



Rep. William Davis

## Adopted in House on Nov 13, 2019

10100SB0177ham002

LRB101 06086 TAE 64210 a

1 AMENDMENT TO SENATE BILL 177

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 177 by replacing  
3 everything after the enacting clause with the following:

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

1 notice or hearing upon filing a notice of emergency rulemaking  
2 with the Secretary of State under Section 5-70. The notice  
3 shall include the text of the emergency rule and shall be  
4 published in the Illinois Register. Consent orders or other  
5 court orders adopting settlements negotiated by an agency may  
6 be adopted under this Section. Subject to applicable  
7 constitutional or statutory provisions, an emergency rule  
8 becomes effective immediately upon filing under Section 5-65 or  
9 at a stated date less than 10 days thereafter. The agency's  
10 finding and a statement of the specific reasons for the finding  
11 shall be filed with the rule. The agency shall take reasonable  
12 and appropriate measures to make emergency rules known to the  
13 persons who may be affected by them.

14 (c) An emergency rule may be effective for a period of not  
15 longer than 150 days, but the agency's authority to adopt an  
16 identical rule under Section 5-40 is not precluded. No  
17 emergency rule may be adopted more than once in any 24-month  
18 period, except that this limitation on the number of emergency  
19 rules that may be adopted in a 24-month period does not apply  
20 to (i) emergency rules that make additions to and deletions  
21 from the Drug Manual under Section 5-5.16 of the Illinois  
22 Public Aid Code or the generic drug formulary under Section  
23 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
24 emergency rules adopted by the Pollution Control Board before  
25 July 1, 1997 to implement portions of the Livestock Management  
26 Facilities Act, (iii) emergency rules adopted by the Illinois

1 Department of Public Health under subsections (a) through (i)  
2 of Section 2 of the Department of Public Health Act when  
3 necessary to protect the public's health, (iv) emergency rules  
4 adopted pursuant to subsection (n) of this Section, (v)  
5 emergency rules adopted pursuant to subsection (o) of this  
6 Section, or (vi) emergency rules adopted pursuant to subsection  
7 (c-5) of this Section. Two or more emergency rules having  
8 substantially the same purpose and effect shall be deemed to be  
9 a single rule for purposes of this Section.

10 (c-5) To facilitate the maintenance of the program of group  
11 health benefits provided to annuitants, survivors, and retired  
12 employees under the State Employees Group Insurance Act of  
13 1971, rules to alter the contributions to be paid by the State,  
14 annuitants, survivors, retired employees, or any combination  
15 of those entities, for that program of group health benefits,  
16 shall be adopted as emergency rules. The adoption of those  
17 rules shall be considered an emergency and necessary for the  
18 public interest, safety, and welfare.

19 (d) In order to provide for the expeditious and timely  
20 implementation of the State's fiscal year 1999 budget,  
21 emergency rules to implement any provision of Public Act 90-587  
22 or 90-588 or any other budget initiative for fiscal year 1999  
23 may be adopted in accordance with this Section by the agency  
24 charged with administering that provision or initiative,  
25 except that the 24-month limitation on the adoption of  
26 emergency rules and the provisions of Sections 5-115 and 5-125

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

5 (e) In order to provide for the expeditious and timely  
6 implementation of the State's fiscal year 2000 budget,  
7 emergency rules to implement any provision of Public Act 91-24  
8 or any other budget initiative for fiscal year 2000 may be  
9 adopted in accordance with this Section by the agency charged  
10 with administering that provision or initiative, except that  
11 the 24-month limitation on the adoption of emergency rules and  
12 the provisions of Sections 5-115 and 5-125 do not apply to  
13 rules adopted under this subsection (e). The adoption of  
14 emergency rules authorized by this subsection (e) shall be  
15 deemed to be necessary for the public interest, safety, and  
16 welfare.

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

1 deemed to be necessary for the public interest, safety, and  
2 welfare.

3 (g) In order to provide for the expeditious and timely  
4 implementation of the State's fiscal year 2002 budget,  
5 emergency rules to implement any provision of Public Act 92-10  
6 or any other budget initiative for fiscal year 2002 may be  
7 adopted in accordance with this Section by the agency charged  
8 with administering that provision or initiative, except that  
9 the 24-month limitation on the adoption of emergency rules and  
10 the provisions of Sections 5-115 and 5-125 do not apply to  
11 rules adopted under this subsection (g). The adoption of  
12 emergency rules authorized by this subsection (g) shall be  
13 deemed to be necessary for the public interest, safety, and  
14 welfare.

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

1           (i) In order to provide for the expeditious and timely  
2 implementation of the State's fiscal year 2004 budget,  
3 emergency rules to implement any provision of Public Act 93-20  
4 or any other budget initiative for fiscal year 2004 may be  
5 adopted in accordance with this Section by the agency charged  
6 with administering that provision or initiative, except that  
7 the 24-month limitation on the adoption of emergency rules and  
8 the provisions of Sections 5-115 and 5-125 do not apply to  
9 rules adopted under this subsection (i). The adoption of  
10 emergency rules authorized by this subsection (i) shall be  
11 deemed to be necessary for the public interest, safety, and  
12 welfare.

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

1 authorized by this subsection (j) shall be deemed to be  
2 necessary for the public interest, safety, and welfare.

3 (k) In order to provide for the expeditious and timely  
4 implementation of the provisions of the State's fiscal year  
5 2006 budget, emergency rules to implement any provision of  
6 Public Act 94-48 or any other budget initiative for fiscal year  
7 2006 may be adopted in accordance with this Section by the  
8 agency charged with administering that provision or  
9 initiative, except that the 24-month limitation on the adoption  
10 of emergency rules and the provisions of Sections 5-115 and  
11 5-125 do not apply to rules adopted under this subsection (k).  
12 The Department of Healthcare and Family Services may also adopt  
13 rules under this subsection (k) necessary to administer the  
14 Illinois Public Aid Code, the Senior Citizens and Persons with  
15 Disabilities Property Tax Relief Act, the Senior Citizens and  
16 Disabled Persons Prescription Drug Discount Program Act (now  
17 the Illinois Prescription Drug Discount Program Act), and the  
18 Children's Health Insurance Program Act. The adoption of  
19 emergency rules authorized by this subsection (k) shall be  
20 deemed to be necessary for the public interest, safety, and  
21 welfare.

22 (l) In order to provide for the expeditious and timely  
23 implementation of the provisions of the State's fiscal year  
24 2007 budget, the Department of Healthcare and Family Services  
25 may adopt emergency rules during fiscal year 2007, including  
26 rules effective July 1, 2007, in accordance with this

1 subsection to the extent necessary to administer the  
2 Department's responsibilities with respect to amendments to  
3 the State plans and Illinois waivers approved by the federal  
4 Centers for Medicare and Medicaid Services necessitated by the  
5 requirements of Title XIX and Title XXI of the federal Social  
6 Security Act. The adoption of emergency rules authorized by  
7 this subsection (l) shall be deemed to be necessary for the  
8 public interest, safety, and welfare.

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

22 (n) In order to provide for the expeditious and timely  
23 implementation of the provisions of the State's fiscal year  
24 2010 budget, emergency rules to implement any provision of  
25 Public Act 96-45 or any other budget initiative authorized by  
26 the 96th General Assembly for fiscal year 2010 may be adopted



1 in accordance with this Section by the agency charged with  
2 administering that provision or initiative. The adoption of  
3 emergency rules authorized by this subsection (n) shall be  
4 deemed to be necessary for the public interest, safety, and  
5 welfare. The rulemaking authority granted in this subsection  
6 (n) shall apply only to rules promulgated during Fiscal Year  
7 2010.

