



Rep. Arthur Turner

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1 AMENDMENT TO SENATE BILL 1334

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1334, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Business Enterprise for Minorities,  
6 Females, and Persons with Disabilities Act is amended by  
7 changing Sections 2, 3, 4, 5, 6, 6a, 7, 8, and 8f and by adding  
8 Section 4f as follows:

9 (30 ILCS 575/2)

10 (Section scheduled to be repealed on June 30, 2016)

11 Sec. 2. Definitions.

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

14 (1) "Minority person" shall mean a person who is a  
15 citizen or lawful permanent resident of the United States  
16 and who is any of the following:

1 (a) American Indian or Alaska Native (a person  
2 having origins in any of the original peoples of North  
3 and South America, including Central America, and who  
4 maintains tribal affiliation or community attachment).

5 (b) Asian (a person having origins in any of the  
6 original peoples of the Far East, Southeast Asia, or  
7 the Indian subcontinent, including, but not limited  
8 to, Cambodia, China, India, Japan, Korea, Malaysia,  
9 Pakistan, the Philippine Islands, Thailand, and  
10 Vietnam).

11 (c) Black or African American (a person having  
12 origins in any of the black racial groups of Africa).  
13 Terms such as "Haitian" or "Negro" can be used in  
14 addition to "Black or African American".

15 (d) Hispanic or Latino (a person of Cuban, Mexican,  
16 Puerto Rican, South or Central American, or other  
17 Spanish culture or origin, regardless of race).

18 (e) Native Hawaiian or Other Pacific Islander (a  
19 person having origins in any of the original peoples of  
20 Hawaii, Guam, Samoa, or other Pacific Islands).

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

24 (2.05) "Person with a disability" means a person who is  
25 a citizen or lawful resident of the United States and is a  
26 person qualifying as being disabled under subdivision

1 (2.1) of this subsection (A).

2 (2.1) "Disabled" means a severe physical or mental  
3 disability that:

4 (a) results from:

5 amputation,

6 arthritis,

7 autism,

8 blindness,

9 burn injury,

10 cancer,

11 cerebral palsy,

12 Crohn's disease,

13 cystic fibrosis,

14 deafness,

15 head injury,

16 heart disease,

17 hemiplegia,

18 hemophilia,

19 respiratory or pulmonary dysfunction,

20 an intellectual disability,

21 mental illness,

22 multiple sclerosis,

23 muscular dystrophy,

24 musculoskeletal disorders,

25 neurological disorders, including stroke and

26 epilepsy,

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

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

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

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

23 (4) "Female owned business" means a business ~~concern~~  
24 which is at least 51% owned by one or more females, or, in  
25 the case of a corporation, at least 51% of the stock in  
26 which is owned by one or more females; and the management

1 and daily business operations of which are controlled by  
2 one or more of the females who own it.

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

12 (4.2) "Council" means the Business Enterprise Council  
13 for Minorities, Females, and Persons with Disabilities  
14 created under Section 5 of this Act.

15 (5) "State contracts" means all contracts entered into  
16 by the State, any agency or department thereof, or any  
17 public institution of higher education including community  
18 college districts, regardless of the source of the funds  
19 with which the contracts are paid, which are not subject to  
20 federal reimbursement. "State contracts" does not include  
21 contracts awarded by a retirement system, pension fund, or  
22 investment board subject to Section 1-109.1 of the Illinois  
23 Pension Code. This definition shall control over any  
24 existing definition under this Act or applicable  
25 administrative rule. ~~"State contracts" shall mean all~~  
26 ~~State contracts, funded exclusively with State funds which~~

1 ~~are not subject to federal reimbursement, whether~~  
2 ~~competitively bid or negotiated as defined by the Secretary~~  
3 ~~of the Council and approved by the Council.~~

4 "State construction contracts" means all State  
5 contracts entered into by a State agency or public  
6 institution of higher education ~~State university~~ for the  
7 repair, remodeling, renovation or construction of a  
8 building or structure, or for the construction or  
9 maintenance of a highway defined in Article 2 of the  
10 Illinois Highway Code.

11 (6) "State agencies" shall mean all departments,  
12 officers, boards, commissions, institutions and bodies  
13 politic and corporate of the State, but does not include  
14 the Board of Trustees of the University of Illinois, the  
15 Board of Trustees of Southern Illinois University, the  
16 Board of Trustees of Chicago State University, the Board of  
17 Trustees of Eastern Illinois University, the Board of  
18 Trustees of Governors State University, the Board of  
19 Trustees of Illinois State University, the Board of  
20 Trustees of Northeastern Illinois University, the Board of  
21 Trustees of Northern Illinois University, the Board of  
22 Trustees of Western Illinois University, municipalities or  
23 other local governmental units, or other State  
24 constitutional officers.

25 (7) "Public institutions of higher education" means  
26 the University of Illinois, Southern Illinois University,

1 Chicago State University, Eastern Illinois University,  
2 Governors State University, Illinois State University,  
3 Northeastern Illinois University, Northern Illinois  
4 University, Western Illinois University, the public  
5 community colleges of the State, and any other public  
6 universities, colleges and community colleges now or  
7 hereafter established or authorized by the General  
8 Assembly. "State universities" shall mean the Board of  
9 Trustees of the University of Illinois, the Board of  
10 Trustees of Southern Illinois University, the Board of  
11 Trustees of Chicago State University, the Board of Trustees  
12 of Eastern Illinois University, the Board of Trustees of  
13 Governors State University, the Board of Trustees of  
14 Illinois State University, the Board of Trustees of  
15 Northeastern Illinois University, the Board of Trustees of  
16 Northern Illinois University, and the Board of Trustees of  
17 Western Illinois University.

