



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB4096**

Introduced 5/28/2021, by Rep. Barbara Hernandez

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/45

Amends the State Finance Act. Amends the State Finance Act. Provides that any capital project of any local governmental entity that is in the amount of \$500,000 or more and that is funded in whole or in part by State funds or by federal funds that are administered by the State, including federal funds associated with COVID relief, shall comply with the objectives and participation goals for minority-owned businesses, women-owned businesses, and businesses owned by persons with disabilities under the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and the equal employment practices of the Illinois Human Rights Act. Provides that each capital project agreement shall include enforceable provisions and penalties relative to the participation goals of minority-owned, women-owned, or persons with disabilities-owned business enterprises, as established through data and other information derived from one or more relevant marketplaces. Provides that local governmental entities may rely on the certification of minority-owned, women-owned, or persons with disabilities-owned business enterprises made by the State or a local governmental entity, and, in establishing the participation goal for each capital project, may likewise rely on marketplace data and other information issued by the State or a local governmental entity. Specifies that the provisions shall not apply to any project (i) for which an agreement was executed before the effective date of the amendatory Act, or (ii) for a federally funded program under which specified requirements would contravene federal law. Makes conforming changes.

LRB102 18701 RJF 27180 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 State Finance Act is amended by changing  
5 Section 45 as follows:

6 (30 ILCS 105/45)

7 Sec. 45. Award of capital funds.

8 (a) Each award by grant or loan of State funds of \$250,000  
9 or more for capital construction costs or professional  
10 services is conditioned upon the recipient's written  
11 certification that the recipient shall comply with the  
12 business enterprise program practices for minority-owned  
13 businesses, women-owned businesses, and businesses owned by  
14 persons with disabilities of the Business Enterprise for  
15 Minorities, Women, and Persons with Disabilities Act ~~(30 ILCS~~  
16 ~~575/)~~ and the equal employment practices of Section 2-105 of  
17 the Illinois Human Rights Act ~~(775 ILCS 5/2-105)~~. This  
18 subsection (a) Section, however, does not apply to any grant  
19 or loan (i) for which a grant or loan agreement was executed  
20 before the effective date of this amendatory Act of the 96th  
21 General Assembly, (ii) for which prior-incurred costs are  
22 being reimbursed, or (iii) for a federally funded program  
23 under which the requirement of this Section would contravene

1 federal law. Each recipient shall submit the written  
2 certification and business enterprise program plan for  
3 minority-owned businesses, women-owned businesses, and  
4 businesses owned by persons with disabilities before signing  
5 the relevant grant or loan agreement. Each grant or loan  
6 agreement shall include a provision that the grant or loan  
7 recipient agrees to comply with the provisions of the Business  
8 Enterprise for Minorities, Women, and Persons with  
9 Disabilities Act ~~(30 ILCS 575/)~~ and the equal employment  
10 practices of Section 2-105 of the Illinois Human Rights Act  
11 ~~(775 ILCS 5/2-105)~~.

12 Each business enterprise program plan shall apply only to  
13 the State-funded portion of the relevant capital project and  
14 must be in compliance with all certification and other  
15 requirements of the Business Enterprise for Minorities, Women,  
16 and Persons with Disabilities Act.

17 (b) Any capital project of any local governmental entity  
18 that is in the amount of \$500,000 or more and that is funded in  
19 whole or in part by State funds or by federal funds that are  
20 administered by the State, including federal funds associated  
21 with COVID relief, shall comply with the objectives and  
22 participation goals for minority-owned businesses, women-owned  
23 businesses, and businesses owned by persons with disabilities  
24 under the Business Enterprise for Minorities, Women, and  
25 Persons with Disabilities Act and the equal employment  
26 practices of Section 2-105 of the Illinois Human Rights Act.

1 Each capital project agreement under this subsection (b) shall  
2 include enforceable provisions and penalties relative to the  
3 participation goals of minority-owned, women-owned, or persons  
4 with disabilities-owned business enterprises, as established  
5 through data and other information derived from one or more  
6 relevant marketplaces. In such instances, local governmental  
7 entities may rely on the certification of minority-owned,  
8 women-owned, or persons with disabilities-owned business  
9 enterprises made by the State or a local governmental entity,  
10 and, in establishing the participation goal for each capital  
11 project, may likewise rely on marketplace data and other  
12 information issued by the State or a local governmental  
13 entity. This subsection (b) shall not apply to any project (i)  
14 for which an agreement was executed before the effective date  
15 of this amendatory Act of the 102nd General Assembly, or (ii)  
16 for a federally funded program under which the requirements of  
17 this Section would contravene federal law.

18 (Source: P.A. 100-391, eff. 8-25-17.)