

1 AN ACT concerning business.

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,  
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8 (Section scheduled to be repealed on September 6, 2004)  
9 Sec. 2. Definitions.

10 (A) For the purpose of this Act, the following terms  
11 shall 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 and  
14 who is:

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

17 (b) Hispanic (a person of Spanish or Portuguese  
18 culture with origins in Mexico, South or Central America,  
19 or the Caribbean Islands, regardless of race);

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

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

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

29 (2.05) "Person with a disability" means a person who is  
30 a citizen or lawful resident of the United States and is a  
31 person qualifying as being disabled under subdivision (2.1)

1 of this subsection (A).

2 (2.1) "Disabled" means a severe physical or mental  
3 disability that:

4 (a) results from:

5 amputation,

6 arthritis,

7 autism,

8 blindness,

9 burn injury,

10 cancer,

11 cerebral palsy,

12 cystic fibrosis,

13 deafness,

14 head injury,

15 heart disease,

16 hemiplegia,

17 hemophilia,

18 respiratory or pulmonary dysfunction,

19 mental retardation,

20 mental illness,

21 multiple sclerosis,

22 muscular dystrophy,

23 musculoskeletal disorders,

24 neurological disorders, including stroke and epilepsy,

25 paraplegia,

26 quadriplegia and other spinal cord conditions,

27 sickle cell anemia,

28 specific learning disabilities, or

29 end stage renal failure disease; and

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

32 Another disability or combination of disabilities may  
33 also be considered as a severe disability for the purposes of  
34 item (a) of this subdivision (2.1) if it is determined by an

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

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

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

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

27 (4.2) "Council" means the Business Enterprise Council  
28 for Minorities, Females, and Persons with Disabilities  
29 created under Section 5 of this Act.

30 (5) "State contracts" shall mean all State contracts,  
31 funded exclusively with State funds which are not subject to  
32 federal reimbursement, whether competitively bid or  
33 negotiated as defined by the Secretary of the Council and  
34 approved by the Council.

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

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

19 (7) "State universities" shall mean the Board of  
20 Trustees of the University of Illinois, the Board of Trustees  
21 of Southern Illinois University, the Board of Trustees of  
22 Chicago State University, the Board of Trustees of Eastern  
23 Illinois University, the Board of Trustees of Governors State  
24 University, the Board of Trustees of Illinois State  
25 University, the Board of Trustees of Northeastern Illinois  
26 University, the Board of Trustees of Northern Illinois  
27 University, and the Board of Trustees of Western Illinois  
28 University.

29 (8) "Certification" means a determination made by the  
30 Council or by one delegated authority from the Council to  
31 make certifications, or by a State agency with statutory  
32 authority to make such a certification, that a business  
33 entity is a business owned by a minority, female, or person  
34 with a disability for whatever purpose.

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

17           (10) "Business concern or business" means a business  
18 which has annual gross sales for the most recent fiscal year  
19 of less than an amount established by rule by the Council  
20 \$14,000,000, except that a firm with gross sales in excess of  
21 that amount \$14,000,000 may apply to the Council for  
22 certification for a particular contract if the firm can  
23 demonstrate that the contract would have significant impact  
24 on businesses owned by minorities, females, or persons with  
25 disabilities as suppliers or subcontractors or in employment  
26 of minorities, females, or persons with disabilities.

27           (B) When a business concern is owned at least 51% by any  
28 combination of minority persons, females, or persons with  
29 disabilities, even though none of the 3 classes alone holds  
30 at least a 51% interest, the ownership requirement for  
31 purposes of this Act is considered to be met. The  
32 certification category for the business is that of the class  
33 holding the largest ownership interest in the business. If 2  
34 or more classes have equal ownership interests, the

1 certification category shall be determined by the Department  
2 of Central Management Services.

3 (Source: P.A. 88-377; 88-597, eff. 8-28-94; 89-4, eff.  
4 1-1-96.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.