

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Article 1

5 Section 1-5. The Illinois Administrative Procedure Act is
6 amended by changing Section 5-45 as follows:

7 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

8 Sec. 5-45. Emergency rulemaking.

9 (a) "Emergency" means the existence of any situation that
10 any agency finds reasonably constitutes a threat to the public
11 interest, safety, or welfare.

12 (b) If any agency finds that an emergency exists that
13 requires adoption of a rule upon fewer days than is required by
14 Section 5-40 and states in writing its reasons for that
15 finding, the agency may adopt an emergency rule without prior
16 notice or hearing upon filing a notice of emergency rulemaking
17 with the Secretary of State under Section 5-70. The notice
18 shall include the text of the emergency rule and shall be
19 published in the Illinois Register. Consent orders or other
20 court orders adopting settlements negotiated by an agency may
21 be adopted under this Section. Subject to applicable
22 constitutional or statutory provisions, an emergency rule

1 becomes effective immediately upon filing under Section 5-65 or
2 at a stated date less than 10 days thereafter. The agency's
3 finding and a statement of the specific reasons for the finding
4 shall be filed with the rule. The agency shall take reasonable
5 and appropriate measures to make emergency rules known to the
6 persons who may be affected by them.

7 (c) An emergency rule may be effective for a period of not
8 longer than 150 days, but the agency's authority to adopt an
9 identical rule under Section 5-40 is not precluded. No
10 emergency rule may be adopted more than once in any 24-month
11 period, except that this limitation on the number of emergency
12 rules that may be adopted in a 24-month period does not apply
13 to (i) emergency rules that make additions to and deletions
14 from the Drug Manual under Section 5-5.16 of the Illinois
15 Public Aid Code or the generic drug formulary under Section
16 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
17 emergency rules adopted by the Pollution Control Board before
18 July 1, 1997 to implement portions of the Livestock Management
19 Facilities Act, (iii) emergency rules adopted by the Illinois
20 Department of Public Health under subsections (a) through (i)
21 of Section 2 of the Department of Public Health Act when
22 necessary to protect the public's health, (iv) emergency rules
23 adopted pursuant to subsection (n) of this Section, (v)
24 emergency rules adopted pursuant to subsection (o) of this
25 Section, or (vi) emergency rules adopted pursuant to subsection
26 (c-5) of this Section. Two or more emergency rules having

1 substantially the same purpose and effect shall be deemed to be
2 a single rule for purposes of this Section.

3 (c-5) To facilitate the maintenance of the program of group
4 health benefits provided to annuitants, survivors, and retired
5 employees under the State Employees Group Insurance Act of
6 1971, rules to alter the contributions to be paid by the State,
7 annuitants, survivors, retired employees, or any combination
8 of those entities, for that program of group health benefits,
9 shall be adopted as emergency rules. The adoption of those
10 rules shall be considered an emergency and necessary for the
11 public interest, safety, and welfare.

12 (d) In order to provide for the expeditious and timely
13 implementation of the State's fiscal year 1999 budget,
14 emergency rules to implement any provision of Public Act 90-587
15 or 90-588 or any other budget initiative for fiscal year 1999
16 may be adopted in accordance with this Section by the agency
17 charged with administering that provision or initiative,
18 except that the 24-month limitation on the adoption of
19 emergency rules and the provisions of Sections 5-115 and 5-125
20 do not apply to rules adopted under this subsection (d). The
21 adoption of emergency rules authorized by this subsection (d)
22 shall be deemed to be necessary for the public interest,
23 safety, and welfare.

24 (e) In order to provide for the expeditious and timely
25 implementation of the State's fiscal year 2000 budget,
26 emergency rules to implement any provision of Public Act 91-24

1 or any other budget initiative for fiscal year 2000 may be
2 adopted in accordance with this Section by the agency charged
3 with administering that provision or initiative, except that
4 the 24-month limitation on the adoption of emergency rules and
5 the provisions of Sections 5-115 and 5-125 do not apply to
6 rules adopted under this subsection (e). The adoption of
7 emergency rules authorized by this subsection (e) shall be
8 deemed to be necessary for the public interest, safety, and
9 welfare.

10 (f) In order to provide for the expeditious and timely
11 implementation of the State's fiscal year 2001 budget,
12 emergency rules to implement any provision of Public Act 91-712
13 or any other budget initiative for fiscal year 2001 may be
14 adopted in accordance with this Section by the agency charged
15 with administering that provision or initiative, except that
16 the 24-month limitation on the adoption of emergency rules and
17 the provisions of Sections 5-115 and 5-125 do not apply to
18 rules adopted under this subsection (f). The adoption of
19 emergency rules authorized by this subsection (f) shall be
20 deemed to be necessary for the public interest, safety, and
21 welfare.

22 (g) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2002 budget,
24 emergency rules to implement any provision of Public Act 92-10
25 or any other budget initiative for fiscal year 2002 may be
26 adopted in accordance with this Section by the agency charged

1 with administering that provision or initiative, except that
2 the 24-month limitation on the adoption of emergency rules and
3 the provisions of Sections 5-115 and 5-125 do not apply to
4 rules adopted under this subsection (g). The adoption of
5 emergency rules authorized by this subsection (g) shall be
6 deemed to be necessary for the public interest, safety, and
7 welfare.

8 (h) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 2003 budget,
10 emergency rules to implement any provision of Public Act 92-597
11 or any other budget initiative for fiscal year 2003 may be
12 adopted in accordance with this Section by the agency charged
13 with administering that provision or initiative, except that
14 the 24-month limitation on the adoption of emergency rules and
15 the provisions of Sections 5-115 and 5-125 do not apply to
16 rules adopted under this subsection (h). The adoption of
17 emergency rules authorized by this subsection (h) shall be
18 deemed to be necessary for the public interest, safety, and
19 welfare.

20 (i) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2004 budget,
22 emergency rules to implement any provision of Public Act 93-20
23 or any other budget initiative for fiscal year 2004 may be
24 adopted in accordance with this Section by the agency charged
25 with administering that provision or initiative, except that
26 the 24-month limitation on the adoption of emergency rules and

1 the provisions of Sections 5-115 and 5-125 do not apply to
2 rules adopted under this subsection (i). The adoption of
3 emergency rules authorized by this subsection (i) shall be
4 deemed to be necessary for the public interest, safety, and
5 welfare.

6 (j) In order to provide for the expeditious and timely
7 implementation of the provisions of the State's fiscal year
8 2005 budget as provided under the Fiscal Year 2005 Budget
9 Implementation (Human Services) Act, emergency rules to
10 implement any provision of the Fiscal Year 2005 Budget
11 Implementation (Human Services) Act may be adopted in
12 accordance with this Section by the agency charged with
13 administering that provision, except that the 24-month
14 limitation on the adoption of emergency rules and the
15 provisions of Sections 5-115 and 5-125 do not apply to rules
16 adopted under this subsection (j). The Department of Public Aid
17 may also adopt rules under this subsection (j) necessary to
18 administer the Illinois Public Aid Code and the Children's
19 Health Insurance Program Act. The adoption of emergency rules
20 authorized by this subsection (j) shall be deemed to be
21 necessary for the public interest, safety, and welfare.

22 (k) In order to provide for the expeditious and timely
23 implementation of the provisions of the State's fiscal year
24 2006 budget, emergency rules to implement any provision of
25 Public Act 94-48 or any other budget initiative for fiscal year
26 2006 may be adopted in accordance with this Section by the

1 agency charged with administering that provision or
2 initiative, except that the 24-month limitation on the adoption
3 of emergency rules and the provisions of Sections 5-115 and
4 5-125 do not apply to rules adopted under this subsection (k).
5 The Department of Healthcare and Family Services may also adopt
6 rules under this subsection (k) necessary to administer the
7 Illinois Public Aid Code, the Senior Citizens and Persons with
8 Disabilities Property Tax Relief Act, the Senior Citizens and
9 Disabled Persons Prescription Drug Discount Program Act (now
10 the Illinois Prescription Drug Discount Program Act), and the
11 Children's Health Insurance Program Act. The adoption of
12 emergency rules authorized by this subsection (k) shall be
13 deemed to be necessary for the public interest, safety, and
14 welfare.

15 (1) In order to provide for the expeditious and timely
16 implementation of the provisions of the State's fiscal year
17 2007 budget, the Department of Healthcare and Family Services
18 may adopt emergency rules during fiscal year 2007, including
19 rules effective July 1, 2007, in accordance with this
20 subsection to the extent necessary to administer the
21 Department's responsibilities with respect to amendments to
22 the State plans and Illinois waivers approved by the federal
23 Centers for Medicare and Medicaid Services necessitated by the
24 requirements of Title XIX and Title XXI of the federal Social
25 Security Act. The adoption of emergency rules authorized by
26 this subsection (1) shall be deemed to be necessary for the

1 public interest, safety, and welfare.

2 (m) In order to provide for the expeditious and timely
3 implementation of the provisions of the State's fiscal year
4 2008 budget, the Department of Healthcare and Family Services
5 may adopt emergency rules during fiscal year 2008, including
6 rules effective July 1, 2008, in accordance with this
7 subsection to the extent necessary to administer the
8 Department's responsibilities with respect to amendments to
9 the State plans and Illinois waivers approved by the federal
10 Centers for Medicare and Medicaid Services necessitated by the
11 requirements of Title XIX and Title XXI of the federal Social
12 Security Act. The adoption of emergency rules authorized by
13 this subsection (m) shall be deemed to be necessary for the
14 public interest, safety, and welfare.

