



Sen. James F. Clayborne, Jr.

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10000SB2363sam003

LRB100 17931 RJF 39084 a

1 AMENDMENT TO SENATE BILL 2363

2 AMENDMENT NO. _____. Amend Senate Bill 2363 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 adding Section 45-95 as follows:

6 (30 ILCS 500/45-95 new)

7 Sec. 45-95. Preferences for veterans, minorities, women,
8 and persons with disabilities.

9 (a) As used in this Section:

10 (1) the terms "minority person", "woman", "person with
11 a disability", "minority-owned business", "women-owned
12 business", "business owned by a person with a disability",
13 and "control" have the meanings provided in Section 1 of
14 the Business Enterprise for Minorities, Women, and Persons
15 with Disabilities Act; and

16 (2) "State agency" or "State agencies" means all

1 officers, boards, commissions, and agencies created by the
2 Constitution, whether in the executive, legislative, or
3 judicial branch, but other than the circuit court; all
4 officers, departments, boards, commissions, agencies,
5 institutions, authorities, universities, community
6 colleges, bodies politic and corporate of the State; and
7 administrative units or corporate outgrowths of the State
8 government which are created by or pursuant to statute,
9 other than units of local government and their officers,
10 school districts and boards of election commissioners; all
11 administrative units and corporate outgrowths of the above
12 and as may be created by executive order of the Governor.

13 (b) It is hereby declared to be the policy of the State of
14 Illinois to promote and encourage the use of businesses owned
15 by or under the control of qualified veterans of the armed
16 forces of the United States, qualified service-disabled
17 veterans, minority persons, women, or persons with a disability
18 in the area of goods and services. Furthermore, the State
19 agencies shall utilize such businesses to the greatest extent
20 feasible within the bounds of financial and fiduciary prudence,
21 and take affirmative steps to remove any barriers to the full
22 participation of such firms in the procurement and contracting
23 opportunities afforded.

24 (c) It shall be an aspirational goal of the State of
25 Illinois to use businesses owned by or under the control of
26 qualified veterans of the armed forces of the United States,

1 qualified service-disabled veterans, minority persons, women,
2 or persons with a disability for not less than 25% of the total
3 dollar amount of funds under management, purchases of
4 investment securities, and other contracts, including, but not
5 limited to, the use of broker-dealers. The State agencies are
6 authorized to establish additional aspirational goals.

7 (d) Notwithstanding any provision to the contrary, when any
8 State agency procures goods and services, whether through a
9 request for proposal or otherwise, that State agency is
10 authorized to incorporate preferences in the scoring process of
11 up to 25 points for: (1) a minority-owned business, a
12 women-owned business, a business owned by a person with a
13 disability, a qualified veteran-owned small business, or a
14 qualified service-disabled veteran-owned small business; and
15 (2) businesses having a record of support for increasing
16 diversity and inclusion in board membership, management,
17 employment, philanthropy, and supplier diversity, including
18 goods and services and all professional services. Each State
19 agency is authorized to adopt rules regarding the assignment of
20 points under this subsection (d).

21 When a State agency utilizes a financial institution or
22 determines the eligibility of a financial institution to
23 participate in a banking contract, investment contract,
24 investment activity, or other financial program, that State
25 agency shall review the financial institution's Community
26 Reinvestment Act rating, record, and current level of financial

1 commitment to the community prior to making a decision to
2 utilize or determine the eligibility of such financial
3 institution.

4 (e) Beginning with fiscal year 2019, and at least annually
5 thereafter, each State agency shall report on its utilization
6 of minority-owned businesses, women-owned businesses,
7 businesses owned by a person with a disability, qualified
8 veteran-owned small businesses, or qualified service-disabled
9 veteran-owned small businesses. The report shall be published
10 on the website reporting State agency.

11 (f) The provisions of this Section take precedence over any
12 goals established under the Business Enterprise for
13 Minorities, Women, and Persons with Disabilities Act.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.".