



Sen. Iris Y. Martinez

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1 AMENDMENT TO SENATE BILL 276

2 AMENDMENT NO. _____. Amend Senate Bill 276 by replacing
3 everything after the enacting clause with the following:

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

7 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

8 (Section scheduled to be repealed on June 30, 2016)

9 Sec. 5. Business Enterprise Council.

10 (1) To help implement, monitor and enforce the goals of
11 this Act, there is created the Business Enterprise Council for
12 Minorities, Females, and Persons with Disabilities,
13 hereinafter referred to as the Council, composed of the
14 Secretary of Human Services and the Directors of the Department
15 of Human Rights, the Department of Commerce and Economic
16 Opportunity, the Department of Central Management Services,

1 the Department of Transportation and the Capital Development
2 Board, or their duly appointed representatives. Ten
3 individuals representing businesses that are minority or
4 female owned or owned by persons with disabilities, 2
5 individuals representing the business community, and a
6 representative of public universities shall be appointed by the
7 Governor. These members shall serve 2 year terms and shall be
8 eligible for reappointment. Any vacancy occurring on the
9 Council shall also be filled by the Governor. Any member
10 appointed to fill a vacancy occurring prior to the expiration
11 of the term for which his predecessor was appointed shall be
12 appointed for the remainder of such term. Members of the
13 Council shall serve without compensation but shall be
14 reimbursed for any ordinary and necessary expenses incurred in
15 the performance of their duties.

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

23 The Director of each State agency and the chief executive
24 officer of each State university shall appoint a liaison to the
25 Council. The liaison shall be responsible for submitting to the
26 Council any reports and documents necessary under this Act.

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

2 (a) Devise a certification procedure to assure that
3 businesses taking advantage of this Act are legitimately
4 classified as businesses owned by minorities, females, or
5 persons with disabilities.

6 (b) Maintain a list of all businesses legitimately
7 classified as businesses owned by minorities, females, or
8 persons with disabilities to provide to State agencies and
9 State universities.

10 (c) Review rules and regulations for the
11 implementation of the program for businesses owned by
12 minorities, females, and persons with disabilities.

13 (d) Review compliance plans submitted by each State
14 agency and State university pursuant to this Act.

15 (e) Make annual reports as provided in Section 8f to
16 the Governor and the General Assembly on the status of the
17 program.

18 (f) Serve as a central clearinghouse for information on
19 State contracts, including the maintenance of a list of all
20 pending State contracts upon which businesses owned by
21 minorities, females, and persons with disabilities may
22 bid. At the Council's discretion, maintenance of the list
23 may include 24-hour electronic access to the list along
24 with the bid and application information.

25 (g) Establish a toll free telephone number to
26 facilitate information requests concerning the

1 certification process and pending contracts.

2 (3) No premium bond rate of a surety company for a bond
3 required of a business owned by a minority, female, or person
4 with a disability bidding for a State contract shall be higher
5 than the lowest rate charged by that surety company for a
6 similar bond in the same classification of work that would be
7 written for a business not owned by a minority, female, or
8 person with a disability.

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

13 (5) The Secretary shall have the following duties and
14 responsibilities:

15 (a) To be responsible for the day-to-day operation of
16 the Council.

17 (b) To serve as a coordinator for all of the State's
18 programs for businesses owned by minorities, females, and
19 persons with disabilities and as the information and
20 referral center for all State initiatives for businesses
21 owned by minorities, females, and persons with
22 disabilities.

23 (c) To establish an enforcement procedure whereby the
24 Council may recommend to the appropriate State legal
25 officer that the State exercise its legal remedies which
26 shall include (1) termination of the contract involved, (2)

1 prohibition of participation by the respondent in public
2 contracts for a period not to exceed one year, (3)
3 imposition of a penalty not to exceed any profit acquired
4 as a result of violation, or (4) any combination thereof.
5 Such procedures shall require prior approval by Council.

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

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

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

1 (6) The Council shall study the Illinois State Toll Highway
2 Authority's Earned Credit Program to determine (a) how the
3 Program could be adapted to apply all State construction
4 projects, and (b) the changes to Illinois' statutes and rules
5 that would be needed to implement the Program statewide. The
6 Council shall report its findings to the Secretary of Human
7 Services and to the General Assembly on or before January 1,
8 2015. This subsection is inoperative on and after January 1,
9 2016.

10 (Source: P.A. 94-793, eff. 5-19-06.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".