



Sen. Michael Bond

Filed: 3/25/2009

09600SB0206sam002

LRB096 04757 JAM 24478 a

1 AMENDMENT TO SENATE BILL 206

2 AMENDMENT NO. _____. Amend Senate Bill 206, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Procurement Code is amended by
6 adding Section 45-57 as follows:

7 (30 ILCS 500/45-57 new)

8 Sec. 45-57. Disabled veterans.

9 (a) It is the goal of the State to promote and encourage
10 the continued economic development of businesses owned and
11 controlled by qualified service disabled veterans and that
12 qualified service disabled veteran-owned businesses (referred
13 to as SDVOB) participate in the State's procurement process as
14 both prime and subcontractors. A Task Force shall be
15 established, appointed by the Directors or Secretaries of, and
16 made up of representatives of, the Illinois Department of

1 Veterans Affairs, the Illinois Department of Transportation,
2 the Department of Central Management Services, the Business
3 Enterprise Program, and the Business Enterprise Council. The
4 purpose of this Task Force shall be to determine the
5 appropriate percentage goal for award each fiscal year of the
6 State's total expenditures for contracts awarded under this
7 Code to SDVOB. That portion of a contract under which the
8 contractor subcontracts with a SDVOB may be counted toward the
9 goal of this subsection. In making that determination the Task
10 Force shall consult with statewide veterans service
11 organizations and the business community, including businesses
12 owned by qualified disabled veterans. The Task Force shall
13 submit its report to the General Assembly concerning its
14 recommendations regarding the appropriate percentage goal for
15 award each fiscal year of the State's total expenditures for
16 contracts awarded under this Code to qualified service disabled
17 veterans no later than 90 days after the effective date of this
18 amendatory Act of the 96th General Assembly.

19 (b) Once the appropriate goal is established, then by each
20 September 1, each chief procurement officer shall report to the
21 Department of Central Management Services on all of the
22 following for the immediately preceding fiscal year, and by
23 each October 1 the Department of Central Management Services
24 shall compile and report that information to the General
25 Assembly:

26 (1) The number of SDVOB who submitted a bid for a

1 contract under this Code.

2 (2) The number of SDVOB who entered into contracts with
3 the State under this Code and the total value of those
4 contracts.

5 (c) Each year, each chief procurement officer shall review
6 the progress of all State agencies under its jurisdiction in
7 meeting the goal described in subsection (a), with input from
8 statewide veterans' service organizations and from the
9 business community, including businesses owned by qualified
10 disabled veterans, and shall make recommendations to be
11 included in the Department of Central Management Services'
12 report to the General Assembly regarding continuation,
13 increases, or decreases of the percentage goal. The
14 recommendations shall be based upon the number of businesses
15 that are owned by qualified disabled veterans and on the
16 continued need to encourage and promote businesses owned by
17 qualified disabled veterans.

18 (d) To assist the State in reaching the goal described in
19 subsection (a), the Governor shall recommend to the General
20 Assembly changes in programs to assist businesses owned by
21 qualified disabled veterans.

22 (e) As used in this Section:

23 "Business" means a business that has average annual gross
24 sales over the 3 most recent calendar years of less than
25 \$31,000,000 as evidenced by the federal income tax returns of
26 the business.

1 "Control" means the exclusive, ultimate, majority, or sole
2 control of the business, including but not limited to capital
3 investment and all other financial matters, property,
4 acquisitions, contract negotiations, legal matters,
5 officer-director-employee selection and comprehensive hiring,
6 operation 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.

16 "Qualified service disabled veteran" means a veteran who
17 has been found to have a service-connected disability by the
18 United States Department of Veterans Affairs or the United
19 States Department of Defense.

20 "Qualified disabled veteran-owned business" means a
21 business entity that is at least 51% owned by one or more
22 qualified disabled veterans, or in the case of a corporation,
23 at least 51% of the stock of which is owned by one or more
24 qualified disabled veterans; and the management and daily
25 business operations of which are controlled by one or more of
26 the qualified disabled veterans who own it.

1 "Service-connected disability" means a disability incurred
2 in the line of duty in the active military, naval, or air
3 service as described in 38 USC 101(16).

4 "Veteran" means a person who served in the active military,
5 naval, or air service and who was discharged or released from
6 his or her service under conditions other than dishonorable.

7 (f) The Illinois Department of Veteran's Affairs and the
8 Department of Central Management Services Business Enterprise
9 Program shall work together to devise a certification procedure
10 to assure that businesses taking advantage of this Act are
11 legitimately classified as qualified service disabled
12 veteran-owned businesses."