

SB2228



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2228

Introduced 2/15/2013, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

30 ILCS 575/5

from Ch. 127, par. 132.605

30 ILCS 805/8.37 new

Amends the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. Requires each granted participation goal waiver to be published for public viewing through the awarding agency prior to the formal award of contracts. Requires the waiver to include a statement of the basis upon which the waiver was granted and the identity of the individual authorizing the waiver. Amends the State Mandates Act to require implementation without reimbursement.

LRB098 10727 JDS 41062 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 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8 (Section scheduled to be repealed on June 30, 2016)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,
17 the Department of Transportation and the Capital Development
18 Board, or their duly appointed representatives. Ten
19 individuals representing businesses that are minority or
20 female owned or owned by persons with disabilities, 2
21 individuals representing the business community, and a
22 representative of public universities shall be appointed by the
23 Governor. These members shall serve 2 year terms and shall be

1 eligible for reappointment. Any vacancy occurring on the
2 Council shall also be filled by the Governor. Any member
3 appointed to fill a vacancy occurring prior to the expiration
4 of the term for which his predecessor was appointed shall be
5 appointed for the remainder of such term. Members of the
6 Council shall serve without compensation but shall be
7 reimbursed for any ordinary and necessary expenses incurred in
8 the performance of their duties.

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

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

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

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

25 (b) Maintain a list of all businesses legitimately
26 classified as businesses owned by minorities, females, or

1 persons with disabilities to provide to State agencies and
2 State universities.

3 (c) Review rules and regulations for the
4 implementation of the program for businesses owned by
5 minorities, females, and persons with disabilities.

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

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

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

18 (g) Establish a toll free telephone number to
19 facilitate information requests concerning the
20 certification process and pending contracts.

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

1 person with a disability.

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

6 (5) The Secretary shall have the following duties and
7 responsibilities:

8 (a) To be responsible for the day-to-day operation of
9 the Council.

10 (b) To serve as a coordinator for all of the State's
11 programs for businesses owned by minorities, females, and
12 persons with disabilities and as the information and
13 referral center for all State initiatives for businesses
14 owned by minorities, females, and persons with
15 disabilities.

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

25 (d) To devise appropriate policies, regulations and
26 procedures for including participation by businesses owned

1 by minorities, females, and persons with disabilities as
2 prime contractors including, but not limited to, (i)
3 encouraging the inclusions of qualified businesses owned
4 by minorities, females, and persons with disabilities on
5 solicitation lists, (ii) investigating the potential of
6 blanket bonding programs for small construction jobs,
7 (iii) investigating and making recommendations concerning
8 the use of the sheltered market process.

9 (e) To devise procedures for the waiver of the
10 participation goals in appropriate circumstances; provided
11 that each granted waiver shall be published for public
12 viewing through the awarding agency prior to the formal
13 award of contracts and shall include a statement of the
14 basis upon which the waiver was granted and the identity of
15 the individual authorizing the waiver.

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

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

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.37 as follows:

3 (30 ILCS 805/8.37 new)

4 Sec. 8.37. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 98th General Assembly.