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

20 (p) In order to provide for the expeditious and timely  
21 implementation of the provisions of Public Act 97-689,  
22 emergency rules to implement any provision of Public Act 97-689  
23 may be adopted in accordance with this subsection (p) by the  
24 agency charged with administering that provision or  
25 initiative. The 150-day limitation of the effective period of  
26 emergency rules does not apply to rules adopted under this

1 subsection (p), and the effective period may continue through  
2 June 30, 2013. The 24-month limitation on the adoption of  
3 emergency rules does not apply to rules adopted under this  
4 subsection (p). The adoption of emergency rules authorized by  
5 this subsection (p) is deemed to be necessary for the public  
6 interest, safety, and welfare.

7 (q) In order to provide for the expeditious and timely  
8 implementation of the provisions of Articles 7, 8, 9, 11, and  
9 12 of Public Act 98-104, emergency rules to implement any  
10 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104  
11 may be adopted in accordance with this subsection (q) by the  
12 agency charged with administering that provision or  
13 initiative. The 24-month limitation on the adoption of  
14 emergency rules does not apply to rules adopted under this  
15 subsection (q). The adoption of emergency rules authorized by  
16 this subsection (q) is deemed to be necessary for the public  
17 interest, safety, and welfare.

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

1           (s) In order to provide for the expeditious and timely  
2 implementation of the provisions of Sections 5-5b.1 and 5A-2 of  
3 the Illinois Public Aid Code, emergency rules to implement any  
4 provision of Section 5-5b.1 or Section 5A-2 of the Illinois  
5 Public Aid Code may be adopted in accordance with this  
6 subsection (s) by the Department of Healthcare and Family  
7 Services. The rulemaking authority granted in this subsection  
8 (s) shall apply only to those rules adopted prior to July 1,  
9 2015. Notwithstanding any other provision of this Section, any  
10 emergency rule adopted under this subsection (s) shall only  
11 apply to payments made for State fiscal year 2015. The adoption  
12 of emergency rules authorized by this subsection (s) is deemed  
13 to be necessary for the public interest, safety, and welfare.

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

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

1 implementation of the provisions of the Burn Victims Relief  
2 Act, emergency rules to implement any provision of the Act may  
3 be adopted in accordance with this subsection (u) by the  
4 Department of Insurance. The rulemaking authority granted in  
5 this subsection (u) shall apply only to those rules adopted  
6 prior to December 31, 2015. The adoption of emergency rules  
7 authorized by this subsection (u) is deemed to be necessary for  
8 the public interest, safety, and welfare.

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

18 (w) In order to provide for the expeditious and timely  
19 implementation of the provisions of Public Act 99-796,  
20 emergency rules to implement the changes made by Public Act  
21 99-796 may be adopted in accordance with this subsection (w) by  
22 the Adjutant General. The adoption of emergency rules  
23 authorized by this subsection (w) is deemed to be necessary for  
24 the public interest, safety, and welfare.

25 (x) In order to provide for the expeditious and timely  
26 implementation of the provisions of Public Act 99-906,

1 emergency rules to implement subsection (i) of Section 16-115D,  
2 subsection (g) of Section 16-128A, and subsection (a) of  
3 Section 16-128B of the Public Utilities Act may be adopted in  
4 accordance with this subsection (x) by the Illinois Commerce  
5 Commission. The rulemaking authority granted in this  
6 subsection (x) shall apply only to those rules adopted within  
7 180 days after June 1, 2017 (the effective date of Public Act  
8 99-906). The adoption of emergency rules authorized by this  
9 subsection (x) is deemed to be necessary for the public  
10 interest, safety, and welfare.

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

23 (z) In order to provide for the expeditious and timely  
24 implementation of the provisions of Public Act 100-554,  
25 emergency rules to implement the changes made by Public Act  
26 100-554 to Section 4.7 of the Lobbyist Registration Act may be

1 adopted in accordance with this subsection (z) by the Secretary  
2 of State. The adoption of emergency rules authorized by this  
3 subsection (z) is deemed to be necessary for the public  
4 interest, safety, and welfare.

5 (aa) In order to provide for the expeditious and timely  
6 initial implementation of the changes made to Articles 5, 5A,  
7 12, and 14 of the Illinois Public Aid Code under the provisions  
8 of Public Act 100-581, the Department of Healthcare and Family  
9 Services may adopt emergency rules in accordance with this  
10 subsection (aa). The 24-month limitation on the adoption of  
11 emergency rules does not apply to rules to initially implement  
12 the changes made to Articles 5, 5A, 12, and 14 of the Illinois  
13 Public Aid Code adopted under this subsection (aa). The  
14 adoption of emergency rules authorized by this subsection (aa)  
15 is deemed to be necessary for the public interest, safety, and  
16 welfare.

17 (bb) In order to provide for the expeditious and timely  
18 implementation of the provisions of Public Act 100-587,  
19 emergency rules to implement the changes made by Public Act  
20 100-587 to Section 4.02 of the Illinois Act on the Aging,  
21 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,  
22 subsection (b) of Section 55-30 of the Alcoholism and Other  
23 Drug Abuse and Dependency Act, Section 5-104 of the Specialized  
24 Mental Health Rehabilitation Act of 2013, and Section 75 and  
25 subsection (b) of Section 74 of the Mental Health and  
26 Developmental Disabilities Administrative Act may be adopted

1 in accordance with this subsection (bb) by the respective  
2 Department. The adoption of emergency rules authorized by this  
3 subsection (bb) is deemed to be necessary for the public  
4 interest, safety, and welfare.

5 (cc) In order to provide for the expeditious and timely  
6 implementation of the provisions of Public Act 100-587,  
7 emergency rules may be adopted in accordance with this  
8 subsection (cc) to implement the changes made by Public Act  
9 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois  
10 Pension Code by the Board created under Article 14 of the Code;  
11 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by  
12 the Board created under Article 15 of the Code; and Sections  
13 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board  
14 created under Article 16 of the Code. The adoption of emergency  
15 rules authorized by this subsection (cc) is deemed to be  
16 necessary for the public interest, safety, and welfare.

17 (dd) In order to provide for the expeditious and timely  
18 implementation of the provisions of Public Act 100-864,  
19 emergency rules to implement the changes made by Public Act  
20 100-864 to Section 3.35 of the Newborn Metabolic Screening Act  
21 may be adopted in accordance with this subsection (dd) by the  
22 Secretary of State. The adoption of emergency rules authorized  
23 by this subsection (dd) is deemed to be necessary for the  
24 public interest, safety, and welfare.

25 (ee) In order to provide for the expeditious and timely  
26 implementation of the provisions of Public Act 100-1172,

1 emergency rules implementing the Illinois Underground Natural  
2 Gas Storage Safety Act may be adopted in accordance with this  
3 subsection by the Department of Natural Resources. The adoption  
4 of emergency rules authorized by this subsection is deemed to  
5 be necessary for the public interest, safety, and welfare.

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

18 (gg) In order to provide for the expeditious and timely  
19 implementation of the provisions of Public Act 101-1, emergency  
20 rules may be adopted by the Department of Labor in accordance  
21 with this subsection (gg) to implement the changes made by  
22 Public Act 101-1 to the Minimum Wage Law. The adoption of  
23 emergency rules authorized by this subsection (gg) is deemed to  
24 be necessary for the public interest, safety, and welfare.

25 (hh) In order to provide for the expeditious and timely  
26 implementation of the provisions of Public Act 101-10 ~~this~~



1 ~~amendatory Act of the 101st General Assembly~~, emergency rules  
2 may be adopted in accordance with this subsection (hh) to  
3 implement the changes made by Public Act 101-10 ~~this amendatory~~  
4 ~~Act of the 101st General Assembly~~ to subsection (j) of Section  
5 5-5.2 of the Illinois Public Aid Code. The adoption of  
6 emergency rules authorized by this subsection (hh) is deemed to  
7 be necessary for the public interest, safety, and welfare.