15 (n) In order to provide for the expeditious and timely
16 implementation of the provisions of the State's fiscal year
17 2010 budget, emergency rules to implement any provision of
18 Public Act 96-45 or any other budget initiative authorized by
19 the 96th General Assembly for fiscal year 2010 may be adopted
20 in accordance with this Section by the agency charged with
21 administering that provision or initiative. The adoption of
22 emergency rules authorized by this subsection (n) shall be
23 deemed to be necessary for the public interest, safety, and
24 welfare. The rulemaking authority granted in this subsection
25 (n) shall apply only to rules promulgated during Fiscal Year
26 2010.

1 (o) In order to provide for the expeditious and timely
2 implementation of the provisions of the State's fiscal year
3 2011 budget, emergency rules to implement any provision of
4 Public Act 96-958 or any other budget initiative authorized by
5 the 96th General Assembly for fiscal year 2011 may be adopted
6 in accordance with this Section by the agency charged with
7 administering that provision or initiative. The adoption of
8 emergency rules authorized by this subsection (o) is deemed to
9 be necessary for the public interest, safety, and welfare. The
10 rulemaking authority granted in this subsection (o) applies
11 only to rules promulgated on or after July 1, 2010 (the
12 effective date of Public Act 96-958) through June 30, 2011.

13 (p) In order to provide for the expeditious and timely
14 implementation of the provisions of Public Act 97-689,
15 emergency rules to implement any provision of Public Act 97-689
16 may be adopted in accordance with this subsection (p) by the
17 agency charged with administering that provision or
18 initiative. The 150-day limitation of the effective period of
19 emergency rules does not apply to rules adopted under this
20 subsection (p), and the effective period may continue through
21 June 30, 2013. The 24-month limitation on the adoption of
22 emergency rules does not apply to rules adopted under this
23 subsection (p). The adoption of emergency rules authorized by
24 this subsection (p) is deemed to be necessary for the public
25 interest, safety, and welfare.

26 (q) In order to provide for the expeditious and timely

1 implementation of the provisions of Articles 7, 8, 9, 11, and
2 12 of Public Act 98-104, emergency rules to implement any
3 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
4 may be adopted in accordance with this subsection (q) by the
5 agency charged with administering that provision or
6 initiative. The 24-month limitation on the adoption of
7 emergency rules does not apply to rules adopted under this
8 subsection (q). The adoption of emergency rules authorized by
9 this subsection (q) is deemed to be necessary for the public
10 interest, safety, and welfare.

11 (r) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 98-651,
13 emergency rules to implement Public Act 98-651 may be adopted
14 in accordance with this subsection (r) by the Department of
15 Healthcare and Family Services. The 24-month limitation on the
16 adoption of emergency rules does not apply to rules adopted
17 under this subsection (r). The adoption of emergency rules
18 authorized by this subsection (r) is deemed to be necessary for
19 the public interest, safety, and welfare.

20 (s) In order to provide for the expeditious and timely
21 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
22 the Illinois Public Aid Code, emergency rules to implement any
23 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
24 Public Aid Code may be adopted in accordance with this
25 subsection (s) by the Department of Healthcare and Family
26 Services. The rulemaking authority granted in this subsection

1 (s) shall apply only to those rules adopted prior to July 1,
2 2015. Notwithstanding any other provision of this Section, any
3 emergency rule adopted under this subsection (s) shall only
4 apply to payments made for State fiscal year 2015. The adoption
5 of emergency rules authorized by this subsection (s) is deemed
6 to be necessary for the public interest, safety, and welfare.

7 (t) In order to provide for the expeditious and timely
8 implementation of the provisions of Article II of Public Act
9 99-6, emergency rules to implement the changes made by Article
10 II of Public Act 99-6 to the Emergency Telephone System Act may
11 be adopted in accordance with this subsection (t) by the
12 Department of State Police. The rulemaking authority granted in
13 this subsection (t) shall apply only to those rules adopted
14 prior to July 1, 2016. The 24-month limitation on the adoption
15 of emergency rules does not apply to rules adopted under this
16 subsection (t). The adoption of emergency rules authorized by
17 this subsection (t) is deemed to be necessary for the public
18 interest, safety, and welfare.

19 (u) In order to provide for the expeditious and timely
20 implementation of the provisions of the Burn Victims Relief
21 Act, emergency rules to implement any provision of the Act may
22 be adopted in accordance with this subsection (u) by the
23 Department of Insurance. The rulemaking authority granted in
24 this subsection (u) shall apply only to those rules adopted
25 prior to December 31, 2015. The adoption of emergency rules
26 authorized by this subsection (u) is deemed to be necessary for

1 the public interest, safety, and welfare.

2 (v) In order to provide for the expeditious and timely
3 implementation of the provisions of Public Act 99-516,
4 emergency rules to implement Public Act 99-516 may be adopted
5 in accordance with this subsection (v) by the Department of
6 Healthcare and Family Services. The 24-month limitation on the
7 adoption of emergency rules does not apply to rules adopted
8 under this subsection (v). The adoption of emergency rules
9 authorized by this subsection (v) is deemed to be necessary for
10 the public interest, safety, and welfare.

11 (w) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 99-796,
13 emergency rules to implement the changes made by Public Act
14 99-796 may be adopted in accordance with this subsection (w) by
15 the Adjutant General. The adoption of emergency rules
16 authorized by this subsection (w) is deemed to be necessary for
17 the public interest, safety, and welfare.

18 (x) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 99-906,
20 emergency rules to implement subsection (i) of Section 16-115D,
21 subsection (g) of Section 16-128A, and subsection (a) of
22 Section 16-128B of the Public Utilities Act may be adopted in
23 accordance with this subsection (x) by the Illinois Commerce
24 Commission. The rulemaking authority granted in this
25 subsection (x) shall apply only to those rules adopted within
26 180 days after June 1, 2017 (the effective date of Public Act

1 99-906). The adoption of emergency rules authorized by this
2 subsection (x) is deemed to be necessary for the public
3 interest, safety, and welfare.

4 (y) In order to provide for the expeditious and timely
5 implementation of the provisions of Public Act 100-23,
6 emergency rules to implement the changes made by Public Act
7 100-23 to Section 4.02 of the Illinois Act on the Aging,
8 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
9 Section 55-30 of the Alcoholism and Other Drug Abuse and
10 Dependency Act, and Sections 74 and 75 of the Mental Health and
11 Developmental Disabilities Administrative Act may be adopted
12 in accordance with this subsection (y) by the respective
13 Department. The adoption of emergency rules authorized by this
14 subsection (y) is deemed to be necessary for the public
15 interest, safety, and welfare.

16 (z) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 100-554,
18 emergency rules to implement the changes made by Public Act
19 100-554 to Section 4.7 of the Lobbyist Registration Act may be
20 adopted in accordance with this subsection (z) by the Secretary
21 of State. The adoption of emergency rules authorized by this
22 subsection (z) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (aa) In order to provide for the expeditious and timely
25 initial implementation of the changes made to Articles 5, 5A,
26 12, and 14 of the Illinois Public Aid Code under the provisions

1 of Public Act 100-581, the Department of Healthcare and Family
2 Services may adopt emergency rules in accordance with this
3 subsection (aa). The 24-month limitation on the adoption of
4 emergency rules does not apply to rules to initially implement
5 the changes made to Articles 5, 5A, 12, and 14 of the Illinois
6 Public Aid Code adopted under this subsection (aa). The
7 adoption of emergency rules authorized by this subsection (aa)
8 is deemed to be necessary for the public interest, safety, and
9 welfare.

10 (bb) In order to provide for the expeditious and timely
11 implementation of the provisions of Public Act 100-587,
12 emergency rules to implement the changes made by Public Act
13 100-587 to Section 4.02 of the Illinois Act on the Aging,
14 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
15 subsection (b) of Section 55-30 of the Alcoholism and Other
16 Drug Abuse and Dependency Act, Section 5-104 of the Specialized
17 Mental Health Rehabilitation Act of 2013, and Section 75 and
18 subsection (b) of Section 74 of the Mental Health and
19 Developmental Disabilities Administrative Act may be adopted
20 in accordance with this subsection (bb) by the respective
21 Department. The adoption of emergency rules authorized by this
22 subsection (bb) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (cc) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 100-587,
26 emergency rules may be adopted in accordance with this

1 subsection (cc) to implement the changes made by Public Act
2 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois
3 Pension Code by the Board created under Article 14 of the Code;
4 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
5 the Board created under Article 15 of the Code; and Sections
6 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board
7 created under Article 16 of the Code. The adoption of emergency
8 rules authorized by this subsection (cc) is deemed to be
9 necessary for the public interest, safety, and welfare.

10 (dd) In order to provide for the expeditious and timely
11 implementation of the provisions of Public Act 100-864,
12 emergency rules to implement the changes made by Public Act
13 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
14 may be adopted in accordance with this subsection (dd) by the
15 Secretary of State. The adoption of emergency rules authorized
16 by this subsection (dd) is deemed to be necessary for the
17 public interest, safety, and welfare.

18 (ee) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 100-1172,
20 emergency rules implementing the Illinois Underground Natural
21 Gas Storage Safety Act may be adopted in accordance with this
22 subsection by the Department of Natural Resources. The adoption
23 of emergency rules authorized by this subsection is deemed to
24 be necessary for the public interest, safety, and welfare.