18 (8) "Certification" means a determination made by the  
19 Council or by one delegated authority from the Council to  
20 make certifications, or by a State agency with statutory  
21 authority to make such a certification, that a business  
22 entity is a business owned by a minority, female, or person  
23 with a disability for whatever purpose. A business owned  
24 and controlled by females shall be certified as a "female  
25 owned business". A business owned and controlled by females  
26 who are also minorities shall be certified as both a

1 "female owned business" and a "minority owned business".

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

19 (10) "Business ~~concern or business~~" means a business  
20 that has annual gross sales of less than \$75,000,000 as  
21 evidenced by the federal income tax return of the business.  
22 A firm with gross sales in excess of this cap may apply to  
23 the Council for certification for a particular contract if  
24 the firm can demonstrate that the contract would have  
25 significant impact on businesses owned by minorities,  
26 females, or persons with disabilities as suppliers or



1 subcontractors or in employment of minorities, females, or  
2 persons with disabilities.

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

12 (Source: P.A. 97-227, eff. 1-1-12; 97-396, eff. 1-1-12; 97-813,  
13 eff. 7-13-12; 98-95, eff. 7-17-13.)

14 (30 ILCS 575/3) (from Ch. 127, par. 132.603)

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

16 Sec. 3. Implementation and applicability. This Act shall be  
17 applied to all State agencies and public institutions of higher  
18 education ~~State universities~~.

19 (Source: P.A. 85-729.)

20 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

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

22 Sec. 4. Award of State contracts.

23 (a) Except as provided in subsections (b) and (c), not less  
24 than 20% of the total dollar amount of State contracts, as

1 defined by the Secretary of the Council and approved by the  
2 Council, shall be established as an aspirational ~~a~~ goal to be  
3 awarded to businesses owned by minorities, females, and persons  
4 with disabilities; provided, however, that of the total amount  
5 of all State contracts awarded to businesses owned by  
6 minorities, females, and persons with disabilities pursuant to  
7 this Section, contracts representing at least 11% shall be  
8 awarded to businesses owned by minorities, contracts  
9 representing at least 7% shall be awarded to female-owned  
10 businesses, and contracts representing at least 2% shall be  
11 awarded to businesses owned by persons with disabilities.

12 The above percentage relates to the total dollar amount of  
13 State contracts during each State fiscal year, calculated by  
14 examining independently each type of contract for each agency  
15 or public institutions of higher education ~~university~~ which  
16 lets such contracts. Only that percentage of arrangements which  
17 represents the participation of businesses owned by  
18 minorities, females, and persons with disabilities on such  
19 contracts shall be included.

20 (b) In the case of State construction contracts, the  
21 provisions of subsection (a) requiring a portion of State  
22 contracts to be awarded to businesses owned and controlled by  
23 persons with disabilities do not apply. The following  
24 aspirational goals are established for State construction  
25 contracts: not ~~Not~~ less than 20% ~~10%~~ of the total dollar amount  
26 of State construction contracts is established as a goal to be

1 awarded to minority and female owned businesses, and contracts  
2 representing 50% of the amount of all State construction  
3 contracts awarded to minority and female owned businesses shall  
4 be awarded to female owned businesses.

5 (c) In the case of all work undertaken by the University of  
6 Illinois related to the planning, organization, and staging of  
7 the games, the University of Illinois shall establish a goal of  
8 awarding not less than 25% of the annual dollar value of all  
9 contracts, purchase orders, and other agreements (collectively  
10 referred to as "the contracts") to minority-owned businesses or  
11 businesses owned by a person with a disability and 5% of the  
12 annual dollar value the contracts to female-owned businesses.  
13 For purposes of this subsection, the term "games" has the  
14 meaning set forth in the Olympic Games and Paralympic Games  
15 (2016) Law.

16 (d) Within one year after April 28, 2009 (the effective  
17 date of Public Act 96-8), the Department of Central Management  
18 Services shall conduct a social scientific study that measures  
19 the impact of discrimination on minority and female business  
20 development in Illinois. Within 18 months after April 28, 2009  
21 (the effective date of Public Act 96-8), the Department shall  
22 issue a report of its findings and any recommendations on  
23 whether to adjust the goals for minority and female  
24 participation established in this Act. Copies of this report  
25 and the social scientific study shall be filed with the  
26 Governor and the General Assembly.

1           (e) Notwithstanding any provision of law to the contrary  
2 and except as otherwise mandated by federal law or regulation,  
3 those who submit bids or proposals for State construction  
4 contracts subject to the provisions of this Act, whose bids or  
5 proposals are successful but that fail to meet the goals set  
6 forth in subsection (b) of this Section, shall be notified of  
7 that deficiency and shall be afforded a period not to exceed 30  
8 days to cure that deficiency in the bid or proposal. The  
9 deficiency in the bid or proposal may only be cured by  
10 contracting with additional subcontractors who are owned by  
11 minorities, females, or, where applicable, persons with  
12 disabilities, but in no case shall an identified subcontractor  
13 with a certification made pursuant to this Act be terminated  
14 from the contract without the written consent of the State  
15 agency or public institution of higher education entering into  
16 the contract. ~~Those who submit bids or proposals for State~~  
17 ~~contracts shall not be given a period after the bid or proposal~~  
18 ~~is submitted to cure deficiencies in the bid or proposal under~~  
19 ~~this Act unless mandated by federal law or regulation.~~

20           (Source: P.A. 96-7, eff. 4-3-09; 96-8, eff. 4-28-09; 96-706,  
21 eff. 8-25-09; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
22 for the effective date of changes made by P.A. 96-795);  
23 96-1000, eff. 7-2-10.)

24           (30 ILCS 575/4f new)

25           Sec. 4f. Award of State contracts.

1       (1) It is hereby declared to be the public policy of the  
2 State of Illinois to promote and encourage each State agency  
3 and public institution of higher education to use businesses  
4 owned by minorities, females, and persons with disabilities in  
5 the area of goods and services, including, but not limited to,  
6 insurance services, investment management services,  
7 information technology services, accounting services,  
8 architectural and engineering services, and legal services.  
9 Furthermore, each State agency and public institution of higher  
10 education shall utilize such firms to the greatest extent  
11 feasible within the bounds of financial and fiduciary prudence,  
12 and take affirmative steps to remove any barriers to the full  
13 participation of such firms in the procurement and contracting  
14 opportunities afforded.