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

18 (jj) 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 to implement the changes made by Public Act 101-10 ~~this~~  
22 ~~amendatory Act of the 101st General Assembly~~ to Section 74 of  
23 the Mental Health and Developmental Disabilities  
24 Administrative Act may be adopted in accordance with this  
25 subsection (jj) by the Department of Human Services. The  
26 adoption of emergency rules authorized by this subsection (jj)

1 is deemed to be necessary for the public interest, safety, and  
2 welfare.

3 (kk) ~~(gg)~~ In order to provide for the expeditious and  
4 timely implementation of the Cannabis Regulation and Tax Act  
5 and Public Act 101-27 ~~this amendatory Act of the 101st General~~  
6 ~~Assembly~~, the Department of Revenue, the Department of Public  
7 Health, the Department of Agriculture, the Department of State  
8 Police, and the Department of Financial and Professional  
9 Regulation may adopt emergency rules in accordance with this  
10 subsection (kk) ~~(gg)~~. The rulemaking authority granted in this  
11 subsection (kk) ~~(gg)~~ shall apply only to rules adopted before  
12 December 31, 2021. Notwithstanding the provisions of  
13 subsection (c), emergency rules adopted under this subsection  
14 (kk) ~~(gg)~~ shall be effective for 180 days. The adoption of  
15 emergency rules authorized by this subsection (kk) ~~(gg)~~ is  
16 deemed to be necessary for the public interest, safety, and  
17 welfare.

18 (ll) ~~(hh)~~ In order to provide for the expeditious and  
19 timely implementation of the provisions of the Leveling the  
20 Playing Field for Illinois Retail Act, emergency rules may be  
21 adopted in accordance with this subsection (ll) ~~(hh)~~ to  
22 implement the changes made by the Leveling the Playing Field  
23 for Illinois Retail Act. The adoption of emergency rules  
24 authorized by this subsection (ll) ~~(hh)~~ is deemed to be  
25 necessary for the public interest, safety, and welfare.

26 (mm) ~~(ii)~~ In order to provide for the expeditious and

1 timely implementation of the provisions of Section 25-70 of the  
2 Sports Wagering Act, emergency rules to implement Section 25-70  
3 of the Sports Wagering Act may be adopted in accordance with  
4 this subsection (mm) ~~(ii)~~ by the Department of the Lottery as  
5 provided in the Sports Wagering Act. The adoption of emergency  
6 rules authorized by this subsection (mm) ~~(ii)~~ is deemed to be  
7 necessary for the public interest, safety, and welfare.

8 (nn) ~~(jj)~~ In order to provide for the expeditious and  
9 timely implementation of the Sports Wagering Act, emergency  
10 rules to implement the Sports Wagering Act may be adopted in  
11 accordance with this subsection (nn) ~~(jj)~~ by the Illinois  
12 Gaming Board. The adoption of emergency rules authorized by  
13 this subsection (nn) ~~(jj)~~ is deemed to be necessary for the  
14 public interest, safety, and welfare.

15 (oo) ~~(kk)~~ In order to provide for the expeditious and  
16 timely implementation of the provisions of subsection (c) of  
17 Section 20 of the Video Gaming Act, emergency rules to  
18 implement the provisions of subsection (c) of Section 20 of the  
19 Video Gaming Act may be adopted in accordance with this  
20 subsection (oo) ~~(kk)~~ by the Illinois Gaming Board. The adoption  
21 of emergency rules authorized by this subsection (oo) ~~(kk)~~ is  
22 deemed to be necessary for the public interest, safety, and  
23 welfare.

24 (pp) ~~(gg)~~ In order to provide for the expeditious and  
25 timely implementation of the provisions of Section 50 of the  
26 Sexual Assault Evidence Submission Act, emergency rules to

1 implement Section 50 of the Sexual Assault Evidence Submission  
2 Act may be adopted in accordance with this subsection (pp) ~~(qq)~~  
3 by the Department of State Police. The adoption of emergency  
4 rules authorized by this subsection (pp) ~~(qq)~~ is deemed to be  
5 necessary for the public interest, safety, and welfare.

6 (qq) In order to provide for the expeditious and timely  
7 implementation of the provisions of the Illinois Works Jobs  
8 Program Act, emergency rules may be adopted in accordance with  
9 this subsection (qq) to implement the Illinois Works Jobs  
10 Program Act. The adoption of emergency rules authorized by this  
11 subsection (qq) is deemed to be necessary for the public  
12 interest, safety, and welfare.

13 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;  
14 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.  
15 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;  
16 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 100-1181, eff.  
17 3-8-19; 101-1, eff. 2-19-19; 101-10, Article 20, Section 20-5,  
18 eff. 6-5-19; 101-10, Article 35, Section 35-5, eff. 6-5-19;  
19 101-27, eff. 6-25-19; 101-31, Article 15, Section 15-5, eff.  
20 6-28-19; 101-31, Article 25, Section 25-900, eff. 6-28-19;  
21 101-31, Article 35, Section 35-3, eff. 6-28-19; 101-377, eff.  
22 8-16-19; revised 9-27-19.)

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

1 (30 ILCS 559/20-10)

2 Sec. 20-10. Definitions.

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

6 "Apprenticeship program" means an apprenticeship and  
7 training program approved by and registered with the United  
8 States Department of Labor's Bureau of Apprenticeship and  
9 Training.

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

13 "Community-based organization" means a nonprofit  
14 organization, including an accredited public college or  
15 university, selected by the Department to participate in the  
16 Illinois Works Preapprenticeship Program. To qualify as a  
17 "community-based organization", the organization must  
18 demonstrate the following:

19 (1) the ability to effectively serve diverse and  
20 underrepresented populations, including by providing  
21 employment services to such populations;

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

23 (3) the ability to recruit, prescreen, and provide  
24 preapprenticeship training to prepare workers for  
25 employment in the construction and building trades; and

1 (4) a plan to provide the following:

2 (A) preparatory classes;

3 (B) workplace readiness skills, such as resume  
4 preparation and interviewing techniques;

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

7 (D) any prerequisites for acceptance into an  
8 apprenticeship program.

9 "Contractor" means a person, corporation, partnership,  
10 limited liability company, or joint venture entering into a  
11 contract ~~with the State or any State agency~~ to construct a  
12 public work.

13 "Department" means the Department of Commerce and Economic  
14 Opportunity.

15 "Labor hours" means the total hours for workers who are  
16 receiving an hourly wage and who are directly employed for the  
17 public works project. "Labor hours" includes hours performed by  
18 workers employed by the contractor and subcontractors on the  
19 public works project. "Labor hours" does not include hours  
20 worked by the forepersons, superintendents, owners, and  
21 workers who are not subject to prevailing wage requirements.

22 "Minorities" means minority persons as defined in the  
23 Business Enterprise for Minorities, Women, and Persons with  
24 Disabilities Act.

25 "Public works" means all projects, contracted or funded by  
26 the State or any agency of the State, in whole or in part, from

1 appropriated capital funds, that constitute public works under  
2 the Prevailing Wage Act.

3 "Subcontractor" means a person, corporation, partnership,  
4 limited liability company, or joint venture that has contracted  
5 with the contractor to perform all or part of the work to  
6 construct a public work by a contractor.

7 "Underrepresented populations" means populations  
8 identified by the Department that historically have had  
9 barriers to entry or advancement in the workforce.

10 "Underrepresented populations" includes, but is not limited  
11 to, minorities, women, and veterans.