25 (ff) In order to provide for the expeditious and timely
26 initial implementation of the changes made to Articles 5A and

1 14 of the Illinois Public Aid Code under the provisions of
2 Public Act 100-1181, the Department of Healthcare and Family
3 Services may on a one-time-only basis adopt emergency rules in
4 accordance with this subsection (ff). The 24-month limitation
5 on the adoption of emergency rules does not apply to rules to
6 initially implement the changes made to Articles 5A and 14 of
7 the Illinois Public Aid Code adopted under this subsection
8 (ff). The adoption of emergency rules authorized by this
9 subsection (ff) is deemed to be necessary for the public
10 interest, safety, and welfare.

11 (gg) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 101-1, emergency
13 rules may be adopted by the Department of Labor in accordance
14 with this subsection (gg) to implement the changes made by
15 Public Act 101-1 to the Minimum Wage Law. The adoption of
16 emergency rules authorized by this subsection (gg) is deemed to
17 be necessary for the public interest, safety, and welfare.

18 (hh) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 101-10 ~~this~~
20 ~~amendatory Act of the 101st General Assembly~~, emergency rules
21 may be adopted in accordance with this subsection (hh) to
22 implement the changes made by Public Act 101-10 ~~this amendatory~~
23 ~~Act of the 101st General Assembly~~ to subsection (j) of Section
24 5-5.2 of the Illinois Public Aid Code. The adoption of
25 emergency rules authorized by this subsection (hh) is deemed to
26 be necessary for the public interest, safety, and welfare.

1 (ii) In order to provide for the expeditious and timely
2 implementation of the provisions of Public Act 101-10 ~~this~~
3 ~~amendatory Act of the 101st General Assembly~~, emergency rules
4 to implement the changes made by Public Act 101-10 ~~this~~
5 ~~amendatory Act of the 101st General Assembly~~ to Sections 5-5.4
6 and 5-5.4i of the Illinois Public Aid Code may be adopted in
7 accordance with this subsection (ii) by the Department of
8 Public Health. The adoption of emergency rules authorized by
9 this subsection (ii) is deemed to be necessary for the public
10 interest, safety, and welfare.

11 (jj) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 101-10 ~~this~~
13 ~~amendatory Act of the 101st General Assembly~~, emergency rules
14 to implement the changes made by Public Act 101-10 ~~this~~
15 ~~amendatory Act of the 101st General Assembly~~ to Section 74 of
16 the Mental Health and Developmental Disabilities
17 Administrative Act may be adopted in accordance with this
18 subsection (jj) by the Department of Human Services. The
19 adoption of emergency rules authorized by this subsection (jj)
20 is deemed to be necessary for the public interest, safety, and
21 welfare.

22 (kk) ~~(gg)~~ In order to provide for the expeditious and
23 timely implementation of the Cannabis Regulation and Tax Act
24 and Public Act 101-27 ~~this amendatory Act of the 101st General~~
25 ~~Assembly~~, the Department of Revenue, the Department of Public
26 Health, the Department of Agriculture, the Department of State

1 Police, and the Department of Financial and Professional
2 Regulation may adopt emergency rules in accordance with this
3 subsection (kk) ~~(gg)~~. The rulemaking authority granted in this
4 subsection (kk) ~~(gg)~~ shall apply only to rules adopted before
5 December 31, 2021. Notwithstanding the provisions of
6 subsection (c), emergency rules adopted under this subsection
7 (kk) ~~(gg)~~ shall be effective for 180 days. The adoption of
8 emergency rules authorized by this subsection (kk) ~~(gg)~~ is
9 deemed to be necessary for the public interest, safety, and
10 welfare.

11 (ll) ~~(hh)~~ In order to provide for the expeditious and
12 timely implementation of the provisions of the Leveling the
13 Playing Field for Illinois Retail Act, emergency rules may be
14 adopted in accordance with this subsection (ll) ~~(hh)~~ to
15 implement the changes made by the Leveling the Playing Field
16 for Illinois Retail Act. The adoption of emergency rules
17 authorized by this subsection (ll) ~~(hh)~~ is deemed to be
18 necessary for the public interest, safety, and welfare.

19 (mm) ~~(ii)~~ In order to provide for the expeditious and
20 timely implementation of the provisions of Section 25-70 of the
21 Sports Wagering Act, emergency rules to implement Section 25-70
22 of the Sports Wagering Act may be adopted in accordance with
23 this subsection (mm) ~~(ii)~~ by the Department of the Lottery as
24 provided in the Sports Wagering Act. The adoption of emergency
25 rules authorized by this subsection (mm) ~~(ii)~~ is deemed to be
26 necessary for the public interest, safety, and welfare.

1 (nn) ~~(jj)~~ In order to provide for the expeditious and
2 timely implementation of the Sports Wagering Act, emergency
3 rules to implement the Sports Wagering Act may be adopted in
4 accordance with this subsection (nn) ~~(jj)~~ by the Illinois
5 Gaming Board. The adoption of emergency rules authorized by
6 this subsection (nn) ~~(jj)~~ is deemed to be necessary for the
7 public interest, safety, and welfare.

8 (oo) ~~(kk)~~ In order to provide for the expeditious and
9 timely implementation of the provisions of subsection (c) of
10 Section 20 of the Video Gaming Act, emergency rules to
11 implement the provisions of subsection (c) of Section 20 of the
12 Video Gaming Act may be adopted in accordance with this
13 subsection (oo) ~~(kk)~~ by the Illinois Gaming Board. The adoption
14 of emergency rules authorized by this subsection (oo) ~~(kk)~~ is
15 deemed to be necessary for the public interest, safety, and
16 welfare.

17 (pp) ~~(gg)~~ In order to provide for the expeditious and
18 timely implementation of the provisions of Section 50 of the
19 Sexual Assault Evidence Submission Act, emergency rules to
20 implement Section 50 of the Sexual Assault Evidence Submission
21 Act may be adopted in accordance with this subsection (pp) ~~(gg)~~
22 by the Department of State Police. The adoption of emergency
23 rules authorized by this subsection (pp) ~~(gg)~~ is deemed to be
24 necessary for the public interest, safety, and welfare.

25 (qq) In order to provide for the expeditious and timely
26 implementation of the provisions of the Illinois Works Jobs

1 Program Act, emergency rules may be adopted in accordance with
2 this subsection (qq) to implement the Illinois Works Jobs
3 Program Act. The adoption of emergency rules authorized by this
4 subsection (qq) is deemed to be necessary for the public
5 interest, safety, and welfare.

6 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;
7 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.
8 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;
9 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 100-1181, eff.
10 3-8-19; 101-1, eff. 2-19-19; 101-10, Article 20, Section 20-5,
11 eff. 6-5-19; 101-10, Article 35, Section 35-5, eff. 6-5-19;
12 101-27, eff. 6-25-19; 101-31, Article 15, Section 15-5, eff.
13 6-28-19; 101-31, Article 25, Section 25-900, eff. 6-28-19;
14 101-31, Article 35, Section 35-3, eff. 6-28-19; 101-377, eff.
15 8-16-19; revised 9-27-19.)

16 Section 1-15. The Illinois Works Jobs Program Act is
17 amended by changing Sections 20-10, 20-15, 20-20, and 20-25 as
18 follows:

19 (30 ILCS 559/20-10)

20 Sec. 20-10. Definitions.

21 "Apprentice" means a participant in an apprenticeship
22 program approved by and registered with the United States
23 Department of Labor's Bureau of Apprenticeship and Training.

24 "Apprenticeship program" means an apprenticeship and

1 training program approved by and registered with the United
2 States Department of Labor's Bureau of Apprenticeship and
3 Training.

4 "Bid credit" means a virtual dollar for a contractor or
5 subcontractor to use toward future bids on contracts with the
6 State for public works projects ~~contracts~~.

7 "Community-based organization" means a nonprofit
8 organization, including an accredited public college or
9 university, selected by the Department to participate in the
10 Illinois Works Preapprenticeship Program. To qualify as a
11 "community-based organization", the organization must
12 demonstrate the following:

13 (1) the ability to effectively serve diverse and
14 underrepresented populations, including by providing
15 employment services to such populations;

16 (2) knowledge of the construction and building trades;

17 (3) the ability to recruit, prescreen, and provide
18 preapprenticeship training to prepare workers for
19 employment in the construction and building trades; and

20 (4) a plan to provide the following:

21 (A) preparatory classes;

22 (B) workplace readiness skills, such as resume
23 preparation and interviewing techniques;

24 (C) strategies for overcoming barriers to entry
25 and completion of an apprenticeship program; and

26 (D) any prerequisites for acceptance into an

1 apprenticeship program.

2 "Contractor" means a person, corporation, partnership,
3 limited liability company, or joint venture entering into a
4 contract ~~with the State or any State agency~~ to construct a
5 public work.

6 "Department" means the Department of Commerce and Economic
7 Opportunity.

8 "Labor hours" means the total hours for workers who are
9 receiving an hourly wage and who are directly employed for the
10 public works project. "Labor hours" includes hours performed by
11 workers employed by the contractor and subcontractors on the
12 public works project. "Labor hours" does not include hours
13 worked by the forepersons, superintendents, owners, and
14 workers who are not subject to prevailing wage requirements.

15 "Minorities" means minority persons as defined in the
16 Business Enterprise for Minorities, Women, and Persons with
17 Disabilities Act.

18 "Public works" means all projects, contracted or funded by
19 the State or any agency of the State, in whole or in part, from
20 appropriated capital funds, that constitute public works under
21 the Prevailing Wage Act.

22 "Subcontractor" means a person, corporation, partnership,
23 limited liability company, or joint venture that has contracted
24 with the contractor to perform all or part of the work to
25 construct a public work by a contractor.