15       (a) When a State agency or public institution of higher  
16 education awards a contract for insurance services, for  
17 each State agency or public institution of higher  
18 education, it shall be the aspirational goal to use  
19 insurance brokers owned by minorities, females, and  
20 persons with disabilities as defined by this Act, for not  
21 less than 20% of the total annual premiums or fees.

22       (b) When a State agency or public institution of higher  
23 education awards a contract for investment services, for  
24 each State agency or public institution of higher  
25 education, it shall be the aspirational goal to use  
26 emerging investment managers owned by minorities, females,

1 and persons with disabilities as defined by this Act, for  
2 not less than 20% of the total funds under management.  
3 Furthermore, it is the aspirational goal that not less than  
4 20% of the direct asset managers of the State funds be  
5 minorities, females, and persons with disabilities.

6 (c) When a State agency or public institution of higher  
7 education awards contracts for information technology  
8 services, accounting services, architectural and  
9 engineering services, and legal services, for each State  
10 agency and public institution of higher education, it shall  
11 be the aspirational goal to use such firms owned by  
12 minorities, females, and persons with disabilities as  
13 defined by this Act and lawyers who are minorities,  
14 females, and persons with disabilities as defined by this  
15 Act, for not less than 20% of the total dollar amount of  
16 State contracts.

17 (2) As used in this Section:

18 "Accounting services" means the measurement,  
19 processing and communication of financial information  
20 about economic entities including, but is not limited to,  
21 financial accounting, management accounting, auditing,  
22 cost containment and auditing services, taxation and  
23 accounting information systems.

24 "Architectural and engineering services" means  
25 professional services of an architectural or engineering  
26 nature, or incidental services, that members of the

1 architectural and engineering professions, and individuals  
2 in their employ, may logically or justifiably perform,  
3 including studies, investigations, surveying and mapping,  
4 tests, evaluations, consultations, comprehensive planning,  
5 program management, conceptual designs, plans and  
6 specifications, value engineering, construction phase  
7 services, soils engineering, drawing reviews, preparation  
8 of operating and maintenance manuals, and other related  
9 services.

10 "Emerging investment manager" means an investment  
11 manager or claims consultant having assets under  
12 management below \$10 billion or otherwise adjudicating  
13 claims.

14 "Information technology services" means, but is not  
15 limited to, specialized technology-oriented solutions by  
16 combining the processes and functions of software,  
17 hardware, networks, telecommunications, web designers,  
18 cloud developing resellers, and electronics.

19 "Insurance broker" means an insurance brokerage firm,  
20 claims administrator, or both, that procures, places all  
21 lines of insurance, or administers claims with annual  
22 premiums or fees of at least \$5,000,000 but not more than  
23 \$10,000,000.

24 "Legal services" means work performed by a lawyer  
25 including, but not limited to, contracts in anticipation of  
26 litigation, enforcement actions, or investigations.

1       (3) Each State agency and public institutions of higher  
2 education shall adopt policies that identify its plan and  
3 implementation procedures for increasing the use of service  
4 firms owned by minorities, females, and persons with  
5 disabilities.

6       (4) Except as provided in subsection (5), the Council shall  
7 file no later than March 1 of each year an annual report to the  
8 Governor and the General Assembly. The report filed with the  
9 General Assembly shall be filed as required in Section 3.1 of  
10 the General Assembly Organization Act. This report shall: (i)  
11 identify the services firms used by each State agency and  
12 public institution of higher education, (ii) identify the  
13 actions it has undertaken to increase the use of service firms  
14 owned by minorities, females, and persons with disabilities,  
15 including encouraging non-minority owned firms to use other  
16 service firms owned by minorities, females, and persons with  
17 disabilities as subcontractors when the opportunities arise,  
18 (iii) state any recommendations made by the Council to each  
19 State agency and public institution of higher education to  
20 increase participation by the use of service firms owned by  
21 minorities, females, and persons with disabilities, and (iv)  
22 include the following:

23       (A) For insurance services: the names of the insurance  
24 brokers or claims consultants used, the total of risk  
25 managed by each State agency and public institution of  
26 higher education by insurance brokers, the total



1 commissions, fees paid, or both, the lines or insurance  
2 policies placed, and the amount of premiums placed; and the  
3 percentage of the risk managed by insurance brokers, the  
4 percentage of total commission, fees paid, or both, the  
5 lines or insurance policies placed, and the amount of  
6 premiums placed with each by the insurance brokers owned by  
7 minorities, females, and persons with disabilities by each  
8 State agency and public institution of higher education.

9 (B) For investment management services: the names of  
10 the investment managers used, the total funds under  
11 management of investment managers; the total commissions,  
12 fees paid, or both; the total and percentage of funds under  
13 management of emerging investment managers owned by  
14 minorities, females, and persons with disabilities,  
15 including the total and percentage of total commissions,  
16 fees paid, or both by each State agency and public  
17 institution of higher education.

18 (C) The names of service firms, the percentage and  
19 total dollar amount paid for professional services by  
20 category by each State agency and public institution of  
21 higher education.

22 (D) The names of service firms, the percentage and  
23 total dollar amount paid for services by category to firms  
24 owned by minorities, females, and persons with  
25 disabilities by each State agency and public institution of  
26 higher education.

1           (E) The total number of contracts awarded for services  
2           by category and the total number of contracts awarded to  
3           firms owned by minorities, females, and persons with  
4           disabilities by each State agency and public institution of  
5           higher education.