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

13 (30 ILCS 559/20-15)

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

16 (a) The Illinois Works Preapprenticeship Program is  
17 established and shall be administered by the Department. The  
18 goal of the Illinois Works Preapprenticeship Program is to  
19 create a network of community-based organizations throughout  
20 the State that will recruit, prescreen, and provide  
21 preapprenticeship skills training, for which participants may  
22 attend free of charge and receive a stipend, to create a  
23 qualified, diverse pipeline of workers who are prepared for  
24 careers in the construction and building trades. Upon  
25 completion of the Illinois Works Preapprenticeship Program,

1 the candidates will be skilled and work-ready.

2 (b) There is created the Illinois Works Fund, a special  
3 fund in the State treasury. The Illinois Works Fund shall be  
4 administered by the Department. The Illinois Works Fund shall  
5 be used to provide funding for community-based organizations  
6 throughout the State. In addition to any other transfers that  
7 may be provided for by law, on and after July 1, 2019 ~~and until~~  
8 ~~June 30, 2020,~~ at the direction of the Director of the  
9 Governor's Office of Management and Budget, the State  
10 Comptroller shall direct and the State Treasurer shall transfer  
11 amounts not exceeding a total of \$25,000,000 from the Rebuild  
12 Illinois Projects Fund to the Illinois Works Fund.

13 (c) Each community-based organization that receives  
14 funding from the Illinois Works Fund shall provide an annual  
15 report to the Illinois Works Review Panel by April 1 of each  
16 calendar year. The annual report shall include the following  
17 information:

18 (1) a description of the community-based  
19 organization's recruitment, screening, and training  
20 efforts;

21 (2) the number of individuals who apply to, participate  
22 in, and complete the community-based organization's  
23 program, broken down by race, gender, age, and veteran  
24 status; and

25 (3) the number of the individuals referenced in item (2) of  
26 this subsection who are initially accepted and placed into



1 apprenticeship programs in the construction and building  
2 trades.

3 (d) The Department shall create and administer the Illinois  
4 Works Bid Credit Program that shall provide economic  
5 incentives, through bid credits, to encourage contractors and  
6 subcontractors to provide contracting and employment  
7 opportunities to historically underrepresented populations in  
8 the construction industry.

9 The Illinois Works Bid Credit Program shall allow  
10 contractors and subcontractors to earn bid credits for use  
11 toward future bids for public works projects contracted by the  
12 State or an agency of the State in order to increase the  
13 chances that the contractor and the subcontractors will be  
14 selected.

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

1 ~~any appropriate caps.~~

2 The Illinois Works Credit Bank is hereby created and shall  
3 be administered by the Department. The Illinois Works Credit  
4 Bank shall track the bid credits.

5 A contractor or subcontractor who has been awarded bid  
6 credits under any other State program for employing apprentices  
7 who have completed the Illinois Works Preapprenticeship  
8 Program is not eligible to receive bid credits under the  
9 Illinois Works Bid Credit Program relating to the same  
10 contract.

11 The Department shall report to the Illinois Works Review  
12 Panel the following: (i) the number of bid credits awarded by  
13 the Department; (ii) the number of bid credits submitted by the  
14 contractor or subcontractor to the agency administering the  
15 public works contract; and (iii) the number of bid credits  
16 accepted by the agency for such contract. Any agency that  
17 awards bid credits pursuant to the Illinois Works Credit Bank  
18 Program shall report to the Department the number of bid  
19 credits it accepted for the public works contract.

20 Upon a finding that a contractor or subcontractor has  
21 reported falsified records to the Department in order to  
22 fraudulently obtain bid credits, the Department may ~~shall~~  
23 ~~permanently~~ bar the contractor or subcontractor from  
24 participating in the Illinois Works Bid Credit Program and may  
25 suspend the contractor or subcontractor from bidding on or  
26 participating in any public works project. False or fraudulent

1 claims for payment relating to false bid credits may be subject  
2 to damages and penalties under applicable law.

3 (e) The Department shall adopt any rules deemed necessary  
4 to implement this Section. In order to provide for the  
5 expeditious and timely implementation of this Act, the  
6 Department may adopt emergency rules. The adoption of emergency  
7 rules authorized by this subsection is deemed to be necessary  
8 for the public interest, safety, and welfare.

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

10 (30 ILCS 559/20-20)

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

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

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

18 (2) For public works projects estimated to cost  
19 \$500,000 or more, the goal of the Illinois Works  
20 Apprenticeship Initiative is that apprentices will perform  
21 either 10% of the total labor hours actually worked in each  
22 prevailing wage classification or 10% of the estimated  
23 labor hours in each prevailing wage classification,  
24 whichever is less.

25 (b) Before or during the term of a contract subject to this

1 Section, the Department may reduce or waive the goals set forth  
2 in paragraph (2) of subsection (a). Prior to the Department  
3 granting a request for a reduction or waiver, the Department  
4 shall determine, in its discretion, whether to hold a public  
5 hearing on the request. In determining whether to hold a public  
6 hearing, the Department may consider factors, including the  
7 scale of the project and whether the contractor or  
8 subcontractor seeking the reduction or waiver has previously  
9 requested reductions or waivers on other projects. The  
10 Department may also ~~and shall~~ consult with the Business  
11 Enterprise Council under the Business Enterprise for  
12 Minorities, Women, and Persons with Disabilities Act and the  
13 Chief Procurement Officer of the agency administering the  
14 public works contract. The Department may grant a reduction or  
15 waiver upon a determination that:

16 (1) the contractor or subcontractor has demonstrated  
17 that insufficient apprentices are available;

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

20 (3) there is a disproportionately high ratio of  
21 material costs to labor hours that makes meeting the goal  
22 infeasible; or

23 (4) apprentice labor hour goals conflict with existing  
24 requirements, including federal requirements, in  
25 connection with the public work.

26 (c) Contractors and subcontractors must submit a

1 certification to the Department and the agency that is  
2 administering the contract, or the grant agreement funding the  
3 contract, demonstrating that the contractor or subcontractor  
4 has either:

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

7 (2) received a reduction or waiver pursuant to  
8 subsection (b).

9 It shall be deemed to be a material breach of the contract, or  
10 or the grant agreement funding the contract, and entitle the  
11 State to declare a default, terminate the contract or grant  
12 agreement funding it, and exercise those remedies provided for  
13 in the contract, at law, or in equity if the contractor or  
14 subcontractor fails to submit the certification required in  
15 this subsection or submits false or misleading information.

16 (d) No later than one year after the effective date of this  
17 Act, and by April 1 of every calendar year thereafter, the  
18 Department of Labor shall submit a report to the Illinois Works  
19 Review Panel regarding the use of apprentices under the  
20 Illinois Works Apprenticeship Initiative for public works  
21 projects. To the extent it is available, the report shall  
22 include the following information:

23 (1) the total number of labor hours on each project and  
24 the percentage of labor hours actually worked by  
25 apprentices on each public works project;

26 (2) the number of apprentices used in each public works

1 project, broken down by trade; and

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

5 (e) The Department shall adopt any rules deemed necessary  
6 to implement the Illinois Works Apprenticeship Initiative. In  
7 order to provide for the expeditious and timely implementation  
8 of this Act, the Department may adopt emergency rules. The  
9 adoption of emergency rules authorized by this subsection is  
10 deemed to be necessary for the public interest, safety, and  
11 welfare.

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

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

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

1 (30 ILCS 559/20-25)

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

3 (a) The Illinois Works Review Panel is created and shall be  
4 comprised of 17 ~~11~~ members, each serving 3-year terms. The  
5 Speaker of the House of Representatives and the President of  
6 the Senate shall each appoint 3 ~~2~~ members. The Minority Leader  
7 of the House of Representatives and the Minority Leader of the  
8 Senate shall each appoint 3 members ~~one member~~. The Director of  
9 Commerce and Economic Opportunity, or his or her designee,  
10 shall serve as a member. The Governor shall appoint the  
11 following individuals to serve as members: a representative  
12 from a contractor organization; a representative from a labor  
13 organization; and 2 members of the public with workforce  
14 development expertise, one of whom shall be a representative of  
15 a nonprofit organization that addresses workforce development.