26 "Underrepresented populations" means populations

1 identified by the Department that historically have had
2 barriers to entry or advancement in the workforce.
3 "Underrepresented populations" includes, but is not limited
4 to, minorities, women, and veterans.
5 (Source: P.A. 101-31, eff. 6-28-19.)

6 (30 ILCS 559/20-15)

7 Sec. 20-15. Illinois Works Preapprenticeship Program;
8 Illinois Works Bid Credit Program.

9 (a) The Illinois Works Preapprenticeship Program is
10 established and shall be administered by the Department. The
11 goal of the Illinois Works Preapprenticeship Program is to
12 create a network of community-based organizations throughout
13 the State that will recruit, prescreen, and provide
14 preapprenticeship skills training, for which participants may
15 attend free of charge and receive a stipend, to create a
16 qualified, diverse pipeline of workers who are prepared for
17 careers in the construction and building trades. Upon
18 completion of the Illinois Works Preapprenticeship Program,
19 the candidates will be skilled and work-ready.

20 (b) There is created the Illinois Works Fund, a special
21 fund in the State treasury. The Illinois Works Fund shall be
22 administered by the Department. The Illinois Works Fund shall
23 be used to provide funding for community-based organizations
24 throughout the State. In addition to any other transfers that
25 may be provided for by law, on and after July 1, 2019 ~~and until~~

1 ~~June 30, 2020,~~ at the direction of the Director of the
2 Governor's Office of Management and Budget, the State
3 Comptroller shall direct and the State Treasurer shall transfer
4 amounts not exceeding a total of \$25,000,000 from the Rebuild
5 Illinois Projects Fund to the Illinois Works Fund.

6 (c) Each community-based organization that receives
7 funding from the Illinois Works Fund shall provide an annual
8 report to the Illinois Works Review Panel by April 1 of each
9 calendar year. The annual report shall include the following
10 information:

11 (1) a description of the community-based
12 organization's recruitment, screening, and training
13 efforts;

14 (2) the number of individuals who apply to, participate
15 in, and complete the community-based organization's
16 program, broken down by race, gender, age, and veteran
17 status; and

18 (3) the number of the individuals referenced in item (2) of
19 this subsection who are initially accepted and placed into
20 apprenticeship programs in the construction and building
21 trades.

22 (d) The Department shall create and administer the Illinois
23 Works Bid Credit Program that shall provide economic
24 incentives, through bid credits, to encourage contractors and
25 subcontractors to provide contracting and employment
26 opportunities to historically underrepresented populations in

1 the construction industry.

2 The Illinois Works Bid Credit Program shall allow
3 contractors and subcontractors to earn bid credits for use
4 toward future bids for public works projects contracted by the
5 State or an agency of the State in order to increase the
6 chances that the contractor and the subcontractors will be
7 selected.

8 Contractors or subcontractors may be eligible for bid
9 credits for employing apprentices who have completed the
10 Illinois Works Preapprenticeship Program on public works
11 projects contracted by the State or any agency of the State.
12 Contractors or subcontractors shall earn bid credits at a rate
13 established by the Department and based on labor hours worked
14 on State-contracted public works projects by apprentices who
15 have completed the Illinois Works Preapprenticeship Program.
16 The Department shall establish the rate by rule and shall
17 publish it ~~published~~ on the Department's website. The rule may
18 include maximum bid credits allowed per contractor, per
19 subcontractor, per apprentice, per bid, or per year ~~, including~~
20 ~~any appropriate caps.~~

21 The Illinois Works Credit Bank is hereby created and shall
22 be administered by the Department. The Illinois Works Credit
23 Bank shall track the bid credits.

24 A contractor or subcontractor who has been awarded bid
25 credits under any other State program for employing apprentices
26 who have completed the Illinois Works Preapprenticeship

1 Program is not eligible to receive bid credits under the
2 Illinois Works Bid Credit Program relating to the same
3 contract.

4 The Department shall report to the Illinois Works Review
5 Panel the following: (i) the number of bid credits awarded by
6 the Department; (ii) the number of bid credits submitted by the
7 contractor or subcontractor to the agency administering the
8 public works contract; and (iii) the number of bid credits
9 accepted by the agency for such contract. Any agency that
10 awards bid credits pursuant to the Illinois Works Credit Bank
11 Program shall report to the Department the number of bid
12 credits it accepted for the public works contract.

13 Upon a finding that a contractor or subcontractor has
14 reported falsified records to the Department in order to
15 fraudulently obtain bid credits, the Department may ~~shall~~
16 ~~permanently~~ bar the contractor or subcontractor from
17 participating in the Illinois Works Bid Credit Program and may
18 suspend the contractor or subcontractor from bidding on or
19 participating in any public works project. False or fraudulent
20 claims for payment relating to false bid credits may be subject
21 to damages and penalties under applicable law.

22 (e) The Department shall adopt any rules deemed necessary
23 to implement this Section. In order to provide for the
24 expeditious and timely implementation of this Act, the
25 Department may adopt emergency rules. The adoption of emergency
26 rules authorized by this subsection is deemed to be necessary

1 for the public interest, safety, and welfare.

2 (Source: P.A. 101-31, eff. 6-28-19.)

3 (30 ILCS 559/20-20)

4 Sec. 20-20. Illinois Works Apprenticeship Initiative.

5 (a) The Illinois Works Apprenticeship Initiative is
6 established and shall be administered by the Department.

7 (1) Subject to the exceptions set forth in subsection
8 (b) of this Section, apprentices shall be utilized on all
9 public works projects estimated to cost \$500,000 or more in
10 accordance with this subsection (a).

11 (2) For public works projects estimated to cost
12 \$500,000 or more, the goal of the Illinois Works
13 Apprenticeship Initiative is that apprentices will perform
14 either 10% of the total labor hours actually worked in each
15 prevailing wage classification or 10% of the estimated
16 labor hours in each prevailing wage classification,
17 whichever is less.

18 (b) Before or during the term of a contract subject to this
19 Section, the Department may reduce or waive the goals set forth
20 in paragraph (2) of subsection (a). Prior to the Department
21 granting a request for a reduction or waiver, the Department
22 shall determine, in its discretion, whether to hold a public
23 hearing on the request. In determining whether to hold a public
24 hearing, the Department may consider factors, including the
25 scale of the project and whether the contractor or

1 subcontractor seeking the reduction or waiver has previously
2 requested reductions or waivers on other projects. The
3 Department may also ~~and shall~~ consult with the Business
4 Enterprise Council under the Business Enterprise for
5 Minorities, Women, and Persons with Disabilities Act and the
6 Chief Procurement Officer of the agency administering the
7 public works contract. The Department may grant a reduction or
8 waiver upon a determination that:

9 (1) the contractor or subcontractor has demonstrated
10 that insufficient apprentices are available;

11 (2) the reasonable and necessary requirements of the
12 contract do not allow the goal to be met;

13 (3) there is a disproportionately high ratio of
14 material costs to labor hours that makes meeting the goal
15 infeasible; or

16 (4) apprentice labor hour goals conflict with existing
17 requirements, including federal requirements, in
18 connection with the public work.

19 (c) Contractors and subcontractors must submit a
20 certification to the Department and the agency that is
21 administering the contract, or the grant agreement funding the
22 contract, demonstrating that the contractor or subcontractor
23 has either:

24 (1) met the apprentice labor hour goals set forth in
25 paragraph (2) of subsection (a); or

26 (2) received a reduction or waiver pursuant to

1 subsection (b).

2 It shall be deemed to be a material breach of the contract,
3 or the grant agreement funding the contract, and entitle the
4 State to declare a default, terminate the contract or grant
5 agreement funding it, and exercise those remedies provided for
6 in the contract, at law, or in equity if the contractor or
7 subcontractor fails to submit the certification required in
8 this subsection or submits false or misleading information.

9 (d) No later than one year after the effective date of this
10 Act, and by April 1 of every calendar year thereafter, the
11 Department of Labor shall submit a report to the Illinois Works
12 Review Panel regarding the use of apprentices under the
13 Illinois Works Apprenticeship Initiative for public works
14 projects. To the extent it is available, the report shall
15 include the following information:

16 (1) the total number of labor hours on each project and
17 the percentage of labor hours actually worked by
18 apprentices on each public works project;

19 (2) the number of apprentices used in each public works
20 project, broken down by trade; and

21 (3) the number and percentage of minorities, women, and
22 veterans utilized as apprentices on each public works
23 project.

24 (e) The Department shall adopt any rules deemed necessary
25 to implement the Illinois Works Apprenticeship Initiative. In
26 order to provide for the expeditious and timely implementation

1 of this Act, the Department may adopt emergency rules. The
2 adoption of emergency rules authorized by this subsection is
3 deemed to be necessary for the public interest, safety, and
4 welfare.

5 (f) The Illinois Works Apprenticeship Initiative shall not
6 interfere with any contracts or grants program in existence on
7 the effective date of this Act.

8 (g) Notwithstanding any provisions to the contrary in this
9 Act, any State agency that administers a construction program
10 for which federal law or regulations establish standards and
11 procedures for the utilization of apprentices may implement the
12 Illinois Works Apprenticeship Initiative using the federal
13 standards and procedures for the establishment of goals and
14 utilization procedures for the State-funded, as well as the
15 federally assisted, portions of the program. In such cases,
16 these goals shall not exceed those established pursuant to the
17 relevant federal statutes or regulations.