6           (5) For community college districts, the Business  
7           Enterprise Council shall only report the following information  
8           for each community college district: (i) the name of the  
9           community colleges in the district, (ii) the name and contact  
10           information of a person at each community college appointed to  
11           be the single point of contact for vendors owned by minorities,  
12           females, or persons with disabilities, (iii) the policy of the  
13           community college district concerning certified vendors, (iv)  
14           the certifications recognized by the community college  
15           district for determining whether a business is owned or  
16           controlled by a minority, female, or person with a disability,  
17           (v) outreach efforts conducted by the community college  
18           district to increase the use of certified vendors, (vi) the  
19           total expenditures by the community college district in the  
20           prior fiscal year in the divisions of work specified in  
21           paragraphs (a), (b), and (c) of subsection (1) of this Section  
22           and the amount paid to certified vendors in those divisions of  
23           work, and (vii) the total number contracts entered into for the  
24           divisions of work specified in paragraphs (a), (b), and (c) of  
25           subsection (1) of this Section and the total number of  
26           contracts awarded to certified vendors providing these

1 services to the community college district. The Business  
2 Enterprise Council shall not make any utilization reports under  
3 this Act for community college districts for Fiscal Year 2015  
4 and Fiscal Year 2016, but shall make the report required by  
5 this subsection for Fiscal Year 2017 and for each fiscal year  
6 thereafter. The Business Enterprise Council shall report the  
7 information in items (i), (ii), (iii), and (iv) of this  
8 subsection beginning in September of 2016. The Business  
9 Enterprise Council may collect the data needed to make its  
10 report from the Illinois Community College Board.

11 (6) The status of the utilization of services shall be  
12 discussed at each of the regularly scheduled Business  
13 Enterprise Council meetings. Time shall be allotted for the  
14 Council to receive, review, and discuss the progress of the use  
15 of service firms owned by minorities, females, and persons with  
16 disabilities by each State agency and public institutions of  
17 higher education; and any evidence regarding past or present  
18 racial, ethnic, or gender-based discrimination which directly  
19 impacts State agency or public institutions of higher education  
20 contracting with such firms. If after reviewing such evidence  
21 the Council finds that there is or has been such discrimination  
22 against a specific group, race or sex, the Council shall  
23 establish sheltered markets or adjust existing sheltered  
24 markets tailored to address the Council's specific findings for  
25 the divisions of work specified in paragraphs (a), (b), and (c)  
26 of subsection (1) of this Section.

1 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

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

3 Sec. 5. Business Enterprise Council.

4 (1) To help implement, monitor and enforce the goals of  
5 this Act, there is created the Business Enterprise Council for  
6 Minorities, Females, and Persons with Disabilities,  
7 hereinafter referred to as the Council, composed of the  
8 Secretary of Human Services and the Directors of the Department  
9 of Human Rights, the Department of Commerce and Economic  
10 Opportunity, the Department of Central Management Services,  
11 the Department of Transportation and the Capital Development  
12 Board, or their duly appointed representatives. Ten  
13 individuals representing businesses that are minority or  
14 female owned or owned by persons with disabilities, 2  
15 individuals representing the business community, and a  
16 representative of public institutions of higher education  
17 ~~public universities~~ shall be appointed by the Governor. These  
18 members shall serve 2 year terms and shall be eligible for  
19 reappointment. Any vacancy occurring on the Council shall also  
20 be filled by the Governor. Any member appointed to fill a  
21 vacancy occurring prior to the expiration of the term for which  
22 his predecessor was appointed shall be appointed for the  
23 remainder of such term. Members of the Council shall serve  
24 without compensation but shall be reimbursed for any ordinary  
25 and necessary expenses incurred in the performance of their

1 duties.

2 The Director of the Department of Central Management  
3 Services shall serve as the Council chairperson and shall  
4 select, subject to approval of the council, a Secretary  
5 responsible for the operation of the program who shall serve as  
6 the Division Manager of the Business Enterprise for Minorities,  
7 Females, and Persons with Disabilities Division of the  
8 Department of Central Management Services.

9 The Director of each State agency and the chief executive  
10 officer of each public institutions of higher education ~~State~~  
11 ~~university~~ shall appoint a liaison to the Council. The liaison  
12 shall be responsible for submitting to the Council any reports  
13 and documents necessary under this Act.

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

15 (a) Devise a certification procedure to assure that  
16 businesses taking advantage of this Act are legitimately  
17 classified as businesses owned by minorities, females, or  
18 persons with disabilities.

19 (b) Maintain a list of all businesses legitimately  
20 classified as businesses owned by minorities, females, or  
21 persons with disabilities to provide to State agencies and  
22 public institutions of higher education ~~State~~  
23 ~~universities~~.

24 (c) Review rules and regulations for the  
25 implementation of the program for businesses owned by  
26 minorities, females, and persons with disabilities.

1 (d) Review compliance plans submitted by each State  
2 agency and public institutions of higher education ~~State~~  
3 ~~university~~ pursuant to this Act.

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

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

14 (g) Establish a toll free telephone number to  
15 facilitate information requests concerning the  
16 certification process and pending contracts.

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

24 (4) Any Council member who has direct financial or personal  
25 interest in any measure pending before the Council shall  
26 disclose this fact to the Council and refrain from

1 participating in the determination upon such measure.

2 (5) The Secretary shall have the following duties and  
3 responsibilities:

4 (a) To be responsible for the day-to-day operation of  
5 the Council.

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

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

21 (d) To devise appropriate policies, regulations and  
22 procedures for including participation by businesses owned  
23 by minorities, females, and persons with disabilities as  
24 prime contractors including, but not limited to, (i)  
25 encouraging the inclusions of qualified businesses owned  
26 by minorities, females, and persons with disabilities on

1 solicitation lists, (ii) investigating the potential of  
2 blanket bonding programs for small construction jobs,  
3 (iii) investigating and making recommendations concerning  
4 the use of the sheltered market process.

