

1 AN ACT concerning finance.

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

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

7 (30 ILCS 575/2)

8 (Section scheduled to be repealed on June 30, 2024)

9 Sec. 2. Definitions.

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

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

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

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

1 Vietnam).

2 (c) Black or African American (a person having
3 origins in any of the black racial groups of Africa).

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

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

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

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

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

19 (a) results from:

20 amputation,

21 arthritis,

22 autism,

23 blindness,

24 burn injury,

25 cancer,

26 cerebral palsy,

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

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

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

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

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

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

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

4 (4.3) "Commission" means, unless the context clearly
5 indicates otherwise, the Commission on Equity and
6 Inclusion created under the Commission on Equity and
7 Inclusion Act.

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

21 "State construction contracts" means all State
22 contracts entered into by a State agency or public
23 institution of higher education for the repair,
24 remodeling, renovation or construction of a building or
25 structure, or for the construction or maintenance of a
26 highway defined in Article 2 of the Illinois Highway Code.

1 "State construction contracts" does not include contracts
2 for workforce development or technical assistance for
3 businesses.

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

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

1 Assembly.

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

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

1 particular business and control shall not include simple
2 majority or absentee ownership.

3 (10) "Business" means a business that has annual gross
4 sales of less than \$150,000,000 as evidenced by the
5 federal income tax return of the business. A firm with
6 gross sales in excess of this cap may apply to the Council
7 for certification for a particular contract if the firm
8 can demonstrate that the contract would have significant
9 impact on businesses owned by minorities, women, or
10 persons with disabilities as suppliers or subcontractors
11 or in employment of minorities, women, or persons with
12 disabilities. Firms with gross sales in excess of this cap
13 that are granted certification by the Council shall be
14 granted certification for the life of the contract,
15 including available renewals.

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

24 (12) "Business Enterprise Program" means the Business
25 Enterprise Program of the Commission on Equity and
26 Inclusion.

1 (13) "Workforce development" means career training and
2 networking if the career training or networking is
3 designed to increase participation by underrepresented
4 groups, including minorities, women, veterans, or
5 residents of economically distressed communities.

6 (14) "Technical assistance for businesses" means
7 assistance to create business opportunities for small
8 businesses that are minority-owned businesses, women-owned
9 businesses, and veteran-owned businesses and to support
10 those businesses.

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

20 (Source: P.A. 101-601, eff. 1-1-20; 101-657, eff. 1-1-22;
21 102-29, eff. 6-25-21; 102-1119, eff. 1-23-23.)