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 (30 ILCS 559/20-25)

20 Sec. 20-25. The Illinois Works Review Panel.

21 (a) The Illinois Works Review Panel is created and shall be
22 comprised of 25 ~~11~~ members, each serving 3-year terms. The
23 Speaker of the House of Representatives and the President of
24 the Senate shall each appoint 5 ~~2~~ members. The Minority Leader
25 of the House of Representatives and the Minority Leader of the

1 Senate shall each appoint 5 members ~~one member~~. The Director of
2 Commerce and Economic Opportunity, or his or her designee,
3 shall serve as a member. The Governor shall appoint the
4 following individuals to serve as members: a representative
5 from a contractor organization; a representative from a labor
6 organization; and 2 members of the public with workforce
7 development expertise, one of whom shall be a representative of
8 a nonprofit organization that addresses workforce development.

9 (b) The members of the Illinois Works Review Panel shall
10 make recommendations to the Department regarding
11 identification and evaluation of community-based
12 organizations.

13 (c) The Illinois Works Review Panel shall meet, at least
14 quarterly, to review and evaluate (i) the Illinois Works
15 Preapprenticeship Program and the Illinois Works
16 Apprenticeship Initiative, (ii) ideas to diversify the trainee
17 corps in the Illinois Works Preapprenticeship Program and the
18 workforce in the construction industry in Illinois, (iii) ideas
19 to increase diversity in active apprenticeship programs in
20 Illinois, and (iv) ~~(iii)~~ workforce demographic data collected
21 by the Illinois Department of Labor.

22 (d) All State contracts and grant agreements funding State
23 contracts shall include a requirement that the contractor and
24 subcontractor shall, upon reasonable notice, appear before and
25 respond to requests for information from the Illinois Works
26 Review Panel.

1 policies to remove those barriers. The Department may hire
2 staff to perform outreach in promoting diversity in active
3 apprenticeship programs approved by the United States
4 Department of Labor. The Bureau shall annually compile racial
5 and gender workforce diversity information from contractors
6 receiving State or other public funds and by labor unions with
7 members working on projects receiving State or other public
8 funds.

9 ~~(b) There is created the Advisory Board for Diversity in~~
10 ~~Active Apprenticeship Programs Approved by the United States~~
11 ~~Department of Labor. This Advisory Board shall be composed of~~
12 ~~12 legislators; 3 members appointed by the President of the~~
13 ~~Senate, 3 members appointed by the Speaker of the House of~~
14 ~~Representatives, 3 members appointed by the Minority Leader of~~
15 ~~the Senate, and 3 members appointed by the Minority Leader of~~
16 ~~the House of Representatives. The President of the Senate and~~
17 ~~the Speaker of the House of Representatives shall each appoint~~
18 ~~a co chairperson. Members of the Advisory Board shall receive~~
19 ~~no compensation for serving as members of the Advisory Board.~~
20 ~~The Advisory Board shall meet quarterly. The Advisory Board may~~
21 ~~request necessary additional information from the Department,~~
22 ~~other State agencies, or public institutions of higher~~
23 ~~education for the purposes of performing its duties under this~~
24 ~~Section. The Advisory Board may advise the Department of~~
25 ~~programs to increase diversity in active apprenticeship~~
26 ~~programs. The Department shall provide administrative support~~

1 ~~and staffing for the Advisory Board.~~

2 (Source: P.A. 101-170, eff. 1-1-20.)

3 Section 2-10. The Business Enterprise for Minorities,
4 Women, and Persons with Disabilities Act is amended by changing
5 Sections 2, 4, 5, and 7 as follows:

6 (30 ILCS 575/2)

7 (Section scheduled to be repealed on June 30, 2024)

8 Sec. 2. Definitions.

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

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

14 (a) American Indian or Alaska Native (a person
15 having origins in any of the original peoples of North
16 and South America, including Central America, and who
17 maintains tribal affiliation or community attachment).

18 (b) Asian (a person having origins in any of the
19 original peoples of the Far East, Southeast Asia, or
20 the Indian subcontinent, including, but not limited
21 to, Cambodia, China, India, Japan, Korea, Malaysia,
22 Pakistan, the Philippine Islands, Thailand, and
23 Vietnam).

24 (c) Black or African American (a person having

1 origins in any of the black racial groups of Africa).
2 ~~Terms such as "Haitian" or "Negro" can be used in~~
3 ~~addition to "Black or African American".~~

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

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

10 (2) "Woman" shall mean a person who is a citizen or
11 lawful permanent resident of the United States and who is
12 of the female gender.

13 (2.05) "Person with a disability" means a person who is
14 a citizen or lawful resident of the United States and is a
15 person qualifying as a person with a disability under
16 subdivision (2.1) of this subsection (A).

17 (2.1) "Person with a disability" means a person with a
18 severe physical or mental disability that:

19 (a) results from:

20 amputation,

21 arthritis,

22 autism,

23 blindness,

24 burn injury,

25 cancer,

26 cerebral palsy,

1 Crohn's disease,
2 cystic fibrosis,
3 deafness,
4 head injury,
5 heart disease,
6 hemiplegia,
7 hemophilia,
8 respiratory or pulmonary dysfunction,
9 an intellectual disability,
10 mental illness,
11 multiple sclerosis,
12 muscular dystrophy,
13 musculoskeletal disorders,
14 neurological disorders, including stroke and
15 epilepsy,
16 paraplegia,
17 quadriplegia and other spinal cord conditions,
18 sickle cell anemia,
19 ulcerative colitis,
20 specific learning disabilities, or
21 end stage renal failure disease; and
22 (b) substantially limits one or more of the
23 person's major life activities.

24 Another disability or combination of disabilities may
25 also be considered as a severe disability for the purposes
26 of item (a) of this subdivision (2.1) if it is determined

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

5 (3) "Minority-owned business" means a business which
6 is at least 51% owned by one or more minority persons, or
7 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
11 own it.

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

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

1 (4.2) "Council" means the Business Enterprise Council
2 for Minorities, Women, and Persons with Disabilities
3 created under Section 5 of this Act.

4 (5) "State contracts" means all contracts entered into
5 by the State, any agency or department thereof, or any
6 public institution of higher education, including
7 community college districts, regardless of the source of
8 the funds with which the contracts are paid, which are not
9 subject to federal reimbursement. "State contracts" does
10 not include contracts awarded by a retirement system,
11 pension fund, or investment board subject to Section
12 1-109.1 of the Illinois Pension Code. This definition shall
13 control over any existing definition under this Act or
14 applicable administrative rule.

15 "State construction contracts" means all State
16 contracts entered into by a State agency or public
17 institution of higher education for the repair,
18 remodeling, renovation or construction of a building or
19 structure, or for the construction or maintenance of a
20 highway defined in Article 2 of the Illinois Highway Code.

21 (6) "State agencies" shall mean all departments,
22 officers, boards, commissions, institutions and bodies
23 politic and corporate of the State, but does not include
24 the Board of Trustees of the University of Illinois, the
25 Board of Trustees of Southern Illinois University, the
26 Board of Trustees of Chicago State University, the Board of

1 Trustees of Eastern Illinois University, the Board of
2 Trustees of Governors State University, the Board of
3 Trustees of Illinois State University, the Board of
4 Trustees of Northeastern Illinois University, the Board of
5 Trustees of Northern Illinois University, the Board of
6 Trustees of Western Illinois University, municipalities or
7 other local governmental units, or other State
8 constitutional officers.

9 (7) "Public institutions of higher education" means
10 the University of Illinois, Southern Illinois University,
11 Chicago State University, Eastern Illinois University,
12 Governors State University, Illinois State University,
13 Northeastern Illinois University, Northern Illinois
14 University, Western Illinois University, the public
15 community colleges of the State, and any other public
16 universities, colleges, and community colleges now or
17 hereafter established or authorized by the General
18 Assembly.

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

1 women who are also minorities shall be certified as both a
2 "women-owned business" and a "minority-owned business".

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

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

1 with disabilities as suppliers or subcontractors or in
2 employment of minorities, women, or persons with
3 disabilities.

4 (11) "Utilization plan" means a form and additional
5 documentations included in all bids or proposals that
6 demonstrates a vendor's proposed utilization of vendors
7 certified by the Business Enterprise Program to meet the
8 targeted goal. The utilization plan shall demonstrate that
9 the Vendor has either: (1) met the entire contract goal or
10 (2) requested a full or partial waiver and made good faith
11 efforts towards meeting the goal.

12 (12) "Business Enterprise Program" means the Business
13 Enterprise Program of the Department of Central Management
14 Services.

15 (B) When a business is owned at least 51% by any
16 combination of minority persons, women, or persons with
17 disabilities, even though none of the 3 classes alone holds at
18 least a 51% interest, the ownership requirement for purposes of
19 this Act is considered to be met. The certification category
20 for the business is that of the class holding the largest
21 ownership interest in the business. If 2 or more classes have
22 equal ownership interests, the certification category shall be
23 determined by the business.

24 (Source: P.A. 99-143, eff. 7-27-15; 99-462, eff. 8-25-15;
25 99-642, eff. 7-28-16; 100-391, eff. 8-25-17.)

1 (30 ILCS 575/4) (from Ch. 127, par. 132.604)
2 (Text of Section before amendment by P.A. 101-170)
3 (Section scheduled to be repealed on June 30, 2024)
4 Sec. 4. Award of State contracts.

5 (a) Except as provided in subsection ~~subsections~~ (b) ~~and~~
6 ~~(c)~~, not less than 20% of the total dollar amount of State
7 contracts, as defined by the Secretary of the Council and
8 approved by the Council, shall be established as an
9 aspirational goal to be awarded to businesses owned by
10 minorities, women, and persons with disabilities; provided,
11 however, that of the total amount of all State contracts
12 awarded to businesses owned by minorities, women, and persons
13 with disabilities pursuant to this Section, contracts
14 representing at least 11% shall be awarded to businesses owned
15 by minorities, contracts representing at least 7% shall be
16 awarded to women-owned businesses, and contracts representing
17 at least 2% shall be awarded to businesses owned by persons
18 with disabilities.