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

7 (f) To accept donations and, with the approval of the  
8 Council or the Director of Central Management Services,  
9 grants related to the purposes of this Act; to conduct  
10 seminars related to the purpose of this Act and to charge  
11 reasonable registration fees; and to sell directories,  
12 vendor lists and other such information to interested  
13 parties, except that forms necessary to become eligible for  
14 the program shall be provided free of charge to a business  
15 or individual applying for the program.

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

17 (30 ILCS 575/6) (from Ch. 127, par. 132.606)

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

19 Sec. 6. Agency compliance plans. Each State agency and  
20 public institutions of higher education ~~State university~~ under  
21 the jurisdiction of this Act shall file with the Council an  
22 annual compliance plan which shall outline the goals of the  
23 State agency or public institutions of higher education ~~State~~  
24 ~~university~~ for contracting with businesses owned by  
25 minorities, females, and persons with disabilities for the then



1 current fiscal year, the manner in which the agency intends to  
2 reach these goals and a timetable for reaching these goals. The  
3 Council shall review and approve the plan of each State agency  
4 and public institutions of higher education ~~State university~~  
5 and may reject any plan that does not comply with this Act or  
6 any rules or regulations promulgated pursuant to this Act.

7 (a) The compliance plan shall also include, but not be  
8 limited to, (1) a policy statement, signed by the State agency  
9 or public institution of higher education ~~State university~~  
10 head, expressing a commitment to encourage the use of  
11 businesses owned by minorities, females, and persons with  
12 disabilities, (2) the designation of the liaison officer  
13 provided for in Section 5 of this Act, (3) procedures to  
14 distribute to potential contractors and vendors the list of all  
15 businesses legitimately classified as businesses owned by  
16 minorities, females, and persons with disabilities and so  
17 certified under this Act, (4) procedures to set separate  
18 contract goals on specific prime contracts and purchase orders  
19 with subcontracting possibilities based upon the type of work  
20 or services and subcontractor availability, (5) procedures to  
21 assure that contractors and vendors make good faith efforts to  
22 meet contract goals, (6) procedures for contract goal  
23 exemption, modification and waiver, and (7) the delineation of  
24 separate contract goals for businesses owned by minorities,  
25 females, and persons with disabilities.

26 (b) Approval of the compliance plans shall include such

1 delegation of responsibilities to the requesting State agency  
2 or public institution of higher education ~~State university~~ as  
3 the Council deems necessary and appropriate to fulfill the  
4 purpose of this Act. Such responsibilities may include, but  
5 need not be limited to those outlined in subsections (1), (2)  
6 and (3) of Section 7 and paragraph (a) of Section 8.

7 (c) Each State agency and public institution of higher  
8 education ~~State university~~ under the jurisdiction of this Act  
9 shall file with the Council an annual report of its utilization  
10 of businesses owned by minorities, females, and persons with  
11 disabilities during the preceding fiscal year including lapse  
12 period spending and a mid-fiscal year report of its utilization  
13 to date for the then current fiscal year. The reports shall  
14 include a self-evaluation of the efforts of the State agency or  
15 public institution of higher education ~~State university~~ to meet  
16 its goals under the Act.

17 (d) Notwithstanding any provisions to the contrary in this  
18 Act, any State agency or public institution of higher education  
19 ~~State university~~ which administers a construction program, for  
20 which federal law or regulations establish standards and  
21 procedures for the utilization of minority, disadvantaged, and  
22 female-owned business, shall implement a disadvantaged  
23 business enterprise program to include minority, disadvantaged  
24 and female-owned businesses, using the federal standards and  
25 procedures for the establishment of goals and utilization  
26 procedures for the State-funded, as well as the federally

1 assisted, portions of the program. In such cases, these goals  
2 shall not exceed those established pursuant to the relevant  
3 federal statutes or regulations. Notwithstanding the  
4 provisions of Section 8b, the Illinois Department of  
5 Transportation is authorized to establish sheltered markets  
6 for the State-funded portions of the program consistent with  
7 federal law and regulations. Additionally, a compliance plan  
8 which is filed by such State agency or public institution of  
9 higher education ~~State university~~ pursuant to this Act, which  
10 incorporates equivalent terms and conditions of its  
11 federally-approved compliance plan, shall be deemed approved  
12 under this Act.

13 (Source: P.A. 88-377; 88-597, eff. 8-28-94.)

14 (30 ILCS 575/6a) (from Ch. 127, par. 132.606a)

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

16 Sec. 6a. Notice of contracts to Council. Except in case of  
17 emergency as defined in the Illinois Procurement Code  
18 ~~Purchasing Act~~, or as authorized by rule promulgated by the  
19 Department of Central Management Services, each agency and  
20 public institution of higher education ~~State university~~ under  
21 the jurisdiction of this Act shall notify the Secretary of the  
22 Council of proposed contracts for professional and artistic  
23 services and provide the information in the form and detail as  
24 required by rule promulgated by the Department of Central  
25 Management Services. Notification may be made through direct

1 written communication to the Secretary to be received at least  
2 14 days before execution of the contract (or the solicitation  
3 response date, if applicable) or by advertising in the official  
4 State newspaper for at least 3 days, the last of which must be  
5 at least 10 days after the first publication. The agency or  
6 public institution of higher education ~~university~~ must  
7 consider any vendor referred by the Secretary before execution  
8 of the contract. The provisions of this Section shall not apply  
9 to any State agency or public institution of higher education  
10 ~~State university~~ that has awarded contracts for professional  
11 and artistic services to businesses owned by minorities,  
12 females, and persons with disabilities totalling in the  
13 aggregate \$40,000,000 ~~\$5,000,000~~ or more during the preceding  
14 fiscal year.

15 (Source: P.A. 87-628; 88-377; 88-597, eff. 8-28-94.)