16 (b) The members of the Illinois Works Review Panel shall  
17 make recommendations to the Department regarding  
18 identification and evaluation of community-based  
19 organizations.

20 (c) The Illinois Works Review Panel shall meet, at least  
21 quarterly, to review and evaluate (i) the Illinois Works  
22 Preapprenticeship Program and the Illinois Works  
23 Apprenticeship Initiative, (ii) ideas to diversify the trainee  
24 corps in the Illinois Works Preapprenticeship Program and the  
25 workforce in the construction industry in Illinois, (iii) ideas  
26 to increase diversity in active apprenticeship program in

1 Illinois, and (iv) ~~(iii)~~ workforce demographic data collected  
2 by the Illinois Department of Labor.

3 (d) All State contracts and grant agreements funding State  
4 contracts shall include a requirement that the contractor and  
5 subcontractor shall, upon reasonable notice, appear before and  
6 respond to requests for information from the Illinois Works  
7 Review Panel.

8 (e) By August 1, 2020, and every August 1 thereafter, the  
9 Illinois Works Review Panel shall report to the General  
10 Assembly on its evaluation of the Illinois Works  
11 Preapprenticeship Program and the Illinois Works  
12 Apprenticeship Initiative, including any recommended  
13 modifications.

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

15 Article 2

16 Section 2-5. The Department of Labor Law of the Civil  
17 Administrative Code of Illinois is amended by changing Section  
18 1505-215 as follows:

19 (20 ILCS 1505/1505-215)

20 (This Section may contain text from a Public Act with a  
21 delayed effective date)

22 Sec. 1505-215. Bureau on Apprenticeship Programs; Advisory  
23 Board.



1 (a) There is created within the Department of Labor a  
2 Bureau on Apprenticeship Programs. This Bureau shall work to  
3 increase minority participation in active apprentice programs  
4 in Illinois that are approved by the United States Department  
5 of Labor. The Bureau shall identify barriers to minorities  
6 gaining access to construction careers and make  
7 recommendations to the Governor and the General Assembly for  
8 policies to remove those barriers. The Department may hire  
9 staff to perform outreach in promoting diversity in active  
10 apprenticeship programs approved by the United States  
11 Department of Labor. The Bureau shall annually compile racial  
12 and gender workforce diversity information from contractors  
13 receiving State or other public funds and by labor unions with  
14 members working on projects receiving State or other public  
15 funds.

16 ~~(b) There is created the Advisory Board for Diversity in~~  
17 ~~Active Apprenticeship Programs Approved by the United States~~  
18 ~~Department of Labor. This Advisory Board shall be composed of~~  
19 ~~12 legislators; 3 members appointed by the President of the~~  
20 ~~Senate, 3 members appointed by the Speaker of the House of~~  
21 ~~Representatives, 3 members appointed by the Minority Leader of~~  
22 ~~the Senate, and 3 members appointed by the Minority Leader of~~  
23 ~~the House of Representatives. The President of the Senate and~~  
24 ~~the Speaker of the House of Representatives shall each appoint~~  
25 ~~a co chairperson. Members of the Advisory Board shall receive~~  
26 ~~no compensation for serving as members of the Advisory Board.~~

1 ~~The Advisory Board shall meet quarterly. The Advisory Board may~~  
2 ~~request necessary additional information from the Department,~~  
3 ~~other State agencies, or public institutions of higher~~  
4 ~~education for the purposes of performing its duties under this~~  
5 ~~Section. The Advisory Board may advise the Department of~~  
6 ~~programs to increase diversity in active apprenticeship~~  
7 ~~programs. The Department shall provide administrative support~~  
8 ~~and staffing for the Advisory Board.~~

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

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

13 (30 ILCS 575/2)

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

15 Sec. 2. Definitions.

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

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

21 (a) American Indian or Alaska Native (a person  
22 having origins in any of the original peoples of North  
23 and South America, including Central America, and who  
24 maintains tribal affiliation or community attachment).

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

7 (c) Black or African American (a person having  
8 origins in any of the black racial groups of Africa).  
9 ~~Terms such as "Haitian" or "Negro" can be used in~~  
10 ~~addition to "Black or African American".~~

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

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

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

20 (2.05) "Person with a disability" means a person who is  
21 a citizen or lawful resident of the United States and is a  
22 person qualifying as a person with a disability under  
23 subdivision (2.1) of this subsection (A).

24 (2.1) "Person with a disability" means a person with a  
25 severe physical or mental disability that:

26 (a) results from:

1           amputation,  
2           arthritis,  
3           autism,  
4           blindness,  
5           burn injury,  
6           cancer,  
7           cerebral palsy,  
8           Crohn's disease,  
9           cystic fibrosis,  
10          deafness,  
11          head injury,  
12          heart disease,  
13          hemiplegia,  
14          hemophilia,  
15          respiratory or pulmonary dysfunction,  
16          an intellectual disability,  
17          mental illness,  
18          multiple sclerosis,  
19          muscular dystrophy,  
20          musculoskeletal disorders,  
21          neurological disorders, including stroke and  
22          epilepsy,  
23          paraplegia,  
24          quadriplegia and other spinal cord conditions,  
25          sickle cell anemia,  
26          ulcerative colitis,

1           specific learning disabilities, or  
2           end stage renal failure disease; and

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

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

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

19          (4) "Women-owned business" means a business which is at  
20          least 51% owned by one or more women, or, in the case of a  
21          corporation, at least 51% of the stock in which is owned by  
22          one or more women; and the management and daily business  
23          operations of which are controlled by one or more of the  
24          women who own it.

25          (4.1) "Business owned by a person with a disability"  
26          means a business that is at least 51% owned by one or more

1 persons with a disability and the management and daily  
2 business operations of which are controlled by one or more  
3 of the persons with disabilities who own it. A  
4 not-for-profit agency for persons with disabilities that  
5 is exempt from taxation under Section 501 of the Internal  
6 Revenue Code of 1986 is also considered a "business owned  
7 by a person with a disability".

8 (4.2) "Council" means the Business Enterprise Council  
9 for Minorities, Women, and Persons with Disabilities  
10 created under Section 5 of this Act.

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

22 "State construction contracts" means all State  
23 contracts entered into by a State agency or public  
24 institution of higher education for the repair,  
25 remodeling, renovation or construction of a building or  
26 structure, or for the construction or maintenance of a

1 highway defined in Article 2 of the Illinois Highway Code.

2 (6) "State agencies" shall mean all departments,  
3 officers, boards, commissions, institutions and bodies  
4 politic and corporate of the State, but does not include  
5 the Board of Trustees of the University of Illinois, the  
6 Board of Trustees of Southern Illinois University, the  
7 Board of Trustees of Chicago State University, the Board of  
8 Trustees of Eastern Illinois University, the Board of  
9 Trustees of Governors State University, the Board of  
10 Trustees of Illinois State University, the Board of  
11 Trustees of Northeastern Illinois University, the Board of  
12 Trustees of Northern Illinois University, the Board of  
13 Trustees of Western Illinois University, municipalities or  
14 other local governmental units, or other State  
15 constitutional officers.

16 (7) "Public institutions of higher education" means  
17 the University of Illinois, Southern Illinois University,  
18 Chicago State University, Eastern Illinois University,  
19 Governors State University, Illinois State University,  
20 Northeastern Illinois University, Northern Illinois  
21 University, Western Illinois University, the public  
22 community colleges of the State, and any other public  
23 universities, colleges, and community colleges now or  
24 hereafter established or authorized by the General  
25 Assembly.