19 The above percentage relates to the total dollar amount of
20 State contracts during each State fiscal year, calculated by
21 examining independently each type of contract for each agency
22 or public institutions of higher education which lets such
23 contracts. Only that percentage of arrangements which
24 represents the participation of businesses owned by
25 minorities, women, and persons with disabilities on such
26 contracts shall be included. State contracts subject to the

1 requirements of this Act shall include the requirement that
2 only expenditures to businesses owned by minorities, women, and
3 persons with disabilities that perform a commercially useful
4 function may be counted toward the goals set forth by this Act.
5 Contracts shall include a definition of "commercially useful
6 function" that is consistent with 49 CFR 26.55(c).

7 (b) In the case of State construction contracts, the
8 provisions of subsection (a) requiring a portion of State
9 contracts to be awarded to businesses owned and controlled by
10 persons with disabilities do not apply. The following
11 aspirational goals are established for State construction
12 contracts: not less than 20% of the total dollar amount of
13 State construction contracts is established as a goal to be
14 awarded to minority-owned and women-owned businesses.

15 (c) In the case of all work undertaken by the University of
16 Illinois related to the planning, organization, and staging of
17 the games, the University of Illinois shall establish a goal of
18 awarding not less than 25% of the annual dollar value of all
19 contracts, purchase orders, and other agreements (collectively
20 referred to as "the contracts") to minority-owned businesses or
21 businesses owned by a person with a disability and 5% of the
22 annual dollar value the contracts to women-owned businesses.
23 For purposes of this subsection, the term "games" has the
24 meaning set forth in the Olympic Games and Paralympic Games
25 (2016) Law.

26 (d) Within one year after April 28, 2009 (the effective

1 date of Public Act 96-8), the Department of Central Management
2 Services shall conduct a social scientific study that measures
3 the impact of discrimination on minority and women business
4 development in Illinois. Within 18 months after April 28, 2009
5 (the effective date of Public Act 96-8), the Department shall
6 issue a report of its findings and any recommendations on
7 whether to adjust the goals for minority and women
8 participation established in this Act. Copies of this report
9 and the social scientific study shall be filed with the
10 Governor and the General Assembly. By December 1, 2022, the
11 Department of Central Management Services Business Enterprise
12 Program shall develop a model for social scientific disparity
13 study sourcing for local governmental units to adapt and
14 implement to address regional disparities in public
15 procurement.

16 (e) Except as permitted under this Act or as otherwise
17 mandated by federal law or regulation, those who submit bids or
18 proposals for State contracts subject to the provisions of this
19 Act, whose bids or proposals are successful and include a
20 utilization plan but that fail to meet the goals set forth in
21 subsection (b) of this Section, shall be notified of that
22 deficiency and shall be afforded a period not to exceed 10
23 calendar days from the date of notification to cure that
24 deficiency in the bid or proposal. The deficiency in the bid or
25 proposal may only be cured by contracting with additional
26 subcontractors who are owned by minorities or women, but in no

1 case shall an identified subcontractor with a certification
2 made pursuant to this Act be terminated from the contract
3 without the written consent of the State agency or public
4 institution of higher education entering into the contract.

5 (f) Non-construction solicitations that include Business
6 Enterprise Program participation goals shall require bidders
7 and offerors to include utilization plans. Utilization plans
8 are due at the time of bid or offer submission. Failure to
9 complete and include a utilization plan, including
10 documentation demonstrating good faith effort when requesting
11 a waiver, shall render the bid or offer non-responsive.

12 (Source: P.A. 99-462, eff. 8-25-15; 99-514, eff. 6-30-16;
13 100-391, eff. 8-25-17.)

14 (Text of Section after amendment by P.A. 101-170)

15 (Section scheduled to be repealed on June 30, 2024)

16 Sec. 4. Award of State contracts.

17 (a) Except as provided in subsection ~~subsections~~ (b) and
18 ~~(c)~~, not less than 20% of the total dollar amount of State
19 contracts, as defined by the Secretary of the Council and
20 approved by the Council, shall be established as an
21 aspirational goal to be awarded to businesses owned by
22 minorities, women, and persons with disabilities; provided,
23 however, that of the total amount of all State contracts
24 awarded to businesses owned by minorities, women, and persons
25 with disabilities pursuant to this Section, contracts

1 representing at least 11% shall be awarded to businesses owned
2 by minorities, contracts representing at least 7% shall be
3 awarded to women-owned businesses, and contracts representing
4 at least 2% shall be awarded to businesses owned by persons
5 with disabilities.

6 The above percentage relates to the total dollar amount of
7 State contracts during each State fiscal year, calculated by
8 examining independently each type of contract for each agency
9 or public institutions of higher education which lets such
10 contracts. Only that percentage of arrangements which
11 represents the participation of businesses owned by
12 minorities, women, and persons with disabilities on such
13 contracts shall be included. State contracts subject to the
14 requirements of this Act shall include the requirement that
15 only expenditures to businesses owned by minorities, women, and
16 persons with disabilities that perform a commercially useful
17 function may be counted toward the goals set forth by this Act.
18 Contracts shall include a definition of "commercially useful
19 function" that is consistent with 49 CFR 26.55(c).

20 (b) Not less than 20% of the total dollar amount of State
21 construction contracts is established as an aspirational goal
22 to be awarded to businesses owned by minorities, women, and
23 persons with disabilities; provided that, contracts
24 representing at least 11% of the total dollar amount of State
25 construction contracts shall be awarded to businesses owned by
26 minorities; contracts representing at least 7% of the total

1 dollar amount of State construction contracts shall be awarded
2 to women-owned businesses; and contracts representing at least
3 2% of the total dollar amount of State construction contracts
4 shall be awarded to businesses owned by persons with
5 disabilities.

6 (c) (Blank).

7 (d) Within one year after April 28, 2009 (the effective
8 date of Public Act 96-8), the Department of Central Management
9 Services shall conduct a social scientific study that measures
10 the impact of discrimination on minority and women business
11 development in Illinois. Within 18 months after April 28, 2009
12 (the effective date of Public Act 96-8), the Department shall
13 issue a report of its findings and any recommendations on
14 whether to adjust the goals for minority and women
15 participation established in this Act. Copies of this report
16 and the social scientific study shall be filed with the
17 Governor and the General Assembly.

18 By December 1, 2020, the Department of Central Management
19 Services shall conduct a new social scientific study that
20 measures the impact of discrimination on minority and women
21 business development in Illinois. By June 1, 2022, the
22 Department shall issue a report of its findings and any
23 recommendations on whether to adjust the goals for minority and
24 women participation established in this Act. Copies of this
25 report and the social scientific study shall be filed with the
26 Governor, the Advisory Board, and the General Assembly. By

1 December 1, 2022, the Department of Central Management Services
2 Business Enterprise Program shall develop a model for social
3 scientific disparity study sourcing for local governmental
4 units to adapt and implement to address regional disparities in
5 public procurement.

6 (e) Except as permitted under this Act or as otherwise
7 mandated by federal law or regulation, those who submit bids or
8 proposals for State contracts subject to the provisions of this
9 Act, whose bids or proposals are successful and include a
10 utilization plan but that fail to meet the goals set forth in
11 subsection (b) of this Section, shall be notified of that
12 deficiency and shall be afforded a period not to exceed 10
13 calendar days from the date of notification to cure that
14 deficiency in the bid or proposal. The deficiency in the bid or
15 proposal may only be cured by contracting with additional
16 subcontractors who are owned by minorities or women. Any
17 increase in cost to a contract for the addition of a
18 subcontractor to cure a bid's deficiency shall not affect the
19 bid price, shall not be used in the request for an exemption in
20 this Act, and in no case shall an identified subcontractor with
21 a certification made pursuant to this Act be terminated from
22 the contract without the written consent of the State agency or
23 public institution of higher education entering into the
24 contract.

25 (f) Non-construction solicitations that include Business
26 Enterprise Program participation goals shall require bidders

1 and offerors to include utilization plans. Utilization plans
2 are due at the time of bid or offer submission. Failure to
3 complete and include a utilization plan, including
4 documentation demonstrating good faith effort when requesting
5 a waiver, shall render the bid or offer non-responsive.

6 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

7 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

8 (Section scheduled to be repealed on June 30, 2024)

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, Women, and Persons with Disabilities, hereinafter
13 referred to as the Council, composed of the Secretary of Human
14 Services and the Directors of the Department of Human Rights,
15 the Department of Commerce and Economic Opportunity, the
16 Department of Central Management Services, the Department of
17 Transportation and the Capital Development Board, or their duly
18 appointed representatives, with the Comptroller, or his or her
19 designee, serving as an advisory member of the Council. Ten
20 individuals representing businesses that are minority-owned or
21 women-owned or owned by persons with disabilities, 2
22 individuals representing the business community, and a
23 representative of public institutions of higher education
24 shall be appointed by the Governor. These members shall serve 2
25 year terms and shall be eligible for reappointment. Any vacancy

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

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

15 The Director of each State agency and the chief executive
16 officer of each public institutions of higher education shall
17 appoint a liaison to the Council. The liaison shall be
18 responsible for submitting to the Council any reports and
19 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, women, or
24 persons with disabilities and a registration procedure to
25 recognize, without additional evidence of Business
26 Enterprise Program eligibility, the certification of

1 businesses owned by minorities, women, or persons with
2 disabilities certified by the City of Chicago, Cook County,
3 or other jurisdictional programs with requirements and
4 procedures equaling or exceeding those in this Act.

