



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB3692**

by Rep. Kelly M. Burke

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/5-117

Amends the Public Utilities Act. Provides that certain supplier diversity goal reporting requirements shall not apply to alternative retail electric suppliers. Provides that alternative retail electric suppliers may satisfy certain reporting requirements by reporting the number of Illinois-based female-owned, minority-owned, veteran-owned, and small business enterprises engaged by the supplier. Provides that an alternative retail electric supplier may submit the required report on a confidential basis. Effective immediately or on the date certain provisions of Public Act 99-906 take effect, whichever is later.

LRB100 06861 RJF 16910 b

1 AN ACT concerning regulation.

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

4 Section 5. The Public Utilities Act is amended by changing  
5 Section 5-117 as follows:

6 (220 ILCS 5/5-117)

7 (Text of Section before amendment by P.A. 99-906)

8 Sec. 5-117. Supplier diversity goals.

9 (a) The public policy of this State is to collaboratively  
10 work with companies that serve Illinois residents to improve  
11 their supplier diversity in a non-antagonistic manner.

12 (b) The Commission shall require all gas, electric, and  
13 water companies with at least 100,000 customers under its  
14 authority to submit an annual report by April 15, 2015 and  
15 every April 15 thereafter, in a searchable Adobe PDF format, on  
16 all procurement goals and actual spending for female-owned,  
17 minority-owned, veteran-owned, and small business enterprises  
18 in the previous calendar year. These goals shall be expressed  
19 as a percentage of the total work performed by the entity  
20 submitting the report, and the actual spending for all  
21 female-owned, minority-owned, veteran-owned, and small  
22 business enterprises shall also be expressed as a percentage of  
23 the total work performed by the entity submitting the report.

1 (c) Each participating company in its annual report shall  
2 include the following information:

3 (1) an explanation of the plan for the next year to  
4 increase participation;

5 (2) an explanation of the plan to increase the goals;

6 (3) the areas of procurement each company shall be  
7 actively seeking more participation in in the next year;

8 (4) an outline of the plan to alert and encourage  
9 potential vendors in that area to seek business from the  
10 company;

11 (5) an explanation of the challenges faced in finding  
12 quality vendors and offer any suggestions for what the  
13 Commission could do to be helpful to identify those  
14 vendors;

15 (6) a list of the certifications the company  
16 recognizes;

17 (7) the point of contact for any potential vendor who  
18 wishes to do business with the company and explain the  
19 process for a vendor to enroll with the company as a  
20 minority-owned, women-owned, or veteran-owned company; and

21 (8) any particular success stories to encourage other  
22 companies to emulate best practices.

23 (d) Each annual report shall include as much State-specific  
24 data as possible. If the submitting entity does not submit  
25 State-specific data, then the company shall include any  
26 national data it does have and explain why it could not submit

1 State-specific data and how it intends to do so in future  
2 reports, if possible.

3 (e) Each annual report shall include the rules,  
4 regulations, and definitions used for the procurement goals in  
5 the company's annual report.

6 (f) The Commission and all participating entities shall  
7 hold an annual workshop open to the public in 2015 and every  
8 year thereafter on the state of supplier diversity to  
9 collaboratively seek solutions to structural impediments to  
10 achieving stated goals, including testimony from each  
11 participating entity as well as subject matter experts and  
12 advocates. The Commission shall publish a database on its  
13 website of the point of contact for each participating entity  
14 for supplier diversity, along with a list of certifications  
15 each company recognizes from the information submitted in each  
16 annual report. The Commission shall publish each annual report  
17 on its website and shall maintain each annual report for at  
18 least 5 years.

19 (Source: P.A. 98-1056, eff. 8-26-14.)

20 (Text of Section after amendment by P.A. 99-906)

21 Sec. 5-117. Supplier diversity goals.

22 (a) The public policy of this State is to collaboratively  
23 work with companies that serve Illinois residents to improve  
24 their supplier diversity in a non-antagonistic manner.

25 (b) The Commission shall require all gas, electric, and

1 water companies with at least 100,000 customers under its  
2 authority, as well as suppliers of wind energy, solar energy,  
3 hydroelectricity, nuclear energy, and any other supplier of  
4 energy within this State, to submit an annual report by April  
5 15, 2015 and every April 15 thereafter, in a searchable Adobe  
6 PDF format, on all procurement goals and actual spending for  
7 female-owned, minority-owned, veteran-owned, and small  
8 business enterprises in the previous calendar year. These goals  
9 shall be expressed as a percentage of the total work performed  
10 by the entity submitting the report, and the actual spending  
11 for all female-owned, minority-owned, veteran-owned, and small  
12 business enterprises shall also be expressed as a percentage of  
13 the total work performed by the entity submitting the report.

14 (c) Each participating company in its annual report shall  
15 include the following information:

16 (1) an explanation of the plan for the next year to  
17 increase participation;

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19 (3) the areas of procurement each company shall be  
20 actively seeking more participation in in the next year;

21 (4) an outline of the plan to alert and encourage  
22 potential vendors in that area to seek business from the  
23 company;

24 (5) an explanation of the challenges faced in finding  
25 quality vendors and offer any suggestions for what the  
26 Commission could do to be helpful to identify those

1 vendors;

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3 recognizes;

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5 wishes to do business with the company and explain the  
6 process for a vendor to enroll with the company as a  
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11 data as possible. If the submitting entity does not submit  
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17 regulations, and definitions used for the procurement goals in  
18 the company's annual report.

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20 hold an annual workshop open to the public in 2015 and every  
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23 achieving stated goals, including testimony from each  
24 participating entity as well as subject matter experts and  
25 advocates. The Commission shall publish a database on its  
26 website of the point of contact for each participating entity

1 for supplier diversity, along with a list of certifications  
2 each company recognizes from the information submitted in each  
3 annual report. The Commission shall publish each annual report  
4 on its website and shall maintain each annual report for at  
5 least 5 years.

6 (g) For a supplier that is an alternative retail electric  
7 supplier, as defined in Section 16-102 of this Act, subsections  
8 (c) through (f) of this Section shall not apply. Subsection (b)  
9 of this Section may be satisfied by an alternative retail  
10 electric supplier by reporting the number of Illinois-based  
11 female-owned, minority-owned, veteran-owned, and small  
12 business enterprises engaged by the supplier. An alternative  
13 retail electric supplier may submit this report on a  
14 confidential basis.

15 (Source: P.A. 98-1056, eff. 8-26-14; 99-906, eff. 6-1-17.)

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

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law or on the date the provisions of Public Act 99-906  
25 that amend Section 5-117 of the Public Utilities Act take

1 effect, whichever is later.