



Rep. Arthur L. Turner

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1 AMENDMENT TO SENATE BILL 336

2 AMENDMENT NO. _____. Amend Senate Bill 336, AS AMENDED, by
3 inserting after the last line of Section 5 the following:

4 "Section 10. The Business Enterprise for Minorities,
5 Females, and Persons with Disabilities Act is amended by
6 changing Section 2 as follows:

7 (30 ILCS 575/2) (from Ch. 127, par. 132.602)

8 (Section scheduled to be repealed on September 6, 2008)

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 citizen
13 or lawful permanent resident of the United States and who is:

14 (a) African American (a person having origins in any of
15 the black racial groups in Africa);

16 (b) Hispanic (a person of Spanish or Portuguese culture

1 with origins in Mexico, South or Central America, or the
2 Caribbean Islands, regardless of race);

3 (c) Asian American (a person having origins in any of
4 the original peoples of the Far East, Southeast Asia, the
5 Indian Subcontinent or the Pacific Islands); or

6 (d) Native American or Alaskan Native (a person having
7 origins in any of the original peoples of North America).

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

11 (2.05) "Person with a disability" means a person who is a
12 citizen or lawful resident of the United States and is a person
13 qualifying as being disabled under subdivision (2.1) of this
14 subsection (A).

15 (2.1) "Disabled" means a severe physical or mental
16 disability that:

17 (a) results from:

18 amputation,

19 arthritis,

20 autism,

21 blindness,

22 burn injury,

23 cancer,

24 cerebral palsy,

25 cystic fibrosis,

26 deafness,

1 head injury,
2 heart disease,
3 hemiplegia,
4 hemophilia,
5 respiratory or pulmonary dysfunction,
6 mental retardation,
7 mental illness,
8 multiple sclerosis,
9 muscular dystrophy,
10 musculoskeletal disorders,
11 neurological disorders, including stroke and epilepsy,
12 paraplegia,
13 quadriplegia and other spinal cord conditions,
14 sickle cell anemia,
15 specific learning disabilities, or
16 end stage renal failure disease; and

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

19 Another disability or combination of disabilities may also
20 be considered as a severe disability for the purposes of item
21 (a) of this subdivision (2.1) if it is determined by an
22 evaluation of rehabilitation potential to cause a comparable
23 degree of substantial functional limitation similar to the
24 specific list of disabilities listed in item (a) of this
25 subdivision (2.1).

26 (3) "Minority owned business" means a business concern

1 which is at least 51% owned by one or more minority persons, or
2 in the case of a corporation, at least 51% of the stock in
3 which is owned by one or more minority persons; and the
4 management and daily business operations of which are
5 controlled by one or more of the minority individuals who own
6 it.

7 (4) "Female owned business" means a business concern which
8 is at least 51% owned by one or more females, or, in the case of
9 a corporation, at least 51% of the stock in which is owned by
10 one or more females; and the management and daily business
11 operations of which are controlled by one or more of the
12 females who own it.

13 (4.1) "Business owned by a person with a disability" means
14 a business concern that is at least 51% owned by one or more
15 persons with a disability and the management and daily business
16 operations of which are controlled by one or more of the
17 persons with disabilities who own it. A not-for-profit agency
18 for persons with disabilities that is exempt from taxation
19 under Section 501 of the Internal Revenue Code of 1986 is also
20 considered a "business owned by a person with a disability".

21 (4.2) "Council" means the Business Enterprise Council for
22 Minorities, Females, and Persons with Disabilities created
23 under Section 5 of this Act.

24 (5) "State contracts" shall mean all State contracts,
25 funded exclusively with State funds which are not subject to
26 federal reimbursement, whether competitively bid or negotiated

1 as defined by the Secretary of the Council and approved by the
2 Council.

3 "State construction contracts" means all State contracts
4 entered into by a State agency or State university for the
5 repair, remodeling, renovation or construction of a building or
6 structure, or for the construction or maintenance of a highway
7 defined in Article 2 of the Illinois Highway Code.

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

21 (7) "State universities" shall mean the Board of Trustees
22 of the University of Illinois, the Board of Trustees of
23 Southern Illinois University, the Board of Trustees of Chicago
24 State University, the Board of Trustees of Eastern Illinois
25 University, the Board of Trustees of Governors State
26 University, the Board of Trustees of Illinois State University,

1 the Board of Trustees of Northeastern Illinois University, the
2 Board of Trustees of Northern Illinois University, and the
3 Board of Trustees of Western Illinois University.

4 (8) "Certification" means a determination made by the
5 Council or by one delegated authority from the Council to make
6 certifications, or by a State agency with statutory authority
7 to make such a certification, that a business entity is a
8 business owned by a minority, female, or person with a
9 disability for whatever purpose.

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

26 (10) "Business concern or business" means a business that

1 has average annual gross sales over the 3 most recent calendar
2 years of less than \$31,400,000 as evidenced by the federal
3 income tax return of the business. A firm with gross sales in
4 excess of this cap may apply to the Council for certification
5 for a particular contract if the firm can demonstrate that the
6 contract would have significant impact on businesses owned by
7 minorities, females, or persons with disabilities as suppliers
8 or subcontractors or in employment of minorities, females, or
9 persons with disabilities. "Business concern or business"
10 ~~means a business which has annual gross sales for the most~~
11 ~~recent fiscal year of less than \$27,000,000, except that a firm~~
12 ~~with gross sales in excess of that amount may apply to the~~
13 ~~Council for certification for a particular contract if the firm~~
14 ~~can demonstrate that the contract would have significant impact~~
15 ~~on businesses owned by minorities, females, or persons with~~
16 ~~disabilities as suppliers or subcontractors or in employment of~~
17 ~~minorities, females, or persons with disabilities.~~

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

1 (Source: P.A. 92-670, eff. 7-16-02.)".