5 (b) Maintain a list of all businesses legitimately
6 classified as businesses owned by minorities, women, or
7 persons with disabilities to provide to State agencies and
8 public institutions of higher education.

9 (c) Review rules and regulations for the
10 implementation of the program for businesses owned by
11 minorities, women, and persons with disabilities.

12 (d) Review compliance plans submitted by each State
13 agency and public institutions of higher education
14 pursuant to this Act.

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

18 (f) Serve as a central clearinghouse for information on
19 State contracts, including the maintenance of a list of all
20 pending State contracts upon which businesses owned by
21 minorities, women, and persons with disabilities may bid.
22 At the Council's discretion, maintenance of the list may
23 include 24-hour electronic access to the list along with
24 the bid and application information.

25 (g) Establish a toll free telephone number to
26 facilitate information requests concerning the

1 certification process and pending contracts.

2 (3) No premium bond rate of a surety company for a bond
3 required of a business owned by a minority, woman, or person
4 with a disability bidding for a State contract shall be higher
5 than the lowest rate charged by that surety company for a
6 similar bond in the same classification of work that would be
7 written for a business not owned by a minority, woman, or
8 person with a disability.

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

13 (5) The Secretary shall have the following duties and
14 responsibilities:

15 (a) To be responsible for the day-to-day operation of
16 the Council.

17 (b) To serve as a coordinator for all of the State's
18 programs for businesses owned by minorities, women, and
19 persons with disabilities and as the information and
20 referral center for all State initiatives for businesses
21 owned by minorities, women, and persons with disabilities.

22 (c) To establish an enforcement procedure whereby the
23 Council may recommend to the appropriate State legal
24 officer that the State exercise its legal remedies which
25 shall include (1) termination of the contract involved, (2)
26 prohibition of participation by the respondent in public

1 contracts for a period not to exceed 3 years, (3)
2 imposition of a penalty not to exceed any profit acquired
3 as a result of violation, or (4) any combination thereof.
4 Such procedures shall require prior approval by Council.
5 All funds collected as penalties under this subsection
6 shall be used exclusively for maintenance and further
7 development of the Business Enterprise Program and
8 encouragement of participation in State procurement by
9 minorities, women, and persons with disabilities.

10 (d) To devise appropriate policies, regulations and
11 procedures for including participation by businesses owned
12 by minorities, women, and persons with disabilities as
13 prime contractors including, but not limited to, (i)
14 encouraging the inclusions of qualified businesses owned
15 by minorities, women, and persons with disabilities on
16 solicitation lists, (ii) investigating the potential of
17 blanket bonding programs for small construction jobs,
18 (iii) investigating and making recommendations concerning
19 the use of the sheltered market process.

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

22 (f) To accept donations and, with the approval of the
23 Council or the Director of Central Management Services,
24 grants related to the purposes of this Act; to conduct
25 seminars related to the purpose of this Act and to charge
26 reasonable registration fees; and to sell directories,

1 vendor lists and other such information to interested
2 parties, except that forms necessary to become eligible for
3 the program shall be provided free of charge to a business
4 or individual applying for the program.

5 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17;
6 100-801, eff. 8-10-18.)

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

8 (Section scheduled to be repealed on June 30, 2024)

9 Sec. 7. Exemptions; waivers; publication of data.

10 (1) Individual contract exemptions. The Council, at the
11 written request of the affected agency, public institution of
12 higher education, or recipient of a grant or loan of State
13 funds of \$250,000 or more complying with Section 45 of the
14 State Finance Act, may permit an individual contract or
15 contract package, (related contracts being bid or awarded
16 simultaneously for the same project or improvements) be made
17 wholly or partially exempt from State contracting goals for
18 businesses owned by minorities, women, and persons with
19 disabilities prior to the advertisement for bids or
20 solicitation of proposals whenever there has been a
21 determination, reduced to writing and based on the best
22 information available at the time of the determination, that
23 there is an insufficient number of businesses owned by
24 minorities, women, and persons with disabilities to ensure
25 adequate competition and an expectation of reasonable prices on

1 bids or proposals solicited for the individual contract or
2 contract package in question. ~~The Council may charge a~~
3 ~~reasonable fee for written request of individual contract~~
4 ~~exemptions.~~ Any such exemptions shall be given by the Council
5 to the Bureau on Apprenticeship Programs.

6 (a) Written request for contract exemption. A written
7 request for an individual contract exemption ~~exception~~
8 must include, but is not limited to, the following:

9 (i) a list of eligible ~~qualified~~ businesses owned
10 by minorities, women, and persons with disabilities
11 ~~that would qualify for the purpose of the contract;~~

12 (ii) a clear demonstration ~~each business's~~
13 ~~deficiency~~ that the number of eligible businesses
14 identified in subparagraph (i) above is insufficient
15 to ensure ~~would impair~~ adequate competition ~~or~~
16 ~~qualification;~~

17 (iii) the difference in cost between the contract
18 proposals being offered by businesses owned by
19 minorities, women, and persons with disabilities and
20 the agency or ~~the~~ public institution of higher
21 education's expectations of reasonable prices on bids
22 or proposals within that class; and

23 (iv) a list of eligible ~~qualified~~ businesses owned
24 by minorities, women, and persons with disabilities
25 that the contractor has used in the current and prior
26 ~~most recent~~ fiscal years ~~year~~.

1 (b) Determination. The Council's determination
2 concerning an individual contract exemption must consider,
3 at a minimum, include the following:

4 (i) the justification for the requested exemption,
5 including whether diligent efforts were undertaken to
6 identify and solicit eligible businesses owned by
7 minorities, women, and persons with disabilities ~~each~~
8 ~~business's disqualification;~~

9 (ii) the total number of exemptions granted to
10 ~~waivers of~~ the affected agency, public institution of
11 higher education, or recipient of a grant or loan of
12 State funds of \$250,000 or more complying with Section
13 45 of the State Finance Act that have been granted by
14 the Council in the current and prior ~~for that~~ fiscal
15 years ~~year~~; and

16 (iii) the percentage of ~~affected agency or public~~
17 ~~institution of higher education's most current~~
18 ~~percentages in~~ contracts awarded by the agency or
19 public institution of higher education to eligible
20 businesses owned by minorities, women, and persons
21 with disabilities in the current and prior ~~for that~~
22 fiscal years ~~year~~.

23 (2) Class exemptions.

24 (a) Creation. The Council, at the written request of
25 the affected agency or public institution of higher
26 education, may permit an entire class of contracts be made

1 exempt from State contracting goals for businesses owned by
2 minorities, women, and persons with disabilities whenever
3 there has been a determination, reduced to writing and
4 based on the best information available at the time of the
5 determination, that there is an insufficient number of
6 qualified businesses owned by minorities, women, and
7 persons with disabilities to ensure adequate competition
8 and an expectation of reasonable prices on bids or
9 proposals within that class. Any such exemption shall be
10 given by the Council to the Bureau on Apprenticeship
11 Programs.

12 (a-1) Written request for class exemption. A written
13 request for a class exemption ~~exception~~ must include, but
14 is not limited to, the following:

15 (i) a list of eligible ~~qualified~~ businesses owned
16 by minorities, women, and persons with disabilities
17 ~~that pertain to the class of contracts in the requested~~
18 ~~waiver;~~

19 (ii) a clear demonstration ~~each business's~~
20 ~~deficiency~~ that the number of eligible businesses
21 identified in subparagraph (i) above is insufficient
22 to ensure ~~would impair~~ adequate competition ~~or~~
23 ~~qualification;~~

24 (iii) the difference in cost between the contract
25 proposals being offered by eligible businesses owned
26 by minorities, women, and persons with disabilities

1 and the agency or ~~the~~ public institution of higher
2 education's expectations of reasonable prices on bids
3 or proposals within that class; and

4 (iv) the number of class exemptions the affected
5 agency or public institution of higher education ~~has~~
6 requested in the current and prior ~~for that~~ fiscal
7 years ~~year~~.

8 (a-2) Determination. The Council's determination
9 concerning class exemptions must consider, at a minimum,
10 ~~include~~ the following:

11 (i) the justification for the requested exemption,
12 including whether diligent efforts were undertaken to
13 identify and solicit eligible businesses owned by
14 minorities, women, and persons with disabilities ~~each~~
15 ~~business's disqualification;~~

16 (ii) the total number of class exemptions granted
17 to ~~waivers~~ of the requesting agency or public
18 institution of higher education that have been granted
19 by the Council in the current and prior ~~for that~~ fiscal
20 years ~~year~~; and

21 (iii) the percentage of ~~agency or public~~
22 ~~institution of higher education's most current~~
23 ~~percentages in~~ contracts awarded by the agency or
24 public institution of higher education to eligible
25 businesses owned by minorities, women, and persons
26 with disabilities the current and prior ~~for that~~ fiscal

1 years ~~year~~.

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

4 (3) Waivers. Where a particular contract requires a
5 contractor to meet a goal established pursuant to this Act, the
6 contractor shall have the right to request a waiver from such
7 requirements. The Council shall grant the waiver where the
8 contractor demonstrates that there has been made a good faith
9 effort to comply with the goals for participation by businesses
10 owned by minorities, women, and persons with disabilities. Any
11 such waiver shall also be transmitted in writing to the Bureau
12 on Apprenticeship Programs.

