



Rep. Lawrence "Larry" Walsh, Jr.

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10300HB3299ham001

LRB103 26932 HLH 58068 a

1 AMENDMENT TO HOUSE BILL 3299

2 AMENDMENT NO. _____. Amend House Bill 3299 by replacing
3 everything after the enacting clause with the following:

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8 (Section scheduled to be repealed on June 30, 2024)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

1 and South America, including Central America, and who
2 maintains tribal affiliation or community attachment).

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

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

11 (d) Hispanic or Latino (a person of Cuban,
12 Mexican, Puerto Rican, South or Central American, or
13 other 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
16 of 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
21 is a citizen or lawful resident of the United States and is
22 a 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
11 item (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
20 at least 51% owned by one or more women, or, in the case of
21 a corporation, at least 51% of the stock in which is owned
22 by one or more women; and the management and daily
23 business operations of which are controlled by one or more
24 of the 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 (4.3) "Commission" means, unless the context clearly
12 indicates otherwise, the Commission on Equity and
13 Inclusion created under the Commission on Equity and
14 Inclusion Act.

15 (5) "State contracts" means all contracts entered into
16 by the State, any agency or department thereof, or any
17 public institution of higher education, including
18 community college districts, regardless of the source of
19 the funds with which the contracts are paid, which are not
20 subject to federal reimbursement. "State contracts" does
21 not include contracts awarded by a retirement system,
22 pension fund, or investment board subject to Section
23 1-109.1 of the Illinois Pension Code or contracts for
24 workforce development or technical assistance for
25 businesses. This definition shall control over any
26 existing definition under this Act or applicable

1 administrative rule.

2 "State construction contracts" means all State
3 contracts entered into by a State agency or public
4 institution of higher education for the repair,
5 remodeling, renovation or construction of a building or
6 structure, or for the construction or maintenance of a
7 highway defined in Article 2 of the Illinois Highway Code.
8 "State construction contracts" does not include contracts
9 for workforce development or technical assistance for
10 businesses.

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

25 (7) "Public institutions of higher education" means
26 the University of Illinois, Southern Illinois University,

1 Chicago State University, Eastern Illinois University,
2 Governors State University, Illinois State University,
3 Northeastern Illinois University, Northern Illinois
4 University, Western Illinois University, the public
5 community colleges of the State, and any other public
6 universities, colleges, and community colleges now or
7 hereafter established or authorized by the General
8 Assembly.

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

19 (9) "Control" means the exclusive or ultimate and sole
20 control of the business including, but not limited to,
21 capital investment and all other financial matters,
22 property, acquisitions, contract negotiations, legal
23 matters, officer-director-employee selection and
24 comprehensive hiring, operating responsibilities,
25 cost-control matters, income and dividend matters,
26 financial transactions and rights of other shareholders or

1 joint partners. Control shall be real, substantial and
2 continuing, not pro forma. Control shall include the power
3 to direct or cause the direction of the management and
4 policies of the business and to make the day-to-day as
5 well as major decisions in matters of policy, management
6 and operations. Control shall be exemplified by possessing
7 the requisite knowledge and expertise to run the
8 particular business and control shall not include simple
9 majority or absentee ownership.

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

23 (11) "Utilization plan" means a form and additional
24 documentations included in all bids or proposals that
25 demonstrates a vendor's proposed utilization of vendors
26 certified by the Business Enterprise Program to meet the

1 targeted goal. The utilization plan shall demonstrate that
2 the Vendor has either: (1) met the entire contract goal or
3 (2) requested a full or partial waiver and made good faith
4 efforts towards meeting the goal.

5 (12) "Business Enterprise Program" means the Business
6 Enterprise Program of the Commission on Equity and
7 Inclusion.

8 (13) "Workforce development" means career training and
9 networking if the career training or networking is
10 designed to increase participation by underrepresented
11 groups, including minorities, women, veterans, or
12 residents of economically distressed communities.

13 (14) "Technical assistance for businesses" means
14 assistance to create business opportunities for small
15 businesses that are minority-owned businesses, women-owned
16 businesses, and veteran-owned businesses and to support
17 those businesses.

18 (B) When a business is owned at least 51% by any
19 combination of minority persons, women, 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
22 of this Act is considered to be met. The certification
23 category for the business is that of the class holding the
24 largest ownership interest in the business. If 2 or more
25 classes have equal ownership interests, the certification
26 category shall be determined by the business.

1 (Source: P.A. 101-601, eff. 1-1-20; 101-657, eff. 1-1-22;
2 102-29, eff. 6-25-21; 102-1119, eff. 1-23-23.)".