16 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

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

18 Sec. 7. Exemptions and waivers; publication of data.

19 (1) Individual contract exemptions. The Council, on its own  
20 initiative or at the request of the affected agency, public  
21 institution of higher education ~~university~~, or recipient of a  
22 grant or loan of State funds of \$250,000 or more complying with  
23 Section 45 of the State Finance Act, may permit an individual  
24 contract or contract package, (related contracts being bid or  
25 awarded simultaneously for the same project or improvements) be

1 made wholly or partially exempt from State contracting goals  
2 for businesses owned by minorities, females, and persons with  
3 disabilities prior to the advertisement for bids or  
4 solicitation of proposals whenever there has been a  
5 determination, reduced to writing and based on the best  
6 information available at the time of the determination, that  
7 there is an insufficient number of businesses owned by  
8 minorities, females, and persons with disabilities to ensure  
9 adequate competition and an expectation of reasonable prices on  
10 bids or proposals solicited for the individual contract or  
11 contract package in question.

12 (2) Class exemptions.

13 (a) Creation. The Council, on its own initiative or at  
14 the request of the affected agency or public institution of  
15 higher education university, may permit an entire class of  
16 contracts be made exempt from State contracting goals for  
17 businesses owned by minorities, females, and persons with  
18 disabilities whenever there has been a determination,  
19 reduced to writing and based on the best information  
20 available at the time of the determination, that there is  
21 an insufficient number of qualified businesses owned by  
22 minorities, females, and persons with disabilities to  
23 ensure adequate competition and an expectation of  
24 reasonable prices on bids or proposals within that class.

25 (b) Limitation. Any such class exemption shall not be  
26 permitted for a period of more than one year at a time.

1           (3) Waivers. Where a particular contract requires a  
2 contractor to meet a goal established pursuant to this Act, the  
3 contractor shall have the right to request a waiver from such  
4 requirements. The Council shall grant the waiver where the  
5 contractor demonstrates that there has been made a good faith  
6 effort to comply with the goals for participation by businesses  
7 owned by minorities, females, and persons with disabilities.

8           (4) Conflict with other laws. In the event that any State  
9 contract, which otherwise would be subject to the provisions of  
10 this Act, is or becomes subject to federal laws or regulations  
11 which conflict with the provisions of this Act or actions of  
12 the State taken pursuant hereto, the provisions of the federal  
13 laws or regulations shall apply and the contract shall be  
14 interpreted and enforced accordingly.

15           (5) Each chief procurement officer, as defined in the  
16 Illinois Procurement Code, shall maintain on his or her  
17 official Internet website a database of waivers granted under  
18 this Section with respect to contracts under his or her  
19 jurisdiction. The database, which shall be updated  
20 periodically as necessary, shall be searchable by contractor  
21 name and by contracting State agency.

22           Each public notice required by law of the award of a State  
23 contract shall include for each bid submitted for that contract  
24 the following: (i) the bidder's name, (ii) the bid amount,  
25 (iii) the bid's percentage of disadvantaged business  
26 utilization plan, and (iv) the bid's percentage of business

1 enterprise program utilization plan.

2 (Source: P.A. 96-1064, eff. 7-16-10.)

3 (30 ILCS 575/8) (from Ch. 127, par. 132.608)

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

5 Sec. 8. Enforcement. The Council shall make such findings,  
6 recommendations and proposals to the Governor as are necessary  
7 and appropriate to enforce this Act. If, as a result of its  
8 monitoring activities, the Council determines that its goals  
9 and policies are not being met by any State agency or public  
10 institution of higher education ~~State university~~, the Council  
11 may recommend any or all of the following actions:

12 (a) Establish enforcement procedures whereby the Council  
13 may recommend to the appropriate State agency, public  
14 institutions of higher education ~~State university~~, or law  
15 enforcement officer that legal or administrative remedies be  
16 initiated for violations of contract provisions or rules issued  
17 hereunder or by a contracting State agency or public  
18 institutions of higher education ~~State university~~. State  
19 agencies and public institutions of higher education ~~State~~  
20 ~~universities~~ shall be authorized to adopt remedies for such  
21 violations which shall include (1) termination of the contract  
22 involved, (2) prohibition of participation of the respondents  
23 in public contracts for a period not to exceed one year, (3)  
24 imposition of a penalty not to exceed any profit acquired as a  
25 result of violation, or (4) any combination thereof.

1 (b) If the Council concludes that a compliance plan  
2 submitted under Section 6 is unlikely to produce the  
3 participation goals for businesses owned by minorities,  
4 females, and persons with disabilities within the then current  
5 fiscal year, the Council may recommend that the State agency or  
6 public institution of higher education ~~State university~~ revise  
7 its plan to provide additional opportunities for participation  
8 by businesses owned by minorities, females, and persons with  
9 disabilities. Such recommended revisions may include, but  
10 shall not be limited to, the following:

11 (i) assurances of stronger and better focused  
12 solicitation efforts to obtain more businesses owned by  
13 minorities, females, and persons with disabilities as  
14 potential sources of supply;

15 (ii) division of job or project requirements, when  
16 economically feasible, into tasks or quantities to permit  
17 participation of businesses owned by minorities, females,  
18 and persons with disabilities;

19 (iii) elimination of extended experience or  
20 capitalization requirements, when programmatically  
21 feasible, to permit participation of businesses owned by  
22 minorities, females, and persons with disabilities;

23 (iv) identification of specific proposed contracts as  
24 particularly attractive or appropriate for participation  
25 by businesses owned by minorities, females, and persons  
26 with disabilities, such identification to result from and



1 be coupled with the efforts of subparagraphs (i) through  
2 (iii);

3 (v) implementation of those regulations established  
4 for the use of the sheltered market process.

5 (Source: P.A. 88-377; 88-597, eff. 8-28-94.)