13 (a) Request for waiver. A contractor's request for a
14 waiver under this subsection (3) must include, but is not
15 limited to, the following, if available:

16 (i) a list of eligible ~~qualified~~ businesses owned
17 by minorities, women, and persons with disabilities
18 that pertain to the class of contracts in the requested
19 waiver;

20 (ii) a clear demonstration ~~each business's~~
21 ~~deficiency~~ that the number of eligible businesses
22 identified in subparagraph (i) above is insufficient
23 to ensure ~~would impair adequate~~ competition ~~or~~
24 ~~qualification~~;

25 (iii) the difference in cost between the contract
26 proposals being offered by businesses owned by

1 minorities, women, and persons with disabilities and
2 the agency or the public institution of higher
3 education's expectations of reasonable prices on bids
4 or proposals within that class; ~~and-~~

5 (iv) a list of businesses owned by minorities,
6 women, and persons with disabilities that the
7 contractor has used in the current and prior fiscal
8 years.

9 (b) Determination. The Council's determination
10 concerning waivers must include following:

11 (i) the justification for the requested waiver,
12 including whether the requesting contractor made a
13 good faith effort to identify and solicit eligible
14 businesses owned by minorities, women, and persons
15 with disabilities ~~each business's disqualification;~~

16 (ii) the total number of waivers the contractor has
17 been granted by the Council in the current and prior
18 ~~for that~~ fiscal years year;

19 (iii) the percentage of ~~affected agency or public~~
20 ~~institution of higher education's most current~~
21 ~~percentages in~~ contracts awarded by the agency or
22 public institution of higher education to eligible
23 businesses owned by minorities, women, and persons
24 with disabilities in the current and prior ~~for that~~
25 fiscal years year; and

26 (iv) the contractor's use of a list of qualified

1 businesses owned by minorities, women, and persons
2 with disabilities ~~that the contractor has used~~ in the
3 current and prior ~~most recent~~ fiscal years year.

4 (3.5) (Blank). ~~Fees. The Council may charge a fee for a~~
5 ~~written request on individual contract exemptions. The Council~~
6 ~~shall not charge for a first request. For a second request, the~~
7 ~~Council shall charge no more than \$1,000. For a fifth request~~
8 ~~or higher from a contractor, the Council shall charge no more~~
9 ~~than \$5,000 per request. The Department shall collect the fees~~
10 ~~under this Section. Any fee collected under this Section shall~~
11 ~~be used by the Bureau on Apprenticeship Programs to increase~~
12 ~~minority participation in apprenticeship programs in the~~
13 ~~State.~~

14 (4) Conflict with other laws. In the event that any State
15 contract, which otherwise would be subject to the provisions of
16 this Act, is or becomes subject to federal laws or regulations
17 which conflict with the provisions of this Act or actions of
18 the State taken pursuant hereto, the provisions of the federal
19 laws or regulations shall apply and the contract shall be
20 interpreted and enforced accordingly.

21 (5) Each chief procurement officer, as defined in the
22 Illinois Procurement Code, shall maintain on his or her
23 official Internet website a database of the following: (i)
24 waivers granted under this Section with respect to contracts
25 under his or her jurisdiction; (ii) a State agency or public
26 institution of higher education's written request for an

1 exemption of an individual contract or an entire class of
2 contracts; and (iii) the Council's written determination
3 granting or denying a request for an exemption of an individual
4 contract or an entire class of contracts. The database, which
5 shall be updated periodically as necessary, shall be searchable
6 by contractor name and by contracting State agency.

7 (6) Each chief procurement officer, as defined by the
8 Illinois Procurement Code, shall maintain on its website a list
9 of all firms that have been prohibited from bidding, offering,
10 or entering into a contract with the State of Illinois as a
11 result of violations of this Act.

12 Each public notice required by law of the award of a State
13 contract shall include for each bid or offer submitted for that
14 contract the following: (i) the bidder's or offeror's name,
15 (ii) the bid amount, (iii) the name or names of the certified
16 firms identified in the bidder's or offeror's submitted
17 utilization plan, and (iv) the bid's amount and percentage of
18 the contract awarded to businesses owned by minorities, women,
19 and persons with disabilities identified in the utilization
20 plan.

21 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
22 revised 9-20-19.)

23 Section 2-15. The Criminal Code of 2012 is amended by
24 changing Section 17-10.3 as follows:

1 (720 ILCS 5/17-10.3)

2 (Text of Section before amendment by P.A. 101-170)

3 Sec. 17-10.3. Deception relating to certification of
4 disadvantaged business enterprises.

5 (a) Fraudulently obtaining or retaining certification. A
6 person who, in the course of business, fraudulently obtains or
7 retains certification as a minority-owned business,
8 women-owned business, service-disabled veteran-owned small
9 business, or veteran-owned small business commits a Class 2
10 felony.

11 (b) Willfully making a false statement. A person who, in
12 the course of business, willfully makes a false statement
13 whether by affidavit, report or other representation, to an
14 official or employee of a State agency or the Business
15 Enterprise Council for Minorities, Women, and Persons with
16 Disabilities for the purpose of influencing the certification
17 or denial of certification of any business entity as a
18 minority-owned business, women-owned business,
19 service-disabled veteran-owned small business, or
20 veteran-owned small business commits a Class 2 felony.

21 (c) Willfully obstructing or impeding an official or
22 employee of any agency in his or her investigation. Any person
23 who, in the course of business, willfully obstructs or impedes
24 an official or employee of any State agency or the Business
25 Enterprise Council for Minorities, Women, and Persons with
26 Disabilities who is investigating the qualifications of a

1 business entity which has requested certification as a
2 minority-owned business, women-owned business,
3 service-disabled veteran-owned small business, or
4 veteran-owned small business commits a Class 2 felony.

5 (d) Fraudulently obtaining public moneys reserved for
6 disadvantaged business enterprises. Any person who, in the
7 course of business, fraudulently obtains public moneys
8 reserved for, or allocated or available to, minority-owned
9 businesses, women-owned businesses, service-disabled
10 veteran-owned small businesses, or veteran-owned small
11 businesses commits a Class 2 felony.

12 (e) Definitions. As used in this Article, "minority-owned
13 business", "women-owned business", "State agency" with respect
14 to minority-owned businesses and women-owned businesses, and
15 "certification" with respect to minority-owned businesses and
16 women-owned businesses shall have the meanings ascribed to them
17 in Section 2 of the Business Enterprise for Minorities, Women,
18 and Persons with Disabilities Act. As used in this Article,
19 "service-disabled veteran-owned small business",
20 "veteran-owned small business", "State agency" with respect to
21 service-disabled veteran-owned small businesses and
22 veteran-owned small businesses, and "certification" with
23 respect to service-disabled veteran-owned small businesses and
24 veteran-owned small businesses have the same meanings as in
25 Section 45-57 of the Illinois Procurement Code.

26 (Source: P.A. 100-391, eff. 8-25-17.)

1 (Text of Section after amendment by P.A. 101-170)

2 Sec. 17-10.3. Deception relating to certification of
3 disadvantaged business enterprises.

4 (a) Fraudulently obtaining or retaining certification. A
5 person who, in the course of business, fraudulently obtains or
6 retains certification as a minority-owned business,
7 women-owned business, service-disabled veteran-owned small
8 business, or veteran-owned small business commits a Class 2 \pm
9 felony.

10 (b) Willfully making a false statement. A person who, in
11 the course of business, willfully makes a false statement
12 whether by affidavit, report or other representation, to an
13 official or employee of a State agency or the Business
14 Enterprise Council for Minorities, Women, and Persons with
15 Disabilities for the purpose of influencing the certification
16 or denial of certification of any business entity as a
17 minority-owned business, women-owned business,
18 service-disabled veteran-owned small business, or
19 veteran-owned small business commits a Class 2 \pm felony.

20 (c) Willfully obstructing or impeding an official or
21 employee of any agency in his or her investigation. Any person
22 who, in the course of business, willfully obstructs or impedes
23 an official or employee of any State agency or the Business
24 Enterprise Council for Minorities, Women, and Persons with
25 Disabilities who is investigating the qualifications of a

1 business entity which has requested certification as a
2 minority-owned business, women-owned business,
3 service-disabled veteran-owned small business, or
4 veteran-owned small business commits a Class 2 ± felony.

5 (d) Fraudulently obtaining public moneys reserved for
6 disadvantaged business enterprises. Any person who, in the
7 course of business, fraudulently obtains public moneys
8 reserved for, or allocated or available to, minority-owned
9 businesses, women-owned businesses, service-disabled
10 veteran-owned small businesses, or veteran-owned small
11 businesses commits a Class 2 ± felony.

12 (e) Definitions. As used in this Article, "minority-owned
13 business", "women-owned business", "State agency" with respect
14 to minority-owned businesses and women-owned businesses, and
15 "certification" with respect to minority-owned businesses and
16 women-owned businesses shall have the meanings ascribed to them
17 in Section 2 of the Business Enterprise for Minorities, Women,
18 and Persons with Disabilities Act. As used in this Article,
19 "service-disabled veteran-owned small business",
20 "veteran-owned small business", "State agency" with respect to
21 service-disabled veteran-owned small businesses and
22 veteran-owned small businesses, and "certification" with
23 respect to service-disabled veteran-owned small businesses and
24 veteran-owned small businesses have the same meanings as in
25 Section 45-57 of the Illinois Procurement Code.

26 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

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Article 99

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Section 99-95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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Section 99-99. Effective date. This Act takes effect upon becoming law, except that Article 2 takes effect January 1, 2020.