26 (8) "Certification" means a determination made by the

1 Council or by one delegated authority from the Council to  
2 make certifications, or by a State agency with statutory  
3 authority to make such a certification, that a business  
4 entity is a business owned by a minority, woman, or person  
5 with a disability for whatever purpose. A business owned  
6 and controlled by women shall be certified as a  
7 "woman-owned business". A business owned and controlled by  
8 women who are also minorities shall be certified as both a  
9 "women-owned business" and a "minority-owned business".

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



1           (10) "Business" means a business that has annual gross  
2 sales of less than \$75,000,000 as evidenced by the federal  
3 income tax return of the business. A firm with gross sales  
4 in excess of this cap may apply to the Council for  
5 certification for a particular contract if the firm can  
6 demonstrate that the contract would have significant  
7 impact on businesses owned by minorities, women, or persons  
8 with disabilities as suppliers or subcontractors or in  
9 employment of minorities, women, or persons with  
10 disabilities.

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

19           (12) "Business Enterprise Program" means the Business  
20 Enterprise Program of the Department of Central Management  
21 Services.

22           (B) When a business is owned at least 51% by any  
23 combination of minority persons, women, or persons with  
24 disabilities, even though none of the 3 classes alone holds at  
25 least a 51% interest, the ownership requirement for purposes of  
26 this Act is considered to be met. The certification category

1 for the business is that of the class holding the largest  
2 ownership interest in the business. If 2 or more classes have  
3 equal ownership interests, the certification category shall be  
4 determined by the business.

5 (Source: P.A. 99-143, eff. 7-27-15; 99-462, eff. 8-25-15;  
6 99-642, eff. 7-28-16; 100-391, eff. 8-25-17.)

7 (30 ILCS 575/4) (from Ch. 127, par. 132.604)

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

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

10 Sec. 4. Award of State contracts.

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

25 The above percentage relates to the total dollar amount of

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

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

22 (c) In the case of all work undertaken by the University of  
23 Illinois related to the planning, organization, and staging of  
24 the games, the University of Illinois shall establish a goal of  
25 awarding not less than 25% of the annual dollar value of all  
26 contracts, purchase orders, and other agreements (collectively

1 referred to as "the contracts") to minority-owned businesses or  
2 businesses owned by a person with a disability and 5% of the  
3 annual dollar value the contracts to women-owned businesses.  
4 For purposes of this subsection, the term "games" has the  
5 meaning set forth in the Olympic Games and Paralympic Games  
6 (2016) Law.

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. By December 1, 2022, the  
18 Department of Central Management Services Business Enterprise  
19 Program shall develop a model for social scientific disparity  
20 study sourcing for local governmental units to adapt and  
21 implement to address regional disparities in public  
22 procurement.

23 (e) Except as permitted under this Act or as otherwise  
24 mandated by federal law or regulation, those who submit bids or  
25 proposals for State contracts subject to the provisions of this  
26 Act, whose bids or proposals are successful and include a

1 utilization plan but that fail to meet the goals set forth in  
2 subsection (b) of this Section, shall be notified of that  
3 deficiency and shall be afforded a period not to exceed 10  
4 calendar days from the date of notification to cure that  
5 deficiency in the bid or proposal. The deficiency in the bid or  
6 proposal may only be cured by contracting with additional  
7 subcontractors who are owned by minorities or women, but in no  
8 case shall an identified subcontractor with a certification  
9 made pursuant to this Act be terminated from the contract  
10 without the written consent of the State agency or public  
11 institution of higher education entering into the contract.

12 (f) Non-construction solicitations that include Business  
13 Enterprise Program participation goals shall require bidders  
14 and offerors to include utilization plans. Utilization plans  
15 are due at the time of bid or offer submission. Failure to  
16 complete and include a utilization plan, including  
17 documentation demonstrating good faith effort when requesting  
18 a waiver, shall render the bid or offer non-responsive.

19 (Source: P.A. 99-462, eff. 8-25-15; 99-514, eff. 6-30-16;  
20 100-391, eff. 8-25-17.)

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

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

23 Sec. 4. Award of State contracts.

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

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

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

1 (b) Not less than 20% of the total dollar amount of State  
2 construction contracts is established as an aspirational goal  
3 to be awarded to businesses owned by minorities, women, and  
4 persons with disabilities; provided that, contracts  
5 representing at least 11% of the total dollar amount of State  
6 construction contracts shall be awarded to businesses owned by  
7 minorities; contracts representing at least 7% of the total  
8 dollar amount of State construction contracts shall be awarded  
9 to women-owned businesses; and contracts representing at least  
10 2% of the total dollar amount of State construction contracts  
11 shall be awarded to businesses owned by persons with  
12 disabilities.

13 (c) (Blank).

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

25 By December 1, 2020, the Department of Central Management  
26 Services shall conduct a new social scientific study that

1 measures the impact of discrimination on minority and women  
2 business development in Illinois. By June 1, 2022, the  
3 Department shall issue a report of its findings and any  
4 recommendations on whether to adjust the goals for minority and  
5 women participation established in this Act. Copies of this  
6 report and the social scientific study shall be filed with the  
7 Governor, the Advisory Board, and the General Assembly. By  
8 December 1, 2022, the Department of Central Management Services  
9 Business Enterprise Program shall develop a model for social  
10 scientific disparity study sourcing for local governmental  
11 units to adapt and implement to address regional disparities in  
12 public procurement.

13 (e) Except as permitted under this Act or as otherwise  
14 mandated by federal law or regulation, those who submit bids or  
15 proposals for State contracts subject to the provisions of this  
16 Act, whose bids or proposals are successful and include a  
17 utilization plan but that fail to meet the goals set forth in  
18 subsection (b) of this Section, shall be notified of that  
19 deficiency and shall be afforded a period not to exceed 10  
20 calendar days from the date of notification to cure that  
21 deficiency in the bid or proposal. The deficiency in the bid or  
22 proposal may only be cured by contracting with additional  
23 subcontractors who are owned by minorities or women. Any  
24 increase in cost to a contract for the addition of a  
25 subcontractor to cure a bid's deficiency shall not affect the  
26 bid price, shall not be used in the request for an exemption in



1 this Act, and in no case shall an identified subcontractor with  
2 a certification made pursuant to this Act be terminated from  
3 the contract without the written consent of the State agency or  
4 public institution of higher education entering into the  
5 contract.

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

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

14 (30 ILCS 575/5) (from Ch. 127, par. 132.605)

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

16 Sec. 5. Business Enterprise Council.

17 (1) To help implement, monitor and enforce the goals of  
18 this Act, there is created the Business Enterprise Council for  
19 Minorities, Women, and Persons with Disabilities, hereinafter  
20 referred to as the Council, composed of the Secretary of Human  
21 Services and the Directors of the Department of Human Rights,  
22 the Department of Commerce and Economic Opportunity, the  
23 Department of Central Management Services, the Department of  
24 Transportation and the Capital Development Board, or their duly  
25 appointed representatives, with the Comptroller, or his or her

1 designee, serving as an advisory member of the Council. Ten  
2 individuals representing businesses that are minority-owned or  
3 women-owned or owned by persons with disabilities, 2  
4 individuals representing the business community, and a  
5 representative of public institutions of higher education  
6 shall be appointed by the Governor. These members shall serve 2  
7 year terms and shall be eligible for reappointment. Any vacancy  
8 occurring on the Council shall also be filled by the Governor.  
9 Any member appointed to fill a vacancy occurring prior to the  
10 expiration of the term for which his predecessor was appointed  
11 shall be appointed for the remainder of such term. Members of  
12 the Council shall serve without compensation but shall be  
13 reimbursed for any ordinary and necessary expenses incurred in  
14 the performance of their duties.

