

1 AN ACT concerning business.

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8 (Section scheduled to be repealed on September 6, 2004)

9 Sec. 2. Definitions.

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

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

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

17 (b) Hispanic (a person of Spanish or Portuguese
18 culture with origins in Mexico, South or Central America,
19 or the Caribbean Islands, regardless of race);

20 (c) Asian American (a person having origins in any
21 of the original peoples of the Far East, Southeast Asia,
22 the Indian Subcontinent or the Pacific Islands); or

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

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

29 (2.05) "Person with a disability" means a person who is
30 a citizen or lawful resident of the United States and is a
31 person qualifying as being disabled under subdivision (2.1)

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 cystic fibrosis,

13 deafness,

14 head injury,

15 heart disease,

16 hemiplegia,

17 hemophilia,

18 respiratory or pulmonary dysfunction,

19 mental retardation,

20 mental illness,

21 multiple sclerosis,

22 muscular dystrophy,

23 musculoskeletal disorders,

24 neurological disorders, including stroke and epilepsy,

25 paraplegia,

26 quadriplegia and other spinal cord conditions,

27 sickle cell anemia,

28 specific learning disabilities, or

29 end stage renal failure disease; and

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

32 Another disability or combination of disabilities may
33 also be considered as a severe disability for the purposes of
34 item (a) of this subdivision (2.1) if it is determined by an

1 evaluation of rehabilitation potential to cause a comparable
2 degree of substantial functional limitation similar to the
3 specific list of disabilities listed in item (a) of this
4 subdivision (2.1).

5 (3) "Minority owned business" means a business concern
6 which is at least 51% owned by one or more minority persons,
7 or in the case of a corporation, at least 51% of the stock in
8 which is owned by one or more minority persons; and the
9 management and daily business operations of which are
10 controlled by one or more of the minority individuals who own
11 it.

12 (4) "Female owned business" means a business concern
13 which is at least 51% owned by one or more females, or, in
14 the case of a corporation, at least 51% of the stock in which
15 is owned by one or more females; and the management and daily
16 business operations of which are controlled by one or more of
17 the females who own it.

18 (4.1) "Business owned by a person with a disability"
19 means a business concern that is at least 51% owned by one or
20 more persons with a disability and the management and daily
21 business operations of which are controlled by one or more of
22 the persons with disabilities who own it. A not-for-profit
23 agency for persons with disabilities that is exempt from
24 taxation under Section 501 of the Internal Revenue Code of
25 1986 is also considered a "business owned by a person with a
26 disability".

27 (4.2) "Council" means the Business Enterprise Council
28 for Minorities, Females, and Persons with Disabilities
29 created under Section 5 of this Act.

30 (5) "State contracts" shall mean all State contracts,
31 funded exclusively with State funds which are not subject to
32 federal reimbursement, whether competitively bid or
33 negotiated as defined by the Secretary of the Council and
34 approved by the Council.

1 "State construction contracts" means all State contracts
2 entered into by a State agency or State university for the
3 repair, remodeling, renovation or construction of a building
4 or structure, or for the construction or maintenance of a
5 highway defined in Article 2 of the Illinois Highway Code.

6 (6) "State agencies" shall mean all departments,
7 officers, boards, commissions, institutions and bodies
8 politic and corporate of the State, but does not include the
9 Board of 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 Illinois
14 State University, the Board of Trustees of Northeastern
15 Illinois University, the Board of Trustees of Northern
16 Illinois University, the Board of Trustees of Western
17 Illinois University, municipalities or other local
18 governmental units, or other State constitutional officers.

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

29 (8) "Certification" means a determination made by the
30 Council or by one delegated authority from the Council to
31 make certifications, or by a State agency with statutory
32 authority to make such a certification, that a business
33 entity is a business owned by a minority, female, or person
34 with a disability for whatever purpose.

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

17 (10) "Business concern or business" means a business
18 which has annual gross sales for the most recent fiscal year
19 of less than \$27,000,000 ~~\$14,000,000~~, except that a firm with
20 gross sales in excess of that amount ~~\$14,000,000~~ may apply to
21 the Council for certification for a particular contract if
22 the firm can demonstrate that the contract would have
23 significant impact on businesses owned by minorities,
24 females, or persons with disabilities as suppliers or
25 subcontractors or in employment of minorities, females, or
26 persons with disabilities.

27 (B) When a business concern is owned at least 51% by any
28 combination of minority persons, females, or persons with
29 disabilities, even though none of the 3 classes alone holds
30 at least a 51% interest, the ownership requirement for
31 purposes of this Act is considered to be met. The
32 certification category for the business is that of the class
33 holding the largest ownership interest in the business. If 2
34 or more classes have equal ownership interests, the

1 certification category shall be determined by the Department
2 of Central Management Services.

3 (Source: P.A. 88-377; 88-597, eff. 8-28-94; 89-4, eff.
4 1-1-96.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.