SENATE BILL 206

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 206, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Procurement Code is amended by  
6 adding Section 45-57 as follows:

7 (30 ILCS 500/45-57 new)

8 Sec. 45-57. Disabled veterans.

9 (a) It is the goal of the State to promote and encourage  
10 the continued economic development of businesses owned and  
11 controlled by qualified disabled veterans and that businesses  
12 owned by qualified disabled veterans participate in the State's  
13 procurement process as both prime and subcontractors. A Task  
14 Force shall be established, appointed by the Directors or  
15 Secretaries of, and made up of representatives of, the Illinois  
16 Department of Veterans Affairs, the Illinois Department of

1 Transportation, the Department of Central Management Services,  
2 the Business Enterprise Program, and the Business Enterprise  
3 Council. The purpose of this Task Force shall be to recommend  
4 the appropriate percentage goal for award each fiscal year of  
5 the State's total expenditures for contracts awarded under this  
6 Code to qualified disabled veterans. That portion of a contract  
7 under which the contractor subcontracts with a qualified  
8 disabled veteran may be counted toward the goal of this  
9 subsection. In making that recommendation the Task Force shall  
10 consult with statewide veterans service organizations and the  
11 business community, including businesses owned by qualified  
12 disabled veterans.

13 (b) Each September 1, each chief procurement officer shall  
14 report to the Department of Central Management Services on all  
15 of the following for the immediately preceding fiscal year, and  
16 by each October 1 the Department of Central Management Services  
17 shall compile and report that information to the General  
18 Assembly:

19 (1) The number of qualified disabled veterans who  
20 submitted a bid for a contract under this Code.

21 (2) The number of qualified disabled veterans who  
22 entered into contracts with the State under this Code and  
23 the total value of those contracts.

24 (c) Each year, each chief procurement officer shall review  
25 the progress of all State agencies under its jurisdiction, with  
26 input from statewide veterans' service organizations and from

1 the business community, including businesses owned by  
2 qualified disabled veterans, and shall report such information  
3 to be included in a Department of Central Management Services'  
4 report to the General Assembly.

5 (d) As used in this Section:

6 "Business" means a business that has average annual gross  
7 sales over the 3 most recent calendar years of less than  
8 \$31,000,000 as evidenced by the federal income tax return of  
9 the business.

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

26 "Qualified disabled veteran" means a veteran who has been

1 found to have a service-connected disability by the United  
2 States Department of Veterans Affairs or the United States  
3 Department of Defense.

4 "Qualified disabled veteran-owned business" means a  
5 business entity that is at least 51% owned by one or more  
6 qualified disabled veterans, or in the case of a corporation,  
7 at least 51% of the stock of which is owned by one or more  
8 qualified disabled veterans; and the management and daily  
9 business operations of which are controlled by one or more of  
10 the qualified disabled veterans who own it.

11 "Service-connected disability" means a disability incurred  
12 or aggravated in the line of duty in the active military,  
13 naval, or air service as described in 38 USC 101(16).

14 "Veteran" means a person who served pursuant to an  
15 enlistment in the active military, naval, or air service and  
16 who was discharged or released from his or her service under  
17 conditions other than dishonorable.

18 (e) The Task Force shall recommend a certification  
19 procedure to assure that businesses taking advantage of any  
20 goal are legitimately classified as qualified disabled-veteran  
21 owned businesses.

22 (f) The Task Force shall report its recommendations to the  
23 Governor and the General Assembly no later than January 1,  
24 2011."