6 (30 ILCS 575/8f)

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

8 Sec. 8f. Annual report. The Council shall file no later  
9 than March 1 of each year, an annual report that shall detail  
10 the level of achievement toward the goals specified in this Act  
11 over the 3 most recent fiscal years. The annual report shall  
12 include, but need not be limited to the following:

13 (1) a summary detailing expenditures ~~State~~  
14 ~~appropriations~~ subject to the goals, the actual goals  
15 specified, and the goals attained by each State agency and  
16 public institution of higher education ~~State university~~;

17 (2) a summary of the number of contracts awarded and  
18 the average contract amount by each State agency and public  
19 institution of higher education ~~State university~~;

20 (3) an analysis of the level of overall goal  
21 achievement concerning purchases from minority businesses,  
22 female-owned businesses, and businesses owned by persons  
23 with disabilities;

24 (4) an analysis of the number of businesses owned by  
25 minorities, females, and persons with disabilities that

1 are certified under the program as well as the number of  
2 those businesses that received State procurement  
3 contracts; and

4 (5) a summary of the number of contracts awarded to  
5 businesses with annual gross sales of less than \$1,000,000;  
6 of \$1,000,000 or more, but less than \$5,000,000; of  
7 \$5,000,000 or more, but less than \$10,000,000; and of  
8 \$10,000,000 or more.

9 (Source: P.A. 88-597, eff. 8-28-94.)

10 Section 10. The Illinois Pension Code is amended by  
11 changing Section 1-109.1 as follows:

12 (40 ILCS 5/1-109.1) (from Ch. 108 1/2, par. 1-109.1)

13 Sec. 1-109.1. Allocation and delegation of fiduciary  
14 duties.

15 (1) Subject to the provisions of Section 22A-113 of this  
16 Code and subsections (2) and (3) of this Section, the board of  
17 trustees of a retirement system or pension fund established  
18 under this Code may:

19 (a) Appoint one or more investment managers as  
20 fiduciaries to manage (including the power to acquire and  
21 dispose of) any assets of the retirement system or pension  
22 fund; and

23 (b) Allocate duties among themselves and designate  
24 others as fiduciaries to carry out specific fiduciary

1 activities other than the management of the assets of the  
2 retirement system or pension fund.

3 (2) The board of trustees of a pension fund established  
4 under Article 5, 6, 8, 9, 10, 11, 12 or 17 of this Code may not  
5 transfer its investment authority, nor transfer the assets of  
6 the fund to any other person or entity for the purpose of  
7 consolidating or merging its assets and management with any  
8 other pension fund or public investment authority, unless the  
9 board resolution authorizing such transfer is submitted for  
10 approval to the contributors and pensioners of the fund at  
11 elections held not less than 30 days after the adoption of such  
12 resolution by the board, and such resolution is approved by a  
13 majority of the votes cast on the question in both the  
14 contributors election and the pensioners election. The  
15 election procedures and qualifications governing the election  
16 of trustees shall govern the submission of resolutions for  
17 approval under this paragraph, insofar as they may be made  
18 applicable.

19 (3) Pursuant to subsections (h) and (i) of Section 6 of  
20 Article VII of the Illinois Constitution, the investment  
21 authority of boards of trustees of retirement systems and  
22 pension funds established under this Code is declared to be a  
23 subject of exclusive State jurisdiction, and the concurrent  
24 exercise by a home rule unit of any power affecting such  
25 investment authority is hereby specifically denied and  
26 preempted.

1           (4) For the purposes of this Code, "emerging investment  
2 manager" means a qualified investment adviser that manages an  
3 investment portfolio of at least \$10,000,000 but less than  
4 \$10,000,000,000 and is a "minority owned business", "female  
5 owned business" or "business owned by a person with a  
6 disability" as those terms are defined in the Business  
7 Enterprise for Minorities, Females, and Persons with  
8 Disabilities Act.

9           It is hereby declared to be the public policy of the State  
10 of Illinois to encourage the trustees of public employee  
11 retirement systems, pension funds, and investment boards to use  
12 emerging investment managers in managing their system's  
13 assets, encompassing all asset classes, and increase the  
14 racial, ethnic, and gender diversity of its fiduciaries, to the  
15 greatest extent feasible within the bounds of financial and  
16 fiduciary prudence, and to take affirmative steps to remove any  
17 barriers to the full participation in investment opportunities  
18 afforded by those retirement systems, pension funds, and  
19 investment boards.

20           On or before January 1, 2010, a retirement system, pension  
21 fund, or investment board subject to this Code, except those  
22 whose investments are restricted by Section 1-113.2 of this  
23 Code, shall adopt a policy that sets forth goals for  
24 utilization of emerging investment managers. This policy shall  
25 include quantifiable goals for the management of assets in  
26 specific asset classes by emerging investment managers. The

1 retirement system, pension fund, or investment board shall  
2 establish 3 separate goals for: (i) emerging investment  
3 managers that are minority owned businesses; (ii) emerging  
4 investment managers that are female owned businesses; and (iii)  
5 emerging investment managers that are businesses owned by a  
6 person with a disability. The goals established shall be based  
7 on the percentage of total dollar amount of investment service  
8 contracts let to minority owned businesses, female owned  
9 businesses, and businesses owned by a person with a disability,  
10 as those terms are defined in the Business Enterprise for  
11 Minorities, Females, and Persons with Disabilities Act. The  
12 retirement system, pension fund, or investment board shall  
13 annually review the goals established under this subsection.

14 If in any case an emerging investment manager meets the  
15 criteria established by a board for a specific search and meets  
16 the criteria established by a consultant for that search, then  
17 that emerging investment manager shall receive an invitation by  
18 the board of trustees, or an investment committee of the board  
19 of trustees, to present his or her firm for final consideration  
20 of a contract. In the case where multiple emerging investment  
21 managers meet the criteria of this Section, the staff may  
22 choose the most qualified firm or firms to present to the  
23 board.