15 The Director of the Department of Central Management  
16 Services shall serve as the Council chairperson and shall  
17 select, subject to approval of the council, a Secretary  
18 responsible for the operation of the program who shall serve as  
19 the Division Manager of the Business Enterprise for Minorities,  
20 Women, and Persons with Disabilities Division of the Department  
21 of Central Management Services.

22 The Director of each State agency and the chief executive  
23 officer of each public institutions of higher education shall  
24 appoint a liaison to the Council. The liaison shall be  
25 responsible for submitting to the Council any reports and  
26 documents necessary under this Act.

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

2 (a) Devise a certification procedure to assure that  
3 businesses taking advantage of this Act are legitimately  
4 classified as businesses owned by minorities, women, or  
5 persons with disabilities and a registration procedure to  
6 recognize, without additional evidence of Business  
7 Enterprise Program eligibility, the certification of  
8 businesses owned by minorities, women, or persons with  
9 disabilities certified by the City of Chicago, Cook County,  
10 or other jurisdictional programs with requirements and  
11 procedures equaling or exceeding those in this Act.

12 (b) Maintain a list of all businesses legitimately  
13 classified as businesses owned by minorities, women, or  
14 persons with disabilities to provide to State agencies and  
15 public institutions of higher education.

16 (c) Review rules and regulations for the  
17 implementation of the program for businesses owned by  
18 minorities, women, and persons with disabilities.

19 (d) Review compliance plans submitted by each State  
20 agency and public institutions of higher education  
21 pursuant to this Act.

22 (e) Make annual reports as provided in Section 8f to  
23 the Governor and the General Assembly on the status of the  
24 program.

25 (f) Serve as a central clearinghouse for information on  
26 State contracts, including the maintenance of a list of all

1 pending State contracts upon which businesses owned by  
2 minorities, women, and persons with disabilities may bid.  
3 At the Council's discretion, maintenance of the list may  
4 include 24-hour electronic access to the list along with  
5 the bid and application information.

6 (g) Establish a toll free telephone number to  
7 facilitate information requests concerning the  
8 certification process and pending contracts.

9 (3) No premium bond rate of a surety company for a bond  
10 required of a business owned by a minority, woman, or person  
11 with a disability bidding for a State contract shall be higher  
12 than the lowest rate charged by that surety company for a  
13 similar bond in the same classification of work that would be  
14 written for a business not owned by a minority, woman, or  
15 person with a disability.

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

20 (5) The Secretary shall have the following duties and  
21 responsibilities:

22 (a) To be responsible for the day-to-day operation of  
23 the Council.

24 (b) To serve as a coordinator for all of the State's  
25 programs for businesses owned by minorities, women, and  
26 persons with disabilities and as the information and

1 referral center for all State initiatives for businesses  
2 owned by minorities, women, and persons with disabilities.

3 (c) To establish an enforcement procedure whereby the  
4 Council may recommend to the appropriate State legal  
5 officer that the State exercise its legal remedies which  
6 shall include (1) termination of the contract involved, (2)  
7 prohibition of participation by the respondent in public  
8 contracts for a period not to exceed 3 years, (3)  
9 imposition of a penalty not to exceed any profit acquired  
10 as a result of violation, or (4) any combination thereof.

11 Such procedures shall require prior approval by Council.  
12 All funds collected as penalties under this subsection  
13 shall be used exclusively for maintenance and further  
14 development of the Business Enterprise Program and  
15 encouragement of participation in State procurement by  
16 minorities, women, and persons with disabilities.

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

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

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

12 (Source: P.A. 99-462, eff. 8-25-15; 100-391, eff. 8-25-17;  
13 100-801, eff. 8-10-18.)

14 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

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

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

17 (1) Individual contract exemptions. The Council, at the  
18 written request of the affected agency, public institution of  
19 higher education, or recipient of a grant or loan of State  
20 funds of \$250,000 or more complying with Section 45 of the  
21 State Finance Act, may permit an individual contract or  
22 contract package, (related contracts being bid or awarded  
23 simultaneously for the same project or improvements) be made  
24 wholly or partially exempt from State contracting goals for  
25 businesses owned by minorities, women, and persons with

1 disabilities prior to the advertisement for bids or  
2 solicitation of proposals whenever there has been a  
3 determination, reduced to writing and based on the best  
4 information available at the time of the determination, that  
5 there is an insufficient number of businesses owned by  
6 minorities, women, and persons with disabilities to ensure  
7 adequate competition and an expectation of reasonable prices on  
8 bids or proposals solicited for the individual contract or  
9 contract package in question. ~~The Council may charge a~~  
10 ~~reasonable fee for written request of individual contract~~  
11 ~~exemptions.~~ Any such exemptions shall be given by the Council  
12 to the Bureau on Apprenticeship Programs.

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

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

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 businesses owned by  
26 minorities, women, and persons with disabilities and

1 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) a list of eligible ~~qualified~~ businesses owned  
5 by minorities, women, and persons with disabilities  
6 that the contractor has used in the current and prior  
7 ~~most recent~~ fiscal years ~~year~~.

8 (b) Determination. The Council's determination  
9 concerning an individual contract exemption must consider,  
10 at a minimum, 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 exemptions granted to  
17 ~~waivers of~~ the affected agency, public institution of  
18 higher education, or recipient of a grant or loan of  
19 State funds of \$250,000 or more complying with Section  
20 45 of the State Finance Act that have been granted by  
21 the Council in the current and prior ~~for that~~ fiscal  
22 years ~~year~~; and

23 (iii) the percentage of ~~affected agency or public~~  
24 ~~institution of higher education's most current~~  
25 ~~percentages in~~ contracts awarded by the agency or  
26 public institution of higher education to eligible



1 businesses owned by minorities, women, and persons  
2 with disabilities in the current and prior ~~for that~~  
3 fiscal years ~~year~~.

4 (2) Class exemptions.

5 (a) Creation. The Council, at the written request of  
6 the affected agency or public institution of higher  
7 education, may permit an entire class of contracts be made  
8 exempt from State contracting goals for businesses owned by  
9 minorities, women, and persons with disabilities whenever  
10 there has been a determination, reduced to writing and  
11 based on the best information available at the time of the  
12 determination, that there is an insufficient number of  
13 qualified businesses owned by minorities, women, and  
14 persons with disabilities to ensure adequate competition  
15 and an expectation of reasonable prices on bids or  
16 proposals within that class. Any such exemption shall be  
17 given by the Council to the Bureau on Apprenticeship  
18 Programs.

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

22 (i) a list of eligible ~~qualified~~ businesses owned  
23 by minorities, women, and persons with disabilities  
24 ~~that pertain to the class of contracts in the requested~~  
25 ~~waiver~~;

26 (ii) a clear demonstration ~~each business's~~

1 ~~deficiency~~ that the number of eligible businesses  
2 identified in subparagraph (i) above is insufficient  
3 to ensure ~~would impair~~ adequate competition ~~or~~  
4 ~~qualification~~;

5 (iii) the difference in cost between the contract  
6 proposals being offered by eligible businesses owned  
7 by minorities, women, and persons with disabilities  
8 and the agency or ~~the~~ public institution of higher  
9 education's expectations of reasonable prices on bids  
10 or proposals within that class; and

11 (iv) the number of class exemptions the affected  
12 agency or public institution of higher education ~~has~~  
13 requested in the current and prior ~~for that~~ fiscal  
14 years year.