24 The use of an emerging investment manager does not  
25 constitute a transfer of investment authority for the purposes  
26 of subsection (2) of this Section.

1           (5) Each retirement system, pension fund, or investment  
2 board subject to this Code, except those whose investments are  
3 restricted by Section 1-113.2 of this Code, shall establish a  
4 policy that sets forth goals for increasing the racial, ethnic,  
5 and gender diversity of its fiduciaries, including its  
6 consultants and senior staff. Each system, fund, and investment  
7 board shall annually review the goals established under this  
8 subsection.

9           (6) On or before January 1, 2010, a retirement system,  
10 pension fund, or investment board subject to this Code, except  
11 those whose investments are restricted by Section 1-113.2 of  
12 this Code, shall adopt a policy that sets forth goals for  
13 utilization of businesses owned by minorities, females, and  
14 persons with disabilities for all contracts and services. The  
15 goals established shall be based on the percentage of total  
16 dollar amount of all contracts let to minority owned  
17 businesses, female owned businesses, and businesses owned by a  
18 person with a disability, as those terms are defined in the  
19 Business Enterprise for Minorities, Females, and Persons with  
20 Disabilities Act. The retirement system, pension fund, or  
21 investment board shall annually review the goals established  
22 under this subsection.

23           (7) On or before January 1, 2010, a retirement system,  
24 pension fund, or investment board subject to this Code, except  
25 those whose investments are restricted by Section 1-113.2 of  
26 this Code, shall adopt a policy that sets forth goals for

1 increasing the utilization of minority broker-dealers. For the  
2 purposes of this Code, "minority broker-dealer" means a  
3 qualified broker-dealer who meets the definition of "minority  
4 owned business", "female owned business", or "business owned by  
5 a person with a disability", as those terms are defined in the  
6 Business Enterprise for Minorities, Females, and Persons with  
7 Disabilities Act. The retirement system, pension fund, or  
8 investment board shall annually review the goals established  
9 under this Section.

10 (8) Each retirement system, pension fund, and investment  
11 board subject to this Code, except those whose investments are  
12 restricted by Section 1-113.2 of this Code, shall submit a  
13 report to the Governor and the General Assembly by January 1 of  
14 each year that includes the following: (i) the policy adopted  
15 under subsection (4) of this Section, including the names and  
16 addresses of the emerging investment managers used, percentage  
17 of the assets under the investment control of emerging  
18 investment managers for the 3 separate goals, and the actions  
19 it has undertaken to increase the use of emerging investment  
20 managers, including encouraging other investment managers to  
21 use emerging investment managers as subcontractors when the  
22 opportunity arises; (ii) the policy adopted under subsection  
23 (5) of this Section; (iii) the policy adopted under subsection  
24 (6) of this Section; (iv) the policy adopted under subsection  
25 (7) of this Section, including specific actions undertaken to  
26 increase the use of minority broker-dealers; and (v) the policy

1 adopted under subsection (9) of this Section.

2 (9) On or before February 1, 2015, a retirement system,  
3 pension fund, or investment board subject to this Code, except  
4 those whose investments are restricted by Section 1-113.2 of  
5 this Code, shall adopt a policy that sets forth goals for  
6 increasing the utilization of minority investment managers.  
7 For the purposes of this Code, "minority investment manager"  
8 means a qualified investment manager that manages an investment  
9 portfolio and meets the definition of "minority owned  
10 business", "female owned business", or "business owned by a  
11 person with a disability", as those terms are defined in the  
12 Business Enterprise for Minorities, Females, and Persons with  
13 Disabilities Act.

14 It is hereby declared to be the public policy of the State  
15 of Illinois to encourage the trustees of public employee  
16 retirement systems, pension funds, and investment boards to use  
17 minority investment managers in managing their systems'  
18 assets, encompassing all asset classes, and to increase the  
19 racial, ethnic, and gender diversity of their fiduciaries, to  
20 the greatest extent feasible within the bounds of financial and  
21 fiduciary prudence, and to take affirmative steps to remove any  
22 barriers to the full participation in investment opportunities  
23 afforded by those retirement systems, pension funds, and  
24 investment boards.

25 The retirement system, pension fund, or investment board  
26 shall establish 3 separate goals for: (i) minority investment



1 managers that are minority owned businesses; (ii) minority  
2 investment managers that are female owned businesses; and (iii)  
3 minority investment managers that are businesses owned by a  
4 person with a disability. The retirement system, pension fund,  
5 or investment board shall annually review the goals established  
6 under this Section.

7 If in any case a minority investment manager meets the  
8 criteria established by a board for a specific search and meets  
9 the criteria established by a consultant for that search, then  
10 that minority investment manager shall receive an invitation by  
11 the board of trustees, or an investment committee of the board  
12 of trustees, to present his or her firm for final consideration  
13 of a contract. In the case where multiple minority investment  
14 managers meet the criteria of this Section, the staff may  
15 choose the most qualified firm or firms to present to the  
16 board.

17 The use of a minority investment manager does not  
18 constitute a transfer of investment authority for the purposes  
19 of subsection (2) of this Section.

20 (10) Beginning January 1, 2016, it shall be the  
21 aspirational goal for a retirement system, pension fund, or  
22 investment board subject to this Code to use emerging  
23 investment managers for not less than 20% of the total funds  
24 under management. Furthermore, it shall be the aspirational  
25 goal that not less than 20% of investment advisors be  
26 minorities, females, and persons with disabilities as those

1 terms are defined in the Business Enterprise for Minorities,  
2 Females, and Persons with Disabilities Act. It shall be the  
3 aspirational goal to utilize businesses owned by minorities,  
4 females, and persons with disabilities for not less than 20% of  
5 contracts awarded for "information technology services",  
6 "accounting services", "insurance brokers", "architectural and  
7 engineering services", and "legal services" as those terms are  
8 defined in the Act.

9 (Source: P.A. 98-1022, eff. 1-1-15.)

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