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

18 (i) the justification for the requested exemption,  
19 including whether diligent efforts were undertaken to  
20 identify and solicit eligible businesses owned by  
21 minorities, women, and persons with disabilities ~~each~~  
22 ~~business's disqualification~~;

23 (ii) the total number of class exemptions granted  
24 to ~~waivers~~ of the requesting agency or public  
25 institution of higher education that have been granted  
26 by the Council in the current and prior ~~for that~~ fiscal

1           years year; and

2           (iii) the percentage of ~~agency or public~~  
3 ~~institution of higher education's most current~~  
4 ~~percentages in~~ contracts awarded by the agency or  
5 public institution of higher education to eligible  
6 businesses owned by minorities, women, and persons  
7 with disabilities the current and prior ~~for that~~ fiscal  
8 years year.

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

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

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

23           (i) a list of eligible ~~qualified~~ businesses owned  
24 by minorities, women, and persons with disabilities  
25 that pertain to the class of contracts in the requested  
26 waiver;

1           (ii) a clear demonstration ~~each business's~~  
2 ~~deficiency~~ that the number of eligible businesses  
3 identified in subparagraph (i) above is insufficient  
4 to ensure ~~would impair adequate~~ competition ~~or~~  
5 ~~qualification~~;

6           (iii) the difference in cost between the contract  
7 proposals being offered by businesses owned by  
8 minorities, women, and persons with disabilities and  
9 the agency or the public institution of higher  
10 education's expectations of reasonable prices on bids  
11 or proposals within that class; and-

12           (iv) a list of businesses owned by minorities,  
13 women, and persons with disabilities that the  
14 contractor has used in the current and prior fiscal  
15 years.

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

18           (i) the justification for the requested waiver,  
19 including whether the requesting contractor made a  
20 good faith effort to identify and solicit eligible  
21 business owned by minorities, women, and persons with  
22 disabilities ~~each business's disqualification~~;

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

26           (iii) the percentage of ~~affected agency or public~~

1 ~~institution of higher education's most current~~  
2 ~~percentages in~~ contracts awarded by the agency or  
3 public institution of higher education to eligible  
4 businesses owned by minorities, women, and persons  
5 with disabilities in the current and prior ~~for that~~  
6 fiscal years ~~year~~; and

7 (iv) the contractor's use of a list of qualified  
8 businesses owned by minorities, women, and persons  
9 with disabilities ~~that the contractor has used~~ in the  
10 current and prior ~~most recent~~ fiscal years ~~year~~.

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

21 (4) Conflict with other laws. In the event that any State  
22 contract, which otherwise would be subject to the provisions of  
23 this Act, is or becomes subject to federal laws or regulations  
24 which conflict with the provisions of this Act or actions of  
25 the State taken pursuant hereto, the provisions of the federal  
26 laws or regulations shall apply and the contract shall be

1 interpreted and enforced accordingly.

2 (5) Each chief procurement officer, as defined in the  
3 Illinois Procurement Code, shall maintain on his or her  
4 official Internet website a database of the following: (i)  
5 waivers granted under this Section with respect to contracts  
6 under his or her jurisdiction; (ii) a State agency or public  
7 institution of higher education's written request for an  
8 exemption of an individual contract or an entire class of  
9 contracts; and (iii) the Council's written determination  
10 granting or denying a request for an exemption of an individual  
11 contract or an entire class of contracts. The database, which  
12 shall be updated periodically as necessary, shall be searchable  
13 by contractor name and by contracting State agency.

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

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

1 plan.

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

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

6 (720 ILCS 5/17-10.3)

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

8 Sec. 17-10.3. Deception relating to certification of  
9 disadvantaged business enterprises.

10 (a) Fraudulently obtaining or retaining certification. A  
11 person who, in the course of business, fraudulently obtains or  
12 retains certification as a minority-owned business,  
13 women-owned business, service-disabled veteran-owned small  
14 business, or veteran-owned small business commits a Class 2  
15 felony.

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

1 veteran-owned small business commits a Class 2 felony.

2 (c) Willfully obstructing or impeding an official or  
3 employee of any agency in his or her investigation. Any person  
4 who, in the course of business, willfully obstructs or impedes  
5 an official or employee of any State agency or the Business  
6 Enterprise Council for Minorities, Women, and Persons with  
7 Disabilities who is investigating the qualifications of a  
8 business entity which has requested certification as a  
9 minority-owned business, women-owned business,  
10 service-disabled veteran-owned small business, or  
11 veteran-owned small business commits a Class 2 felony.

12 (d) Fraudulently obtaining public moneys reserved for  
13 disadvantaged business enterprises. Any person who, in the  
14 course of business, fraudulently obtains public moneys  
15 reserved for, or allocated or available to, minority-owned  
16 businesses, women-owned businesses, service-disabled  
17 veteran-owned small businesses, or veteran-owned small  
18 businesses commits a Class 2 felony.

19 (e) Definitions. As used in this Article, "minority-owned  
20 business", "women-owned business", "State agency" with respect  
21 to minority-owned businesses and women-owned businesses, and  
22 "certification" with respect to minority-owned businesses and  
23 women-owned businesses shall have the meanings ascribed to them  
24 in Section 2 of the Business Enterprise for Minorities, Women,  
25 and Persons with Disabilities Act. As used in this Article,  
26 "service-disabled veteran-owned small business",



1 "veteran-owned small business", "State agency" with respect to  
2 service-disabled veteran-owned small businesses and  
3 veteran-owned small businesses, and "certification" with  
4 respect to service-disabled veteran-owned small businesses and  
5 veteran-owned small businesses have the same meanings as in  
6 Section 45-57 of the Illinois Procurement Code.

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

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

9 Sec. 17-10.3. Deception relating to certification of  
10 disadvantaged business enterprises.

11 (a) Fraudulently obtaining or retaining certification. A  
12 person who, in the course of business, fraudulently obtains or  
13 retains certification as a minority-owned business,  
14 women-owned business, service-disabled veteran-owned small  
15 business, or veteran-owned small business commits a Class 2 ±  
16 felony.

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

1 veteran-owned small business commits a Class 2 ± felony.

2 (c) Willfully obstructing or impeding an official or  
3 employee of any agency in his or her investigation. Any person  
4 who, in the course of business, willfully obstructs or impedes  
5 an official or employee of any State agency or the Business  
6 Enterprise Council for Minorities, Women, and Persons with  
7 Disabilities who is investigating the qualifications of a  
8 business entity which has requested certification as a  
9 minority-owned business, women-owned business,  
10 service-disabled veteran-owned small business, or  
11 veteran-owned small business commits a Class 2 ± felony.

12 (d) Fraudulently obtaining public moneys reserved for  
13 disadvantaged business enterprises. Any person who, in the  
14 course of business, fraudulently obtains public moneys  
15 reserved for, or allocated or available to, minority-owned  
16 businesses, women-owned businesses, service-disabled  
17 veteran-owned small businesses, or veteran-owned small  
18 businesses commits a Class 2 ± felony.

19 (e) Definitions. As used in this Article, "minority-owned  
20 business", "women-owned business", "State agency" with respect  
21 to minority-owned businesses and women-owned businesses, and  
22 "certification" with respect to minority-owned businesses and  
23 women-owned businesses shall have the meanings ascribed to them  
24 in Section 2 of the Business Enterprise for Minorities, Women,  
25 and Persons with Disabilities Act. As used in this Article,  
26 "service-disabled veteran-owned small business",

1 "veteran-owned small business", "State agency" with respect to  
2 service-disabled veteran-owned small businesses and  
3 veteran-owned small businesses, and "certification" with  
4 respect to service-disabled veteran-owned small businesses and  
5 veteran-owned small businesses have the same meanings as in  
6 Section 45-57 of the Illinois Procurement Code.  
7 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20.)

8 Article 99

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

16 Section 99-99. Effective date. This Act takes effect upon  
17 becoming law, except that Article 2 takes effect January 1,  
18 2020."